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"Forever Wild": Wilderness Values and Historic Preservation in the Catskill Forest Preserve

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"Forever Wild": Wilderness Values and Historic Preservation in the Catskill Forest Preserve

Abstract

Article XIV of the New York State Constitution (1894) declares that the Adirondack and Catskill Forest Preserves will be “forever kept as wild forest lands.” The State of New York has interpreted this “forever wild” clause to mean that most structures are inherently incompatible with the wilderness values of the preserves. As a result, the State has sought to enhance wilderness by removing structures it deems “non-conforming” with the forest preserves’ natural qualities.

Approaching the Catskill Forest Preserve as a cultural landscape, this thesis describes and analyzes the current and past enabling (or disabling) environment of historic preservation in the preserve and offers remedies that might increase the preservation of cultural resources. Key elements of the narrative include a human history of the Catskills region, an analysis of wilderness theory as applied to American public lands, an evaluation of legislative and management practices of the preserve, case studies of recent preservation successes, and recommendations for future management of heritage resources in the Catskill Forest Preserve.

Keywords

Department of Environmental Conservation, DEC, ECL § 9-0109, Demolition, Fire Tower

Disciplines

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“FOREVER WILD”: WILDERNESS VALUES AND HISTORIC PRESERVATION IN
THE CATSKILL FOREST PRESERVE

Carolyn Kearns Zemanian

A THESIS

in

Historic Preservation

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INTRODUCTION

Article XIV of the New York State Constitution, passed in 1894, says:

“the lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed, or destroyed.”¹

These two sentences designate state-owned land in the Catskill and Adirondack Mountains as protected forest preserves. The interpretation of the “forever wild clause” (the first sentence of Article XIV) and its implications for historic preservation in the Catskill Forest Preserve form the basis of this thesis.

The Catskill Forest Preserve, located in upstate New York’s Catskill Mountains, spiderwebs across four New York counties: Ulster, Greene, Delaware, and Sullivan.² New York legislators created the Catskill Forest Preserve and its northern counterpart, the Adirondack Forest Preserve, to guard against rampant deforestation and mining, which threatened natural resources in New York City’s watershed. The State acquired and protected these lands in 1885 by statute law, and in 1894, voters permanently codified the two New York Forest Preserves in the State Constitution, ensuring that the forest preserves’ timber would be forever protected from destruction.³

A character-defining feature of the Catskill and Adirondack Forest Preserves has always been, and remains, the public lands’ interspersions with privately owned parcels. State lands frequently abut private tracts. In 1904, the New York State legislature drew

¹ N.Y. Constitution, Article XIV, § 1.

² State of New York, “Catskill Forest Preserve,” Department of Environmental Conservation. <http://www.dec.ny.gov/lands/5265.html> (accessed 4/6/2017).

³ Eleanor Brown, *The Forest Preserve of New York State: A Handbook for Conservationists*, (Glens Falls, NY: The Adirondack Mountain Club) 1985, 27.

two “blue lines” surrounding the Adirondack Mountains and the Catskill Mountains.⁴ Lawmakers drew these boundaries to identify lands that they felt contained enough natural character for possible inclusion within the forest preserves. The Catskill properties within this blue line—the Catskill Forest Preserve and the privately owned lands surrounding it—are collectively known as the Catskill Park. Public and private lands in the Adirondack Mountains are similarly titled the Adirondack Park. It is through state acquisitions of private land in the parks that buildings have come within the boundaries of the forest preserve.



Figure 1

The Catskill and Adirondack Parks (demarcated by the blue lines) contain both public (Forest Preserve) and private land. Photo from the Department of Environmental Conservation. <http://www.dec.ny.gov/lands/4960.html>

⁴ State of New York, “Catskill Forest Preserve,” Department of Environmental Conservation.

The Catskill Park now consists of 705,500 acres, 287,500 of which are the publically owned Catskill Forest Preserve.⁵ The current forest preserve has swelled to nearly eight times its original size of 34,000 acres, all through the continual public acquisition of private lands in Catskill Park.⁶ The behemoth Adirondack Park exceeds 6,000,000 acres, 2,400,000 of which are the publically owned Adirondack Forest Preserve. Together, the forest preserves constitute the “largest publically owned wilderness in the East.”⁷

The Catskill and Adirondack Forest Preserves are not state parks. Although some areas of the forest preserve were designed to accommodate tourism and recreation, others are maintained as “Wilderness” with minimal human activity encouraged. Within New York State, the Office of Parks, Recreation, and Historic Preservation funds and manages state parks. This department also oversees state historic preservation. However, the Department of Environmental Conservation (DEC), the state’s main environmental agency, controls the forest preserves.

Historic Preservation in the Catskill Forest Preserve

The “forever wild clause” of Article XIV states that New York’s “forest preserve” shall be “forever kept as wild forest lands.”⁸ The Article forbids the destruction, removal, or sale of trees from forest preserve property. Article XIV contains no further elucidation of the meaning of “forever wild.” However, New York State has interpreted the phrase to

⁵ Department of Environmental Conservation, *Catskill Park State Land Master Plan*, (Albany: State of New York, August 2008), i.

⁶ Department of Environmental Conservation, *Catskill Park State Land Master Plan* (2008), iii.

⁷ Philip G. Terrie, “Forever Wild Forever: The Forest Preserve Debate at the New York State Constitutional Convention of 1915,” *New York History* 70, no. 3 (July 1989): 251-275.

⁸ N.Y. Constitution, Article XIV, § 1.

mean that they should maintain these public lands, wherever possible, in a state of wilderness. Such an interpretation is indicated, for example, in the Catskill Park State Land Master Plan, the official guiding document for the management of the Catskill Forest Preserve, which declares that the goal of the State is to “preserve, and where necessary, enhance and restore [Wilderness areas’] natural conditions.”⁹ Since the majority of land in the Catskill Forest Preserve was once privately owned, the State has demolished structures in the forest preserve as authorities recreated “lost” wilderness.

This thesis seeks to describe and analyze the current enabling (or disabling) environment of historic preservation in the Catskill Forest Preserve and offer remedies that might increase the preservation of cultural resources within its borders.

Structure

Chapter One of this work is a literature review acknowledging the secondary source framework that has made this thesis possible. The author has consulted histories of the Catskills region, accounts of the creation of the forest preserve, assessments of the legalities of Article XIV, and academic explorations of the conflict between wilderness and historic preservation in parks across the United States. Taken together, these sources provided the scaffolding for a study of wilderness values and historic preservation in the Catskill Forest Preserve.

Chapter Two is a brief human history of the Catskill Mountains and of the creation of the forest preserve. The Catskill region has a well-established past of human occupation, both within the boundaries of the Forest Preserve and within the larger

⁹ Department of Environmental Conservation, *Catskill Park State Land Master Plan* (2008), 31.

Catskill Park. This human history has been, for the last 150 years, inextricably linked to recreational tourism reliant on the natural qualities of the mountains.

Chapter Three explores the theoretical framework for the legislation and management of the Catskill Forest Preserve. The Department of Environmental Conservation's twentieth century management practices in the Catskill Forest Preserve clearly reflect the national trend of advancing wilderness values in publically owned lands with a high natural significance.

Chapter Four explains the governing legislation of the Catskill Forest Preserve, the DEC's land use management policies, and the resulting implications for historic preservation in the forest preserve.

Chapter Five includes two historic preservation case studies from the Catskill Forest Preserve and one case study from the Adirondack Forest Preserve. The chapter evaluates differences in the management practices of the two preserves and describes successful preservation efforts accomplished within the preserves' existing legislative and management restrictions.

Chapter 6 provides recommendations to the DEC and the State of New York on ways to increase historic preservation within the Catskill Forest Preserve and advises managing this "wilderness" as a cultural landscape.

METHODOLOGY

As noted in the literature review, this thesis depends heavily on secondary source material from those who have previously studied the Catskill Mountains, the forest preserve, and the conflict between wilderness values and historic preservation. As

primary resources, the author analyzed the Catskill Forest Preserve's master plans and unit management plans, relevant legislation, and newspaper articles. The author also conducted interviews with a number of individuals familiar with the Catskill Forest Preserve and historic preservation in New York State, all of whom were incredibly generous with their time and knowledge. In alphabetical order, these individuals included:

- John Bonafide, Director of the Technical Preservation Services Bureau and Agency Historic Preservation Officer at the New York State Historic Preservation Office;
- Steven Engelhart, Executive Director of Adirondack Architectural Heritage;
- Erik Johanson of the Catskill Center for Conservation and Development;
- Chuck Vandrei, Historic Preservation Officer with the Department of Environmental Conservation; and
- Erin Tobin, Director of Preservation at the Preservation League of New York State.

The author corresponded with Laurie Rankin, New York State Chapter Director of the Forest Fire Lookout Association, by email.

Although the information these individuals shared was invaluable to informing the author's understanding of the New York Forest Preserves and historic preservation framework in New York State, all of the opinions expressed within this thesis are the author's. Likewise, any errors appearing within these pages are also of the author's making.

While the limited scope of a thesis necessarily restricts the feasible parameters of research, there are two key limitations to this particular thesis that merit special explanation.

This thesis was initiated on the reasonable assumption that the official designation of wilderness and wild forest areas in the Catskill Forest Preserve necessitated demolitions, and that inevitably some of these demolitions are likely to have been historic properties. However, it has proved remarkably difficult to determine what was demolished and exactly how many demolitions occurred.

The Department of Environmental Conservation stores many decades of records concerning the Catskill Forest Preserve, including information about buildings removed from forest preserve land. However, demolition records have never been compiled into a single list. Instead, papers mix in with thousands of other administrative records relating to the Catskill Forest Preserve.

The DEC was unable to pull such extensive records for the author's examination during the limited period of time available for researching this thesis. Therefore, assertions made about demolitions on forest preserve land were culled from other sources. Secondary sources, such as Alf Evers *From Wilderness to Woodstock*, mention demolitions of more well-known buildings, such as the 1963 burning of the Catskill Mountain House (the first grand hotel in the region) and the removal of the Laurel House in 1967. Jeff Rider of the Department of Environmental Conservation graciously scanned me information about the Colonel Rochester House (removed in 1984), the Morrell Estate (removed post-1975), the Coykendall Lodge (removed in 2008), and the Lundy Estate (buildings removed by the Open Space Institute of New York in 2000). In

addition, the majority of unit management plans (UMPS) for the Catskill Forest Preserve, documents which serve as mini-master plans for land units of the preserve, record past demolitions or building remains. Statistically, it is unlikely that nature or previous owners removed all of these structures before the DEC acquired the land. National Park Service policy in the 1920s-1960s, when the Catskill Forest Preserve gained most of its land, encouraged the removal of built structures in publically owned natural areas. That the DEC removed two grand hotels in the 1960s suggests that the Department removed many smaller buildings as well. A more thorough discussion of the national propagation of wilderness values, its trickle down effect into the Catskill Forest Preserve, and the contents of the Catskills UMPs, please see Chapters 3 and 4.

The demolition of non-conforming buildings is absolutely in keeping with the recommendations of the master plan governing the forest preserve. However, of the records the author does have, deterioration also served as a factor in at least some of the state-sponsored removals. In particular, written records and images depicting the condition of the Catskill Mountain House suggest that it was beyond saving.¹⁰ The Coykendall Lodge, removed in 2008, would have required over a million and a half dollars of repairs.¹¹ However, the deterioration of structures in the forest preserve itself supports that historic preservation has not historically been the DEC's major consideration. The DEC is not authorized to spend money to maintain unused buildings, and so the deterioration of structures under DEC ownership is a documented problem.

¹⁰ Roland van Zandt, *The Catskill Mountain House*, (New Brunswick, NJ: Rutgers University Press, 1966).

¹¹ Einhorn Yaffee Precott Architecture & Engineering, P.C. and Ehrenkranz, Eckstrut, & Kuhn Architects, *The Coykendall Lodge: Feasibility Study for Restoration & Adaptive Reuse*, (New York: August 2001), 29-30.

Therefore, non-conforming buildings removed because of unsalvageable condition are still indicative of an endemic problem.

In addition, the author has not been able to determine the amount of money the DEC has available to spend on the maintenance and restoration of structures. Money comes into the DEC from a number of different sources. Each year, the DEC receives funds allocated by the New York State legislature. The DEC also receives a variety of bond funds from the state, which can be used for capital projects. Although the majority of these capital projects are new, some involve existing resources, and some are a combination of both. For example, the DEC identified the repair/reconstruction of historic culverts at Great Camp Santanoni in the Adirondacks as new construction, but the reconstruction involved much of the historic culvert stone. Because of situations like this, it can be difficult to tease out exactly how much money the DEC has spent on existing and historic structures within the forest preserves.

The main purpose of the Department of Environmental Conservation is “to conserve, improve, and protect New York’s natural resources and environment and to prevent, abate, and control water, land, and air pollution, in order to enhance the health, safety, and welfare of the people of the state and their overall economic and social well-being.”¹² The DEC uses its budget to advance this mission and, as a state entity, must be very careful with how it employs public funds. Historic preservation is not a main goal of the DEC. Therefore, even though this thesis lacks exact numbers, it is reasonable to assume that funding of preservation projects reflects that reality.

¹² Department of Environmental Conservation, “About DEC,” New York State, 2017. <http://www.dec.ny.gov/24.html> (accessed 4/30/2017).

CHAPTER 1: LITERATURE REVIEW

An exploration into historic preservation in the Catskill Forest Preserve necessitates an explanation of the historic development of the region and the foundation of the forest preserve. Alf Evers' book, *The Catskills: From Wilderness to Woodstock*, is the definitive history of the region.¹³ Published in 1972, the book is the original thorough history of the Catskill Mountains, beginning with colonial era settlement and ending, as implied by the title, with the music festival that revived knowledge of and interest in the Catskills in the late 20th century. This work displays meticulous research on the people and politics of the region, tempered by chapters on colorful local folklore. Regardless of these fantastical forays, *The Catskills: From Wilderness to Woodstock* remains the unrivalled history of the region more than forty years after its publication.

David Stradling's book *Making Mountains* is a modern look at the ways New York City and its residents shaped culture in the Catskills.¹⁴ Early farmers in the region were unsuccessful; the mountain soil was too rocky and thin to sustain crops. Instead, the Catskill Mountains became known as a picturesque wilderness, easily accessible to downtown Manhattan. The Catskills captured the imagination of early romantic writers, such as Washington Irving, and landscape painters like Thomas Cole. These individuals, and others, brought to the City stories and embellished artistic renderings of the mountains. The impressions created by these early visitors inspired a multitude of tourists, who spent the next century and a half trekking (and later training) to the mountains to take advantage of this natural playground only a few hours trip from New

¹³ Alf Evers, *The Catskills: From Wilderness to Woodstock* (Garden City, NY: Doubleday), 1972.

¹⁴ David Stradling, *Making Mountains: New York City and the Catskills* (Seattle: University of Washington Press), 2007.

York City. The economy of the mountains adjusted to support the influx of tourists, a relationship that still exists today.

The creation of the Catskills Forest Preserve in the late 19th century provided protection to the region's natural resources. A straightforward history of the forest preserve, including a history of its management policies, can be found in Eleanor Brown's *The Forest Preserve of New York State: A Handbook for Conservationists*.¹⁵

Jessica Silver's article "History of New York State's 'Forever Wild' Forest Preserve and the Agencies Charged with Carrying out Article XIV's Mandate," traces the history of the enabling legislation of the Adirondack and Catskill Forest Preserves, as well as amendments that have altered the uses of these preserves over a hundred years' time. She ultimately argues that to streamline bureaucratic management of the preserves and increase environmental protections, the text of Article XIV should be altered at the next state constitutional convention.¹⁶

Seth Kagan's article, "Historic Preservation and the Wilderness," pinpoints a different gap in the text of Article XIV, and his observations served, in part, as inspiration for this thesis.¹⁷ While one of the avowed goals of the State of New York is to "identify, evaluate, preserve, and revitalize" its historic built resources, another is to maintain the Forest Preserve as "forever wild," which, in some instances, has led to the re-creation of

¹⁵ Eleanor Brown, *The Forest Preserve of New York State: A Handbook for Conservationists*, (Glens Falls, NY: The Adirondack Mountain Club) 1985.

¹⁶ Jessica B. Silver, "History of New York State's 'Forever Wild' Forest Preserve and the Agencies Charged with Carrying out Article IXV's Mandate," *Pace Law School Student Publications*, Paper 5, 2010.

¹⁷ Seth Kagan, "Historic Preservation and the Wilderness," *Pace Law School Student Publications*, Paper 8, 2010.

“lost” wilderness.¹⁸ His exploration of the history of the forest preserve and Article XIV concludes that historic buildings in the Adirondack and Catskill Forest Preserves remain at risk because of “the perception of the Legislature and the administrative agencies that the two interests cannot somehow be compatible.”¹⁹ Or, in other words, the administration has prioritized wilderness over heritage values. Kagan’s article places considerable emphasis on the issue of historic preservation within the Adirondack Forest Preserve, without deep engagement with the managerial practices of historic resources in the Catskill Forest Preserve.

The conflict between prioritizing historic preservation and wilderness has existed for years and possesses a long history within the National Park Service. Alison Swing’s thesis, *Cultural Wildness: How the Historical Evolution of American Wilderness Values Influence Cultural Resource Management within Wilderness Areas in National Parks*, explores the conflict in national parks between advancing the wilderness narrative the majority of Americans expect in our national parks and conserving Park Service structures that have gained significance of their own.²⁰ The Catskill Forest Preserve, however, is interesting in that it contained (and contains) some historic buildings that were not purpose-built to support the preserve’s management. In this manner, management of historic buildings within the Catskill Forest Preserve mimics the challenges faced in a number of national parks. For example, Justin Reich’s article “Recreating the Wilderness,” explores the expulsion of the former residents of the

¹⁸ New York State, “State Historic Preservation Office,” New York State Constitution, as revised, including amendments effective January 1, 2015.

<https://www.dos.ny.gov/info/pdfs/Constitution%20January%202015%20amd.pdf>

¹⁹ Kagan, 40.

²⁰ Alison E. Swing, “Cultural Wilderness: How the Historical Evolution of American Wilderness Values Influence Cultural Resource Management within Wilderness Areas in National Parks,” Masters Thesis, (Philadelphia: University of Pennsylvania), 2011.

Shenandoah National Park.²¹ The National Park Service created this park in 1936 from land that had been cultivated for hundreds of years as orchards, cattle pastures, and farmsteads. The Park Service hired landscape architects to recreate the “wilderness” that had been lost when humans began cultivating the region. The result is a highly managed park space, until recently falsely presented by park managers as a triumph of natural processes following the displacement of the mountain folk.

Shenandoah National Park was intended to serve as the east coast’s answer to the supposedly untouched wilderness parks of the west. However, several of the great western parks have also experienced their own wilderness interventions. Laura Wyatt’s “The Trouble with Preservation, or Getting Back to the Wrong Term for Wilderness,” is a case study of the Point Reyes National Seashore in California. Following its extensive use in the 1800s as cattle farming territory, the Point Reyes National Seashore came under the management of the National Park Service, which removed the historic ranches to recreate a pristine coastal wilderness.²² Wyatt grapples with the definition of the term “wilderness,” defined by the Wilderness Act as areas “untrammeled by man,” as so few untouched lands remain in the United States—a problem raised by many scholars, but never satisfactorily addressed by the Park Service.²³ Additionally, she questions those recreational uses the Park Service interprets as non-intrusive, acceptable support for wilderness. Parking lots, for example, are permitted in certain locations of the Point Reyes Seashore, while historic ranches are not. The same issue exists in the Catskills,

²¹ Justin Reich, “Recreating the Wilderness,” *Environmental History* 6, no. 1 (January 2001): 95-117.

²² Laura A. Watt, “The Trouble with Preservation, or, Getting Back to the Wrong Term for Wilderness Protection: A Case Study at Point Reyes National Seashore,” *Yearbook of the Association of Pacific Coast Geographers* 64, (2002): 55-72.

²³ U.S. Congress, 88th Congress, 2nd Session, The Wilderness Act, September 3, 1964.

http://www.wilderness.net/NWPS/documents/publiclaws/PDF/16_USC_1131-1136.pdf. 16 U.S. C. 1131-1136(2)(c).

where recreational uses (including parking lots and trails) are acceptable in certain areas of the park, while, for the most part, structures remain “non-conforming” and therefore unacceptable regardless of their historic relationship to the natural landscape.²⁴

The Catskill Forest Preserve exists as part of a larger narrative of human meddling to re-create a sense of wilderness in natural areas impacted by centuries of human activity. Ethan Carr’s *Wilderness by Design* is perhaps the best-known academic work detailing the history of landscape architecture within the National Park Service.²⁵ The Catskills did not undergo landscape planning to the same degree as many national parks, but its management followed many of the same interventionist theories. Carr’s work chronicles a shift in national management trends. At first, park administrators treated the nation’s parks as tourist draws, as tourism was the “only ‘dignified exploitation’” of the national parks.²⁶ Coincident with the mounting availability of cars, parks were increasingly valued for their recreational potential, and efforts were made to increase accessibility through the building of trails, parking lots, and skyline drives. By distributing brochures and conducting training sessions, the National Park Service urged the managers of state parkland, such the Adirondack and Catskill Forest Preserves, to bring their park management policies in line with national trends.

While the Catskill and Adirondack Forest Preserves emerged from the same legislation—Article XIV—they have developed differently, in that the Adirondack Forest Preserve has a greater acknowledgement of the value of built historic resources. While

²⁴ State of New York: Department of Environmental Conservation, *Catskill Park State Land Master Plan (2008)*, 81.

²⁵ Ethan Carr, *Wilderness by Design: Landscape Architecture and the National Park Service*, (Lincoln: University of Nebraska Press), 1999.

²⁶ Carr, *Wilderness by Design*, 4.

there are myriad reasons for this, an important one is the development of the latter region's nationally significant Adirondack architectural style, influential in its use of natural, local materials. Author Harvey Kaiser's *Great Camps of the Adirondacks* describes the settlement of the region and the development of this architectural style, most masterfully displayed in the massive "Great Camps," private residential complexes that served as summer homes for New York's most affluent Gilded Age citizens.²⁷ Written in 1982, the book served to educate as well as call attention to the plight of many of the Great Camps; Kaiser asserted that the State—an entity often approached by cash-strapped modern owners of these massive estates—needed to rethink their approach to the Adirondack Forest Preserve as a "wilderness" if these architectural gems were to be saved.²⁸

While scholars have focused on the conflict between historic preservation and wilderness in National Parks (and to some degree, in the Adirondack Forest Preserve), no conclusive exploration of the issue within the Catskill Forest Preserve has been attempted. This thesis attempts to fill that gap in scholarship.

²⁷ Harvey H. Kaiser, *Great Camps of the Adirondacks*, (Boston: D.R. Godine, 1982).

²⁸ *Ibid.*, xiv.

CHAPTER 2: A BRIEF HUMAN HISTORY OF THE CATSKILL MOUNTAINS

Although this thesis concerns historic preservation in the Catskill Forest Preserve, this chapter provides a broad, contextual history of the Catskills region and its development. This region-wide account encompasses both public and private lands.

The Catskills Mountains have a long human history, although the visual impact of human occupation on the mountains did not occur until the 19th century. A dejected, 18th century missionary, writing of his remote post in the Catskills, referred to the region as vast, “howling wilderness.”²⁹ Native Americans had considered the area inherently inhospitable, entering the Catskills primarily for hunting, fishing, and fur trapping as opposed to establishing permanent settlements.³⁰ While 17th century Dutch settlers eagerly pushed up the Hudson River from New York City, the looming Catskills Mountains overlooking the fertile Hudson Valley served as a natural barrier to further expansion.

Permanent settlements in the Catskills did not become commonplace until following the American Revolution.³¹ Most Americans became increasingly aware of the Catskills through their growing presence in the literature and art of the fledgling nation. Washington Irving set his short story “Rip Van Winkle” in the Catskills. Although Irving had not traveled to the mountains before composing the tale, he glimpsed their distant, looming forms on an 1812 visit to the Hudson Valley.³² The idea of a relatively

²⁹ Tim Duerden, *A History of Delaware County, New York: A Catskill Land and Its People, 1797-2007* (Fleischmanns, NY: Purple Mountain Press), 2007, 16.

³⁰ Evers, *From Wilderness to Woodstock*, 9.

³¹ Stradling, *Making Mountains*, 20.

³² Evers, *From Wilderness to Woodstock*, 288-289.

unexplored wilderness, tinged with elements of the fantastical, inspired his tale of this Dutch-American villager whose foray into the wild resulted in a decades-long sleep.

Irving was at the forefront of American Romantic literature. The Romantic Movement, which emerged in Europe at the end of the 1700s, was, in part “characterized by a heightened interest in nature [and] emphasis on the individual’s expression of emotion and imagination.”³³ The Romantic movement reached the United States in the early 19th century, and as artists and writers sought creative growth and inspiration in nature, the Hudson Valley and the Catskills, areas of intense natural beauty a mere one hundred miles from New York City, caught the attention of those with means and the ability to travel. A group of early 19th century New York artists now known as the Hudson River School became famous, in part, for their depictions of Catskills scenery. Interestingly, many of these painters did not feel themselves bound to represent the Catskills in a strictly natural form; Thomas Cole, who began visiting the Catskills in the 1820s, recalled that after sketching a scene in nature, he would wait to finish his creation at a later date, leaving “time to draw a veil over the common details, the unessential parts.”³⁴ As author David Stradling notes, this allowed Hudson River painters to “create realistic landscapes that were deceptively fantastic.”³⁵ In doing so, painters contributed to a patriotic sentiment that asserted America’s landscapes were as striking as those of

³³ The Free Dictionary, s.v. “Romanticism,” <http://www.thefreedictionary.com/romanticism>. Accessed 2/3/2017.

³⁴ Thomas Cole, quoted in Stradling, *Making Mountains*, 62.

³⁵ Stradling, *Making Mountains*, 62.

Europe.³⁶ Indeed, the Catskills became known as the “Switzerland of America,” although their tallest peak is less than one third the size of the highest Swiss Alp.³⁷



Figure 2

Kaaterskill Falls, 1826 by Thomas Cole. Painting located at the Wadsworth Atheneum Museum of Art in Hartford, Connecticut.

https://www.1000museums.com/art_works/thomas-cole-kaaterskill-falls-1826

At the same time painters were embellishing Catskills landscapes, settlers began moving into the region. A hundred years earlier, in 1708, a man named Johannis Hardenbergh and seven compatriots acquired a land patent including the Catskills from Queen Anne of England. Instead of the permitted two thousand acres, the men managed to acquire the rights to two million acres. Although these landowners began offering their

³⁶ Ibid, 55.

³⁷ Ibid, 9.

properties for development in 1752, settlement was slow, retarded by both the unforgiving terrain of the Catskills and by the American Revolution.³⁸ At the end of the 18th and the beginning of the 19th century, popular industries included timber harvesting, iron forging, and in particular, tanning. Hugh Canham, writing for the Center for Northern Woodland Education, notes that in the 19th century Catskills, “as many as 64 tanneries were operating.”³⁹ The tanning process requires the use of the chemical tannin to turn cowhide into leather. Tannin occurs naturally in eastern hemlock trees, which grew in abundance in the 19th century Catskill Mountains. Tanners harvested as many as “70 million hemlock trees,” and cleared millions more to create cow pastures throughout the mountains.⁴⁰ As a result, the long-term physical effects of human use of the Catskills began visibly affecting mountain scenery by the end of the 19th century (coincident with the enactment of Article XIV of the New York State Constitution). In the 1920s and 1930s, “systematic” replanting of these lost trees would occur throughout the Catskills, as the Civilian Conservation Corps intervened to return pastures to forests.⁴¹

As indicated by the replanting efforts of the 20th century, one industry that did not flourish in the Catskills was farming. The rocky terrain made growing crops difficult, except at the basest level of subsistence. As a result of the Romantic creatives’ forays, the Catskills became synonymous with nature, and tourism became a major economic driver. Farmhouses throughout the region became boardinghouses, and the Catskill Mountain House, constructed in 1823 and expanded throughout the 19th century, became the first of

³⁸ Evers, *From Wilderness to Woodstock*, 36 & 66.

³⁹ Hugh O. Canham, “Hemlock and Hide: The Tanbark Industry in Old New York,” *Northern Woodlands*, May 27, 2011, <http://northernwoodlands.org/articles/article/hemlock-and-hide-the-tanbark-industry-in-old-new-york>

⁴⁰ Ibid.

⁴¹ Stradling, *Making Mountains*, 124.

the area's grand hotels. Its erection kicked off an era of high-society tourism to the Catskills, which included a visit from President Ulysses S. Grant to the Overlook Mountain House in 1873.⁴² Middle class residents, too, traveled to the mountains, staying in boardinghouses that continued to multiply. The Catskill Mountain House advertised to visitors its panoramic views of the Hudson Valley, available from the bluff a mere twenty steps from its gracious front porch, as well as its close proximity to the famous Kaaterskill Falls. Its business model became so successful that throughout the late 19th century, numerous competitors emerged, including the Overlook Mountain House (1871) the Grand Hotel (1881), the Kaaterskill Hotel (1881), and the Laurel House (1882). All advertised their own remarkable connection to nature; the Grand Hotel was the highest hotel in the Catskills (advertised on a postcard as "Your Castle in the Sky") and the Laurel House was, quite literally, built almost directly above the Kaaterskill Falls.⁴³

⁴² Evers, *From Wilderness to Woodstock*, 474.

⁴³ The Grand Hotel, Highmount, N.Y. "Your castle in the sky." Ca. 1930-1945. Boston Public Library, Tichnor Collection. <https://www.digitalcommonwealth.org/search/commonwealth:3r076804c> Accessed 4/19/17.



Figure 3

The Catskill Mountain House, its porch overlooking a sharp cliff. Photo published by E. & H.T. Anthony ca. 1863-1880 and held at the New York Public Library.

<https://digitalcollections.nypl.org/items/510d47e1-a31a-a3d9-e040-e00a18064a99>

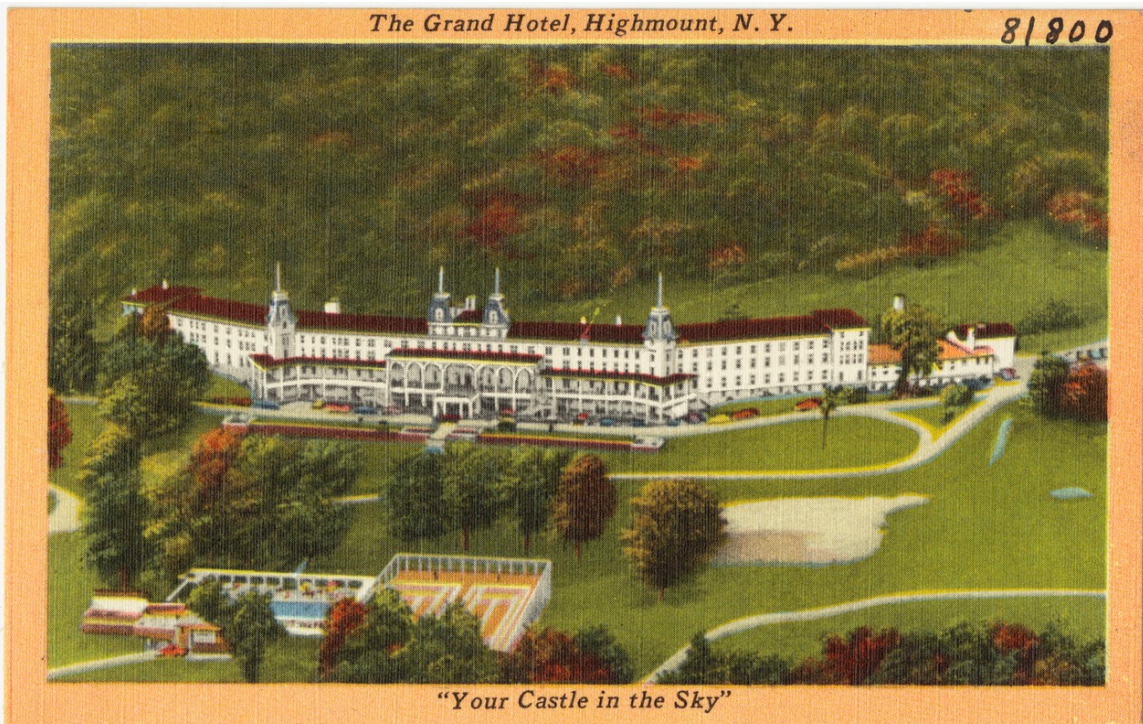


Figure 4

Postcard of the Grand Hotel, ca. 1930-1945. From the Boston Public Library.

https://www.flickr.com/photos/boston_public_library/7068285337/

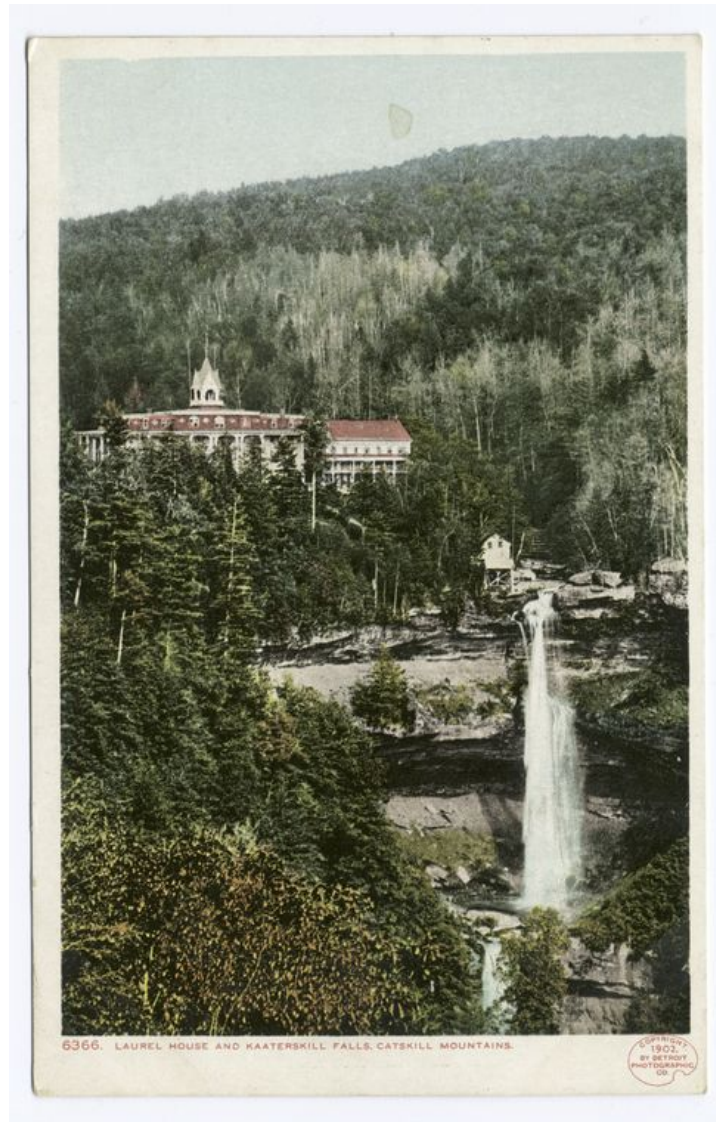


Figure 5

Postcard of the Laurel House, ca 1898-1931. Postcard from the New York Public Library. <https://digitalcollections.nypl.org/items/510d47d9-a776-a3d9-e040-e00a18064a99>

However, and as David Stradling notes, although “the mountain locations of the grand hotels” provided a change of scenery for city dwellers, “nearly everything about the typical [Catskills] vacation smacked of urbanity—the cuisine, the entertainment, and

of course, the guest lists.”⁴⁴ The point of the trip was a change of scenery and proximity to wilderness; few visitors desired disappearing into the mountains for more than a few hours. Tourism to the Catskills “wilderness,” therefore, constituted a form of recreation. The grand hotels multiplied in the years immediately after the Civil War, as the Catskills became accessible to increasing numbers of tourists via an 1873 Ulster & Delaware railroad connection from the Hudson River that stretched through Kingston to Oneonta, a distance of roughly 90 miles.⁴⁵ Coincident with the railroad boom, the tannery industry in the Catskills contracted, and tourism became the main source of income for the mountains. Fortunately, New York City provided. By the year 1900, according to passenger data from the Ulster & Delaware Railroad, nearly 500,000 visitors a summer traveled from New York City to the Catskills.⁴⁶ Many of these were middle class families, for whom the proximity and low prices of the Catskills made family vacations a possibility. The Catskills, Stradling notes, became “the summer home of the masses.”⁴⁷

Jewish visitors had been common in the Catskills since its earliest days of tourism—in 1837 a Jewish settlement, Sholam, constructed a synagogue, although the town ultimately failed.⁴⁸ Anti-Semitism, however, found a foothold in the Catskills during the 19th century, with many boardinghouses advertising exclusively to Christian clients.⁴⁹ However, larger hotels, although they might not encourage Jewish guests, seem to have generally avoided policies excluding clientele based on religion. As increasing numbers of Jews traveled to vacation in the Catskills, the region became colloquially

⁴⁴ Stradling, *Making Mountains*, 45.

⁴⁵ *Ibid.*, 90.

⁴⁶ *Ibid.*, 94.

⁴⁷ Stradling, *Making Mountains*, 119.

⁴⁸ Evers, *From Wilderness to Woodstock*, 479.

⁴⁹ *Ibid.*

known as “The Borscht Belt,” so named for an Eastern European beet soup popular among Jewish communities.⁵⁰ The number of Christian vacationers declined, and the grand hotels passed to new ownership. In 1920, Jewish businessmen bought the Hotel Kaaterskill and Laurel House; the same became true of the Catskill Mountain House in the 1930s.⁵¹ More common than the grand hotels, however, was Jewish patronage of bungalow communities, which could welcome entire neighborhoods intact, as well as local farmhouses, operated in the summertime as boardinghouses. This latter option serves as the origin story for several famous Jewish resorts, including the regionally acclaimed Grossingers and Kutshers.⁵²

Although the Catskills had initially become famous for its scenic wilderness, the tourism of the 20th century emphasized nature less. Instead, to compete with neighboring competitors, resorts continually added amenities throughout the 1940s, 1950s, and 1960s, including swimming pools, bowling alleys, ballrooms, and even airstrips, for the private flights of the uber-wealthy. Live entertainment became a hallmark of Jewish resorts, with many resorts favoring a “vaudevillian approach” to performances including variety shows and rotating entertainment.⁵³ As Stradling notes, resort “guests increasingly expected professional shows at least every Friday and Saturday night.”⁵⁴ The Catskills became known as a hotbed of comedy, and many famous comedians launched their careers from

⁵⁰ Stradling, *Making Mountains*, 185.

⁵¹ *Ibid.*

⁵² *Ibid.*, 188.

⁵³ Stradling, *Making Mountains*, 193

⁵⁴ *Ibid.*, 194.

resort stages, including stars such as Dean Martin, Billy Crystal, Woody Allen, and Jerry Seinfeld.⁵⁵

Following WWII, the number of Jewish visitors to the Catskills peaked, perhaps as a reaction to the Holocaust: Jews felt the need to dive deeper into their protective communities, preserving what was left of their culture.⁵⁶ However, resort culture began to decline in the mid-1960s as national vacation habits changed, automobiles became increasingly available and airfare cheapened, and air conditioning became common in New York City.⁵⁷ The resorts, too, hastened their own demise; in frantic attempts to retain customers (and to lure those remaining away from competitors) they built increasingly expensive amenities, resulting in some cases in financial overextension.

⁵⁵ Ibid.

⁵⁶ Ibid, 196.

⁵⁷ Ibid, 204.



Figure 6

The pool at Kutsher's Hotel, a Jewish Catskill Resort, in its mid-century heyday.
<http://www.tabletmag.com/scroll/173193/kutshers-resort-will-be-demolished-this-month>)

The Catskills region, dependent on tourism, entered a steady decline in the 1970s. The region remains dependent on tourism, although this relationship takes a different form today. As opposed to a traditional summer boom, many tourists now travel to the Catskills in the winter to ski and snowboard at Belleayre and Hunter Mountains. The majority of overnight, repeat visitors are second-home owners as opposed to true visitors, although the majority still do come from New York City. Hasidic Jews may be the last vestiges of communities that vacation en masse in the mountains. Every summer, orthodox communities migrate from New York City to the Catskills, in some cases doubling the population of local towns.

Today, the Catskills region still attempts to recapture some of the success of earlier tourist booms. The resort culture has disappeared, although one prominent, proposed new project is reminiscent of the historic grand hotels. Proposals for the

Belleayre Resort, which has been planned for over a decade and embroiled in legal challenges almost that entire time, include two large hotels, 96 additional residences, and a full golf course abutting state-owned ski slopes.⁵⁹ Proponents of the project include locals who desire more economic opportunity (the resort will add 500+ permanent jobs) and second homeowners who desire more varied activities and society in the mountains. Opponents include those who prefer to keep the Catskills as their quiet refuge.

New economic opportunities in Catskill Park also abound. For example, New York State moved, as recently as 2015, to reintroduce gambling to the “financially strapped Catskill Mountains.”⁶⁰ The ongoing construction of the Montreign Casino will result in a \$636 million, 18-story, 80,000 square foot glass tower which incorporates a casino, a hotel, restaurants, and a spa. The construction will occur in Sullivan County, the former center of the mid-century resorts. Both the Belleayre Resort and the Montreign Casino advertise the economic benefits to local residents, as well as emphasize their connection to the historic tourist industry. Belleayre Resort paints themselves as a scaling up of a now-lost historic resort tradition in the Catskills, writing: “The Belleayre Resort represents a new chapter in the Catskill region’s storied history as a venerable tourist destination.”⁶¹ Montreign’s website crows, “A Catskill Destination Reborn.”⁶² The Catskills today still chases its resort tradition.

⁵⁹ “The Belleayre Resort at Catskill Park,” Crossroad Ventures, LLC, <http://belleayreresort.com/> (accessed 2/3/2017)

⁶⁰ Steven M. Silverman, “The Catskills Roll the Dice on a New Casino,” Newsweek.com, October 25, 2015, <http://www.newsweek.com/catskills-roll-dice-new-casino-386683> (accessed 2/3/2017)

⁶¹ “The Belleayre Resort at Catskill Park,” Crossroad Ventures, LLC, <http://belleayreresort.com/> (accessed 2/3/2017)

⁶² Ibid; “Resorts World,” Resorts World, 2017. <https://montreign.com/media/releases/catskills-destination-reborn> (accessed 2/3/2017.)

The Catskill Mountains have a rich cultural history spanning hundreds of years. A drive along Route 28, heading west from Kingston, reveals historic hamlets characterized by charming former farmhouses and tiny churches. These properties are not, and were never, within the forest preserve. But other buildings have been lost as the state acquired lands and recreated wilderness.

Creation of the Forest Preserve

Against this backdrop of the centuries-long human occupation and use of the mountains, the Catskills has a rich environmental history, which culminated in the creation of the Adirondack and Catskill Forest Preserves via a law passed in 1885.⁶³ The forest preserves were then further codified into being by the 1894 New York State Constitution as Article VII § 7 (later renumbered to Article XIV § 1 in 1894). Article XIV designated the forest preserves as “forever wild,” restricting their use to conservation as “wild forest lands” whose timber shall not be “sold, removed, or destroyed.”⁶⁴ A number of amendments have further clarified what is, and is not, permitted within forest preserve land.

Politicians created the forest preserve in response both to 19th century conservation and intellectual trends, as well as a pressing fear about droughts affecting New York’s water supply. As noted by author Eleanor Brown, as early as 1864, the *New York Times* advocated the “preservation of the Adirondacks” as a unique, natural amenity, which would serve as “a Central Park for the World.”⁶⁵ That same year, George

⁶³ Brown, *The Forest Preserve of New York State*, 27.

⁶⁴ N.Y. Constitution, Article XIV, § 1.

⁶⁵ *New York Times* quoted in Brown, *Forest Preserve Handbook*, 25.

Perkins Marsh published his book *Man and Nature*, an influential treatise on the effects of deforestation on water. Perkins Marsh asserted that a lack of trees within a watershed would lead to increased erosion, as water flowed unchecked down slopes.⁶⁶ This erosion would defertilize soils by stripping them of nutrients, and the mobile soil, deposited within streams, could clog waterways and hinder water necessary for human activities.⁶⁷

Perkins Marsh's book began to influence politics in New York shortly following its publication. In 1872, New York State created the Commission of State Parks, whose job was to prevent the "wanton destruction" of forests.⁶⁸ In 1884, the New York State legislature organized a Forestry Commission to study possibilities for "a system of forest preservation."⁶⁹ At the time, the legislators' major focus was the Adirondacks, which had experienced deforestation as the hub of the nation's paper pulp protection. New York supplied a third of the United States' pulp, and 85% of New York's pulp was manufactured from Adirondack trees.⁷⁰ As the Adirondacks sat within a watershed contributing to Manhattan's Hudson River, citizens and legislators were understandably concerned about the threat of deforestation. What is interesting, however, is that similar issues were at first overlooked within the Catskill Mountain region. Legislators initially focused solely on the Adirondacks, outlawing additional sale of the public land within them. Although the Forestry Commission Study did assess the Catskills, David Stradling notes that the commissioners decided that "the protection of the Catskill forest was 'of less general importance' in part because the region's potential to supply merchantable

⁶⁶ "George Perkins Marsh," National Park Service, U.S. Department of the Interior. <https://www.nps.gov/mabi/learn/historyculture/gpmarsh.htm> (accessed 4/19/2017.)

⁶⁷ "Soil Erosion," Huron River Watershed Council, 2016. <http://www.hrwc.org/the-watershed/threats/soil-erosion/> (accessed 2/3/2017.)

⁶⁸ Brown, *Forest Preserve Handbook*, 22.

⁶⁹ Ibid.

⁷⁰ Ibid, 21-25.

timber had been greatly diminished through previous cutting and because the forests guarded ‘no streams of more than local influence.’”⁷¹

However, in 1885, when legislators created the forest preserve, they included three Catskill counties: Greene, Sullivan, and Ulster.⁷² This decision was not driven by idealistic conservation tendencies, but instead emerged as a clever form of tax evasion. Cornelius Hardenburgh, the state congressional representative for these counties, became aware that his constituents were unable to pay a \$40,000 financial burden associated with the counties’ tax-delinquent properties. He convinced other members of the state assembly to vote for his two bills—one that passed the delinquent lands into state ownership, and another that prevented the State from selling off their newly acquired lands to private owners. In a crafty twist, the State now owed taxes on these properties to the counties.⁷³ Through this transfer, 34,000 acres of the Catskills was conveyed to the State as a part of the new forest preserve—this in addition to 681,000 acres of the Adirondack Mountains, which, as Stradling notes, were “the real object of concern.”⁷⁴

Legislators began proposing bills beginning in 1887 that would allow timber harvesting within the preserves, an extremely lucrative endeavor.⁷⁵ Brown claims that “abuses piled up,” including the revelation that one of the forest commissioners who supported lumbering in the preserve was, in fact, the trustee of a profiting lumber company.⁷⁶ New York City advocacy groups intervened.⁷⁷ Their activism culminated in

⁷¹ Stradling, *Making Mountains*, 117.

⁷² *Ibid*, 118.

⁷³ Brown, *Forest Preserve Handbook*, 28.

⁷⁴ Stradling, *Making Mountains*, 118.

⁷⁵ Silver, “History of New York State’s “Forever Wild” Forest Preserve and the Agencies Charged with Carrying out Article XIV’s Mandate,” 4.

⁷⁶ Brown, *Forest Preserve Handbook*, 33.

⁷⁷ Brown, *Forest Preserve Handbook*, 33.

the inclusion of Article VII § 7 (Article XIV) in the New York State constitution, which ensured more ironclad protection of the forest preserve. Prior to passage, legislators made only a single edit to the text, ensuring that “the timber of the preserve could not be destroyed,” as opposed to “sold or removed.”⁷⁸ This change in wording anticipated future battles over the installation of reservoirs within the forest preserves. In November 1894, the citizens of New York approved the constitution.⁷⁹ Since this time, there has been another constitutional convention (in 1938), and numerous amendments to Article XIV, but the original wording of the 1894 text body remains intact.⁸⁰

Law student Jessica B. Silver contends that despite the forest preserve’s inclusion in the New York Constitution, many lawmakers had no intention of the “forever wild” designation being permanent. Instead, they viewed it as “an emergency *ad hoc* response to a pressing need for immediate action—rampant timber theft and forest fires.”⁸¹ Legislators also never defined what “forever wild” meant, and permissible activities have been largely left to management decisions and amendment language. As early as 1896, legislators proposed an amendment that would allow limited timber harvesting within the preserves—and voters said no. This cycle continued throughout the twentieth century, and lumbering remains forbidden in the preserves. Notable approved amendments include a 1913 enactment permitting up to 3% of the preserves to be flooded for municipal reservoirs.⁸² Other amendments authorized highway construction, ski trails,

⁷⁸ Ibid, 35.

⁷⁹ Ibid.

⁸⁰ Silver, “History of New York State’s “Forever Wild” Forest Preserve and the Agencies Charged with Carrying out Article XIV’s Mandate,” 2.

⁸¹ Ibid, 28.

⁸² Silver, “History of New York State’s “Forever Wild” Forest Preserve and the Agencies Charged with Carrying out Article XIV’s Mandate,” 14.

and land acquisition.⁸³ In general, “forever wild” allows recreational activities within some (but not all) areas of the preserve, but forbids the state from profiting from the physical material (timber) of the preserve.

The amendment most significant for this thesis concerned the Great Camp Sagamore, located within Adirondack Park. William West Durant, a prominent architect of Adirondack Great Camps, constructed the complex for his own personal use between 1895 and 1897. The property passed to Alfred Vanderbilt and Syracuse University before New York State purchased it in the late 1970s.⁸⁴ At the time, the property was listed on the National Register of Historic Places. The wording of Article XIV does not address historic preservation, and state authorities immediately realized that the preservation of the camp would be at odds at with the mandate to preserve the forest preserve as “forever wild,” which placed the state in an awkward position: following the text of Article XIV would mean that the buildings should be demolished, but doing so would destroy a New York architectural treasure. Under urging from the Preservation League of New York State, the state organized a referendum and voters approved a constitutional amendment authorizing the creation of “Sagamore Institute, a not-for-profit educational organization” which would maintain the “approximately ten acres of land and buildings thereon” that comprised the Sagamore Camp.⁸⁵ Following this ordeal, the state passed New York’s Environmental Conservation Law (ECL), Section 9-0109, which states that “unless deemed necessary” the state will not “acquire” historic properties on or eligible for the

⁸³ N.Y. Constitution, Article XIV, § 1.

⁸⁴ “A Short History of Great Camp Sagamore,” Great Camp Sagamore, 2017. <http://greatcampsagamore.org/history/> (accessed 2/17/2017.)

⁸⁵ Kagan, *Historic Preservation and the Wilderness*, 12.

State or National Register of Historic Places.⁸⁶ Instead, the state should make these properties available to private owners, who might purchase and preserve the historic buildings. In this way, the state hoped in the future to successfully avoid similar historic preservation/forever wild conflicts. Chapter Four will address how the state currently handles historic preservation within the forest preserve.

The Catskills Forest Preserve remains important to the state as a recreational site, but its paramount role is as a watershed, its slopes guiding rainwater and streams into larger tributaries—including the Hudson River. Despite the early forest commissioners’ disavowal of the importance of the Catskill Mountains to New York’s water system, the region has become Manhattan’s primary water supplier. Six large reservoirs, located in all four of the Catskills counties, provide 90% of New York City’s daily 1.1 billion gallon water requirement.⁸⁷ None of these reservoirs are located on Catskill Forest Preserve land, but instead on private land in Catskill Park.

⁸⁶ Ibid, 13.

⁸⁷ “NYC’s Reservoir System,” The City of New York, 2013.
<http://www.nyc.gov/html/nycwater/html/drinking/reservoir.shtml> (accessed 2/3/2017.)

CHAPTER 3: WILDERNESS VALUES

“A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”⁸⁸ So reads the 1964 Wilderness Act, which designated as wilderness especially primitive federal land entitled to increased protection. This same definition appears in the 1985 and 2008 versions of the Catskill Park State Land Master Plan—the first being the original land use management document produced to control the forest preserve. Wilderness values provide the theoretical foundation for those documents governing the Catskill Forest Preserve. National park management practices based on wilderness values trickled down to the management of state parks and forest preserves throughout the 20th century.

Scholar Alison Swing argues that at various points in the United States’ history, the government has considered wilderness as a frontier to be dominated, a scenic “novelty” to be appreciated, the “definitive symbol of American nationalism, pride, and superiority,” and a fragile ecosystem worthy of protection.⁸⁹ In all of these viewpoints, the primary value of wilderness is derived from its natural qualities. However, in recent decades, cultural landscape theory has begun to influence landscape scholarship—even in wilderness areas, many of which have not been as historically untouched as popularly believed. The National Park Service defines a cultural landscape as “a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural and

⁸⁸ Public Law 88-577, The Wilderness Act (16 U.S.C. 1131-1136 78 Stat. 890) September 3, 1964.

⁸⁹ Swing, *Cultural Wilderness*, 16.

aesthetic values.”⁹⁰ In deference to the rising popularity of cultural landscape theory, the NPS has begun to interpret human history on sites where the government once attempted to erase the marks of civilization, re-creating “lost” wilderness. However, recognition of human history in the Catskill Forest Preserve lags behind.

National Parks

Environmental historian William Cronon argues in his 1995 essay, “The Trouble with Wilderness, or Getting Back to the Wrong Nature,” that wilderness is a modern construct, “profoundly a human creation,” and a “product of [our] civilization.”⁹¹ Before modern times, the word “wilderness” carried fearsome connotations. Cronon notes that 250 years ago, its nearest synonym would have been “waste.”⁹² In pre-19th century American societies, colonial civilizations were comparably safe, while individuals in wild or “frontier” areas often eked out their existence.⁹³ The 18th-century Catskill-bound missionary who referred to the territory as a “howling wilderness” doubtless intended both descriptors as pejoratives.⁹⁴ To early colonial societies fearful of Native American attacks and of wild animals, the Catskills loomed as a foreboding and unknowable territory. (It’s worth noting that while early Anglo-Americans may have viewed such locations with a colonizer’s eye—as areas of untapped resources—in truth the American continent was not even then untouched, “untrammelled” wilderness. Native Americans

⁹⁰ Charles A Birnbaum, *Preservation Brief #36: Protecting Cultural Landscapes: Planning treatment, and Management of Historic Landscapes*, National Park Service: Technical Preservation Services, September 1994. <https://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm> (accessed 2/3/2017.)

⁹¹ William Cronon, “The Trouble with Wilderness; or Getting Back to the Wrong Nature,” 1995. http://www.williamcronon.net/writing/Trouble_with_Wilderness_Main.html, (accessed 2/3/2017.)

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Duerden, *A History of Delaware County, New York*, 16.

occupied and traversed the nation's "wilderness" thousands of years prior to the newcomers' arrival.)

The 19th century Romantics recast natural areas as places of beauty and sublimity, with nature inspiring individual creativity. As described in the previous chapter, the Catskill Mountains were closely tied to this budding concept of wilderness as wonderful and sublime, serving as the destination for many 19th century creatives. Writers such as Wordsworth and Thoreau regarded communion with wilderness as something close to a "religious" or "supernatural" experience: as Cronon notes, "no mere mortal was meant to linger long in such a place."⁹⁵ And yet, as the 19th century wore on, and civilization spread across the American continent, settlers established colonies in these once "untouched" places. Cronon cites Frederick Jackson Turner's 1893 declaration of the frontier's closure as a major impetus for the National Parks Movement. The concept that the frontier and wilderness were the source of the American colonizer's characteristics of "ruggedness" and "individualism" led to federal attempts to forever glorify and protect landscapes representative of this ideal.⁹⁶ In keeping with the national trend, the New York State legislature founded the forest preserves around the same time—by statute law in 1885, further protecting them in 1894 by the inclusion of Article XIV in the state constitution.

In his book *Wilderness by Design*, environmental historian Ethan Carr chronicles the 20th century governmental trends of wilderness protection. He argues that while conservation, environmental, and nationalistic impulses may have provided some of the inspiration behind the formation of national parks, the potential for tourism often served

⁹⁵ Ibid.

⁹⁶ Ibid.

as an equally strong or stronger motivation. This impulse towards cultivating tourism grew throughout the twentieth century, but in fact pre-dates the foundation of the National Park Service. In an 1856 report to the State of California concerning the territory that would become Yosemite National Park, noted landscape architect Frederick Law Olmsted declared that it was “‘the main duty of government’ to protect and provide the means for the [public’s] ‘pursuit of happiness.’”⁹⁷ In his opinion, that included the preservation of scenic national areas for the enjoyment of the masses. The Romantics may have begun pleasurable forays into scenic nature, but by the end of the 19th century, vacations had become a pastime for all those who could afford them, and following the 1872 creation of Yellowstone, national parks became a destination. The National Park Service, founded by the 1916 Organic Act, simultaneously promoted conservation and recreation in the parks: the Act declared that the purpose of the new agency was to “‘conserve the scenery and the natural and historic objects and the wild life [in national parks, monuments, and reservations] and to provide for the enjoyment of the same.”⁹⁸ The NPS encouraged tourism by intervening in the parks to create a more visitor-friendly experience, establishing easy access to areas of “wilderness.”

While we may think of national parks as areas of untouched wilderness, frozen in time for future generations, with perhaps the exception of some remote areas of Alaska, “untrammelled” wilderness does not exist in the United States.⁹⁹ Humans have explored and settled almost everywhere, and in many instances, left a visible imprint of their presence. In the decades between WWI and WWII, the National Park Service undertook

⁹⁷ Frederick Law Olmsted, quoted in Carr, *Wilderness By Design*, 28.

⁹⁸ National Park Service Organic Act (16 U.S.C. 1 through 4), 1916.

⁹⁹ Alison E. Swing, “Cultural Wilderness,” 32.

“intensive” landscape intervention in the national parks.¹⁰⁰ The NPS intervened not only to enhance natural values through planting of trees and, where necessary, the removal of human structures, but also to improve the park experience for the American public. They hired landscape architects to plan access to natural parks. They inserted scenic roads to facilitate the tour of American scenery by car, cut vistas on mountainsides so that visitors might enjoy views previously obscured by trees, and built hotels and administrative villages to house visitors and formally manage their use of the park.¹⁰¹ NPS architects designed new structures to blend in with the landscape, using local, natural materials where available. This style of design became known as “parkitecture,” and was intended to reduce a structure’s visual impact on a natural area’s scenic qualities.¹⁰² The point of the NPS interventions was to enhance the natural character of federal wilderness and human accessibility to it. In doing so, Carr notes that the NPS created the “consistent appearance, character, and level of convenience that most visitors have since come to associate, almost unconsciously, with their experience of park scenery, wildlife, and wilderness.”¹⁰³

The irony, of course, is that in seeking to protect wilderness, the National Park Service lastingly impacted the so-called “natural” character of the parks. And although the primary purpose of the national park system is ostensibly to safeguard our nation’s areas of greatest natural and historic character from civilization’s imprint, preserving them “unimpaired,” the government’s interventions better facilitated forays into the wild, increasing public contact with areas of so-called “untrammled” wilderness.

¹⁰⁰ Carr, *Wilderness by Design*, 1.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, 123.

¹⁰³ *Ibid.*, 1.

In some instances, the National Park Service took drastic design approaches, seeking to re-create “lost” wilderness in parks. One of the most famous examples of Park Service intervention concerns Shenandoah National Park, a Wilderness area. In 1924, the NPS expressed interest in developing a park in the Southern Appalachian Mountains. The park would serve as a counterpoint to the striking parks of the American west and would increase park accessibility to a greater number of American citizens. Local supporters in the Shenandoah region rallied to promote their corner of the Blue Ridge Mountains, desirous of national recognition and the economic benefits of a nearby national park.¹⁰⁴ In 1926, the Washington Star wrote of the area as a “striking wilderness,” and a publication by the recently formed Shenandoah National Park Association spoke of the mountains’ “virgin loveliness.”¹⁰⁵ Scholar Justin Reich writes of a different reality: “Of Greene County’s 45,387 acres within the park’s proposed boundaries, there were 567 homes, of which 138 held more than 100 acres of land. Grazing farms and timberlands amounted to almost eight thousand more acres.”¹⁰⁶ About 5,000 people lived within the area that was to become a national park.¹⁰⁷ In 1928, the United States Congress condemned the proposed parkland, and the process of removing residents from the area began. Between 1936 and 1938, the NPS toiled to restore the “upset” wilderness of the Shenandoah, using Civilian Conservation Corps labor to replant hemlock, fir, pine, and white pine trees, as well as to construct tourist stations.¹⁰⁸ Their grandest construction was the Skyline Drive,

¹⁰⁴ Reich, *Recreating the Wilderness*, 101.

¹⁰⁵ Shenandoah National Park Association pamphlet, quoted in Reich, *Recreating the Wilderness*, 100.

¹⁰⁶ *Ibid.*, 101.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, 107.

a 105-mile long scenic parkway spanning the length of the Shenandoah National Park.¹⁰⁹ Landscape architects for the project made sure not to plant new trees too close to the parkway, and approved cut vistas where necessary to provide motorists with satisfactory views.¹¹⁰

Despite the removal of Shenandoah residents, and the subsequent reshaping of flora and demolition of buildings in the park, remainders of past human habitation are clearly visible. Markers such as old chimneys, stone walls, and fenceposts remain. Most poignantly, approximately 100 family cemeteries also endure.¹¹¹ It appears that while erasing structures is acceptable, the removal of gravestones remains sacrilegious.

The removal of existing residents from an area destined to be a national park is not an uncommon story. For example, at the Point Reyes National Park in California, the NPS condemned approximately 2600 acres used as dairy farms, ranches, logging operations, and mercury mines. They burned “approximately 60 structures” at a former religious camp, and cleaned the site of traces of occupation.¹¹² The end result is a “wilderness area” that shirks interpretation of its occupied past.¹¹³ Similarly, the creation of the Delaware Water Gap National Recreation Area, planned in tandem with the later-abandoned Tocks Island Dam project, also displaced several thousand residents. The government condemned private land and demolished hundreds of buildings, many of

¹⁰⁹ Shenandoah National Park Skyline Drive, “Ride the Sky,” Shenandoah Valley Travel Association, 2017. <http://www.visitskylinedrive.org/Plan-Your-Visit/FAQs.aspx>. (accessed 2/3/2017.)

¹¹⁰ Reich, *Recreating the Wilderness*, 106.

¹¹¹ Emily Badger, “The spirits of Shenandoah National Park,” *The Washington Post: Travel*, January 10, 2015. https://www.washingtonpost.com/lifestyle/travel/the-spirits-of-shenandoah-national-park/2015/01/08/a85c837c-92a5-11e4-ba53-a477d66580ed_story.html?utm_term=.dad7a7c63318 (accessed 2/3/17.)

¹¹² Watt, “The Trouble with Preservation, or Getting Back to the Wrong Term for Wilderness Protection,” 58-60.

¹¹³ *Ibid.*, 55.

them historic, in preparation for an inundation that never came. However, the passage of the 1966 National Historic Preservation Act in the midst of this controversy led to increased oversight and protection for historic buildings. Today, the Delaware National Water Gap Recreation Area retains several 19th century villages, which are interpreted as part of the site's cultural landscape.¹¹⁴ Unlike Shenandoah and Point Reyes, the Delaware Water Gap is not a designated Wilderness area, and less stringent regulations doubtless enabled the park's historic preservation initiatives.

State Parks

The National Park Service hotly debated what constituted “wilderness” in the decades after its founding in 1916. An early definition—posited in 1926—suggested that areas deemed wilderness should remain roadless sections of national parks.¹¹⁵ The concept gained nuance at a 1932 conference, when then-NPS director Horace Albright raised the concept of wilderness zoning, suggesting three different wilderness designations within national parks: “everlasting wilderness,” “research area,” and “sacred area.”¹¹⁶ All of these stringently restricted public access. The Park Service chose to apply these designations in the 1930s, but the classification system received further clarification at the hands of Conrad Wirth, landscape architect, park service employee, and future director of the NPS (1951-1964). Wirth boosted collaboration between the state and national parks in the 1930s, increasing managerial consistency between the park systems.

¹¹⁴ U.S. Department of the Interior, National Park Service, “Saved from the Dam,” *Cultural Resource Management* 25 no. 3, 2002. <https://www.nps.gov/crmjournal/crm/v25n3.pdf>

¹¹⁵ Carr, *Wilderness by Design*, 241.

¹¹⁶ *Ibid.*

In 1933, the creation of the Civilian Conservation Corps gave the National Park Service an inroad to state parks. Prior to this date, the majority of state parks operated separately from the national park system. However, this increased level of federal involvement led to cross-pollination between the two systems, with many state parks adopting federal procedures, such as the use of master plans. In 1934, the National Park Service created the “branch of recreational land planning” (later renamed the “branch of recreation, land planning, and state cooperation,” in recognition of its expanding scope).¹¹⁷ Conrad Wirth became the branch’s head, and he set about “organiz[ing] state park planning efforts.”¹¹⁸ Wirth issued brochures to state parks and organized trainings in an attempt to bring state park management in line with national management trends. His work focused on consistency and categorization, and he believed that state parks could be divided into two groups: “those set aside for ‘conservation’ and those set aside ‘primarily for recreation.’”¹¹⁹

In a 1936 brochure for state superintendents, Wirth wrote, “The cardinal principle...is that park areas are to be kept as natural as possible,” however, in state parks, “those whose fancy calls for more active recreation” could be indulged.¹²⁰ Ethan Carr notes beaches, bathhouses, boat launches, picnic sites, fireplaces, restrooms, and parking as being acceptable intrusions in state parks.¹²¹ Wirth additionally contended that “thrilling winter sports” were an amenity possible in some locations, as were “ballfields”

¹¹⁷ Ibid, 265.

¹¹⁸ Ibid, 266.

¹¹⁹ Conrad Wirth quoted in Carr, 267.

¹²⁰ Conrad Wirth quoted in Carr, 289.

¹²¹ Ibid.

and “swimming pools”.¹²² His reasoning was that “except in the ‘rarest instances,’ man does not ‘live long on bread and scenery alone.’”¹²³ State parks, many of which lacked the impressive views and grandeur of national parks, were, in Wirth’s estimation, good candidates for public recreation opportunities and might serve as a relief system for national parks.

In 1937, Wirth organized a large-scale land use survey, in which 34 states agreed to participate.¹²⁴ The survey requested that state park superintendents divide parkland into four categories: “‘primitive,’ or the most remote and expansive areas; ‘modified,’ essentially primitive areas that might be partially accessible by fire roads or trails; ‘developed,’ primarily road corridors and recreational areas; and ‘scientific,’ or areas of particular biological or geological significance that were not expansive enough to be in the primitive class.”¹²⁵ This hierarchy represented the first broadly-applied land use planning system in state parks and became the seed for all subsequent parkland land use planning.

Decades later, the 1964 federal Wilderness Act became a fruit of this thought process, renaming “primitive” areas to “wilderness,” defining this term, and outlining permitted uses within wilderness boundaries.¹²⁶ According to the National Park Service website, “more than 106 million acres of federal public lands” have been designated as Wilderness and merit special protections as a result of their superior conservation

¹²² Conrad Wirth quoted in Carr, 289 & 298-299.

¹²³ Conrad Wirth quoted in Carr, 298-299.

¹²⁴ Carr, *Wilderness by Design*, 274.

¹²⁵ *Ibid*, 274.

¹²⁶ Public Law 88-577, The Wilderness Act (16 U.S.C. 1131-1136 78 Stat. 890) September 3, 1964.

status.¹²⁷ While certain recreational endeavors, such as fishing, hiking, camping, and hunting, are permitted in wilderness areas, the Wilderness Act prohibits “permanent structures or installations.”¹²⁸

Wilderness Values in the Catskills Forest Preserve

The word “wilderness” never appears in the original text of Article XIV of the New York State Constitution. The legislators who wrote the state constitution in the late 19th century would not have possessed the same understanding of this concept that we do today. As described in Chapter 2 of this thesis, lawmakers never intended for the “forever wild” provision to apply forever—only to forbid timbering on state land until the tree stock had recovered sufficiently not to endanger New York City’s watershed.¹²⁹ The Catskill and Adirondack Forest Preserves possess a special status within state land management. They are not, in fact, state parks, but preserve land set aside to remain “forever wild,” to which the public has access. The Department of Environmental Conservation (DEC), and not the Office of Parks, Recreation, and Historic Preservation, manages both preserves, which makes them an exception among state land.

The concept of wilderness, too, within the Catskill Forest Preserve is a strange one because of the geographical form of the preserve. The forest preserve is not a solid chunk of land, but a sprawling agglomeration of tracts appended throughout the twentieth century. Private lands frequently abut public ones; the Catskill Park has been continuously settled since the late 18th century. Therefore, modern civilization frequently

¹²⁷ National Park Service, “Wilderness,” <https://wilderness.nps.gov/faqnew.cfm> (accessed 2/3/17.)

¹²⁸ Ibid.

¹²⁹ Silver, “History of New York State’s “Forever Wild” Forest Preserve and the Agencies Charged with Carrying out Article XIV’s Mandate,” 28.

encroaches on the edges of Wilderness and Wild Forest areas; these areas, historically and today, are not as remote and untrammled as their designations might imply.

Without an in-depth study of New York state records, it is impossible to say just how much national outlook and policy influenced planning and management within the Catskill Forest Preserve. However, evidence suggests that the influence was strong. As previously noted, the definition of wilderness in the Catskill Park State Land Master Plan lifts text directly from the 1964 Wilderness Act. The State Land Master Plan creates six land use designations—wilderness, wild forest, intensive use, administrative area, primitive bicycle corridor, and conservation easements—all of which possess specific use restrictions. The land use categories derive from the national park tradition of classifying public land.

Imitating national park planning processes, state officials physically intervened in the Catskill Forest Preserve. The Civilian Conservation Corps replanted trees and cleared trails in the 1930s. Various forms of recreation are permissible in the forest preserve—including boating, fishing, and the “thrilling winter sports” that Wirth had envisioned for state parks.¹³⁰ (In 1947, New York citizens approved amendments authorizing the construction of the popular, state-owned Belleayre ski resort.) And as with the Shenandoah Valley, Point Reyes, and Delaware Water Gap, governmental stewards made a practice of removing non-conforming structures. Much of the land constituting the Catskill Forest Preserve had been previously privately owned; therefore, wilderness and wild forest units often had remnants of prior settlement.

¹³⁰ Conrad Wirth quoted in Carr, *Wilderness by Design*, 289.

As further explained in Chapter 4, the DEC manages the Catskill Forest Preserve using a “two-tiered” system.¹³¹ The first tier, the Catskill Park State Land Master Plan, provides overall guidance for forest preserve land use management. The master plan divides the forest preserve into five separate wilderness units, fourteen wild forest units, eleven intensive use units, six administrative units, four primitive bicycle corridors, and three conservation easements.¹³² Wilderness units and wild forest units possess the most stringent land use restrictions. Each wilderness and wild forest unit possesses a unit management plan (the second tier of management) that identifies the resources in each unit and outlines specific objectives, derived from the master plan’s guidance, to be enforced within its boundaries.

A survey of the 20 Wilderness and Wild Forest unit management plans (UMPs) available on the DEC website revealed that the majority of sites showed signs of human imprint.¹³³ Of the four available Wilderness UMPs, one unit (Big Indian Wilderness) retains old foundations, while three (Hunter-West Kill Wilderness, Indian Head-Plateau Mountain Wilderness, and Slide Mountain Wilderness) retain structures. Hunter-West Kill Wilderness possesses a fire tower and observer’s cabin, Indian Head-Plateau Mountain Wilderness contained two, “rough, rustic huts,” designated non-conforming and slated for removal as of 1992, and Slide Mountain Wilderness possessed a “24’ x 24’

¹³¹ Department of Environmental Conservation, *Catskill Park State Land Master Plan*, (Albany: State of New York, May 1985), 13.

¹³² Department of Environmental Conservation, *Catskill Park State Land Master Plan* (2008).

¹³³ There are currently 5 Wilderness units and 14 Wild Forest units in the Catskill Forest Preserve. The 2008 Catskill Park State Land Master Plan established several of these, creating them out of adjacent earlier units. Due to this combination, several UMPs reference units that no longer exist, because they have since been bundled into a larger unit. For this reason, there are 20 available unit management plans, but only 19 Wilderness and Wild Forest units.

single story wood frame condition in poor condition” and three spring houses in 1998.¹³⁴ The Indian Head-Plateau Mountain Wilderness UMP identifies the cabins as ineligible for the State or National Registers, but provides no further information.¹³⁵ (The Windham-Blackhead Range Wilderness unit management plan is unavailable, as it is currently under consideration; the DEC solicited public comments in December 2016).

Of the fifteen available Wild Forest UMPs, only two units recorded no signs of human structures. Six either retained foundations, or their UMPs mentioned past DEC-led building demolitions. Five units retained non-conforming buildings, and one possessed 19th century farm buildings that are currently in use as storage for trail-clearing materials and equipment. The DEC classified this last site as an administrative area, and the buildings are therefore conforming within the preserve.¹³⁶ Only one wild forest unit (the Colgate Lake Wild Forest) did not have a unit management plan available; this, too, is under consideration as of December 2016.

The vintage of the remaining buildings is not always clear. The DEC’s designation of “non-conforming” is not often paired with a public attempt at dating remaining structures. Nor do the management plans date building foundations, or, more crucially for this thesis, always indicate whether or not the DEC was directly or indirectly responsible for the removal of the related superstructure. However, the DEC acquired the

¹³⁴ Department of Environmental Conservation, Division of Lands and Forests. *Hunter Mountain Wild Forest Unit Management Plan* (Albany: Department of Environmental Conservation, 1995); Department of Environmental Conservation, Division of Lands and Forests, *Indian Head-Plateau Mountain Wilderness Unit Management Plan* (Albany: Department of Environmental Conservation, 1992), 37; Department of Environmental Conservation, Division of Lands and Forests, *Slide Mountain Wilderness Unit Management Plan*, (Albany: Department of Environmental Conservation, 1998), 17.

¹³⁵ Department of Environmental Conservation, Division of Lands and Forests, *Indian-Head Plateau Mountain Wilderness Unit Management Plan*.

¹³⁶ Department of Environmental Conservation, *Shandaken Wild Forest Unit Management Plan* (New Paltz, NY: Department of Environmental Conservation, 2005).

majority of the Catskills land between the 1920s and 1960s.¹³⁷ A number of DEC-led demolitions occurred in the 1950s and 1960s, before governmental entities began to view historic preservation as an important public goal. The most commonly known demolitions included the Catskill Mountain House (burned in 1963) and the Laurel House (burned in 1967), incinerated as a result of advanced deterioration and to restore the land to nature.¹³⁸ The demolition of these famous grand hotels attracted attention; the removal of smaller farms likely would not have attracted similar publicity in the mid-20th century.

It is likely that many of the building remains mentioned in the UMPs refer to structures removed by the DEC. This supposition is supported by the DEC demolitions that have continued into more recent decades, during a time of greater understanding and acceptance of historic preservation, as well as increased oversight. For example, in Shandaken Wild Forest, the site of “many remnants of farms, tanneries, sawmills and bluestone mining,” the 19th century Colonel Rochester House was demolished in 1984.¹³⁹ Colonel William Rochester had owned multiple farmsteads in the area, which he sought to combine into a single estate. The Morrell Property, consisting of a ca. 1936 stone house and a 1916 log cabin, survived until at least 1975.¹⁴⁰ The Coykendall Lodge, an 1899, National-Register listed Shingle-style residence, was demolished in 2008 due to advanced deterioration and lack of a practical reuse. Much of this deterioration had occurred under DEC ownership, from 1980-2008.¹⁴¹

¹³⁷ Beth Scullion, “History of the Catskill Park and Forest Preserve,” *Catskill Mountainkeeper*, April 7, 2008. http://www.catskillmountainkeeper.org/history_of_the_catskill_park_and_forest_preserve

¹³⁸ van Zandt, *The Catskill Mountain House*, 314-315.

¹³⁹ DEC, *Shandaken Wild Forest Unit Management Plan*, 11.

¹⁴⁰ Department of Environmental Conservation, *Peekamoose Valley Wild Forest Unit Management Plan*, (Albany: Department of Environmental Conservation, 1990).

¹⁴¹ Einhorn Yaffee Prescott Architecture & Engineering, P.C. and Ehrenkranz, Eckstut, & Kuhn Architects, *The Coykendall Lodge: Feasibility Study for Restoration & Adaptive Reuse*, (New York: August 2001), 7.

A recent case shows how historic buildings demolitions can occur without direct involvement of the DEC. In 2000, the Open Space Institute of New York (OSINY) and the Trust for Public Land (TPL) acquired the Lundy estate, a 5400 acre land tract.¹⁴² These two non-profits focus on the conservation of land for public good, and in this instance, acquired these parcels with the intention of selling them to New York State. In 2002, OSINY and TPL transferred approximately 4800 acres of land to the Catskill Forest Preserve.¹⁴³ The remaining 600 acres contained the Lyons Lodge and Moore Estates, historic properties that the non-profits sold to private owners for preservation and reuse.¹⁴⁴

For those two historic properties, the transfer was a success. However, the Lundy estate contained a much larger grouping of historic buildings. OSINY and TPL hired cultural resource consultants to complete historic documentation of the buildings on the remaining 4800 acres. The consultants identified: “24 sites of historic interest...twelve of these sites include[d] standing structures; others include[d] building foundations and other remains. Including sites with multiple structures, a total of 23 larger standing buildings in varying condition [were] identified, as well as several additional small outbuildings.”¹⁴⁵ Buildings dated from the 18th to early 20th centuries. Of special interest

¹⁴² Open Space Institute, “Lundy Estate.”

http://www.osiny.org/site/PageServer?pagename=Catskills_LundyEstate (accessed 3/31/2017)

¹⁴³ Ibid.

¹⁴⁴ Deborah Medenbach, “Estate’s Buildings on Block,” *Times Herald Record: Recordonline.com*, December 17, 2004. <http://www.recordonline.com/article/20041217/news/312179986> (accessed 3/31/2017)

¹⁴⁵ Wendy Elizabeth Harris, Arnold Pickman, and Harry Hansen, *Historical Research Study, Lundy Estate, Towns of Rochester and Wawarsing, Ulster County, N.Y.*, (Cragsmoor, NY: Cragsmoor Consultants, August 2000), 1.

were an “early to mid-19th century bark peelers hut,” documented for HABS in 1969, and the veritable “ghost town” of Pottersville.¹⁴⁶



Figure 7

The barkpeeler’s hut, ca. 1890. Photo from the Historical Research Study: Lundy Estate.

¹⁴⁶ Ibid, 16 & 28.



Figure 8

The barkpeeler's hut, exhibiting damage, ca. 2000. Photo from the Historical Research Study: Lundy Estate.



Figure 9

Buildings from the Dunlop Farm site, former Lundy Estate, ca. 2000. Photo from the Historical Research Study: Lundy Estate.

The consultants recommended further study of the buildings. They noted that “many individual structures and sites [are] potentially eligible for listing on the National Register of Historic Places [and] the entire property may also be eligible as a rural historic landscape or an historic district.”¹⁴⁷ The consultants also viewed “the cultural resources...as inseparable elements of the landscape rather than intrusions,” declaring that “the OSI/TPL tract is a landscape with history. It is an unspoiled late 18th through early 20th century landscape.”¹⁴⁸

Despite the consultants’ assertions of the compatibility of the historic buildings with the landscape, OSINY and TPL removed all the structures prior to transferring the land to New York State. They undertook this treatment because of the limitations of ECL § 9-0109—further discussed in the following chapter—which prohibits the State from acquiring lands in the Catskill Park that contain structures on or eligible for the State or National Register of Historic Places.¹⁴⁹ OSINY and TPL saw to it that the Lundy Estate would not possess any such encumbrances.

Although the DEC established the first Catskill Park State Land Master Plan in 1985, this document made official land use practices that had been in place for decades. The plan notes that it “formalizes adoption of the land classifications, policies and guidelines...[that] reflect current management practices, which have evolved over the last century. Stewardship of the Forest Preserve lands will continue to be essentially the same, with the “Forever Wild” legacy serving as the guiding principle in the future as it

¹⁴⁷ Ibid, 53.

¹⁴⁸ Ibid, 53.

¹⁴⁹ New York Environmental Conservation Law § 9-0109: Acquisition of lands within the Adirondack or Catskill parks, 1983.

has in the past.”¹⁵⁰ When it comes to structures, Article XIV, the originator of the “forever wild” clause, remains silent. The article reads that “the lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands.”¹⁵¹ The original law restricts the destruction of timber—that’s all. Yet 20th century state authorities have interpreted “forever wild” to mean that the forest preserve lands are inherently incompatible with the retention and preservation of structures. This understanding comes from outside of Article XIV’s direct text. It comes from a national understanding and implementation of wilderness values, propagated and enforced by the National Park Service and disseminated to state governments.

While the National Park Service has begun to embrace cultural landscape theory in national parks in recent decades, this trend lags behind in the Catskill Forest Preserve. This lapse likely has two major sources. First, the Department of Environmental Conservation employs primarily foresters, rangers, and other experts who possess backgrounds heavy in environmental studies. Therefore, the department heavily prioritizes environmental conservation over the conservation of built resources. Their departmental objectives and their funding are directed toward environmental issues within the preserve. Second, state laws, regulations, and policies concerning the forest preserve are incredibly convoluted and, in some cases, purposefully inhibit historic preservation within the forest preserve. Preservation successes historically occur outside of the norm and require a complex and too-often circumstantial web of successful interactions between the DEC, non-profits, and the public. In more recent years, the DEC

¹⁵⁰ Department of Environmental Conservation, Catskill Park State Land Master Plan (1985), 9.

¹⁵¹ N.Y. Constitution, Article XIV, § 1.

has made more thoughtful decisions to save historic buildings in the Catskill and Adirondack Forest Preserves, but the legal and management frameworks governing the park do not easily enable this process.

CHAPTER 4: LEGISLATION AND MANAGEMENT OF THE FOREST PRESERVE

Historic preservation in the Catskill Forest Preserve occurs via a complex and diffuse structure dependent upon the success of a web of interactions between governmental agencies and outside entities—primarily municipalities and non-profits. The complexity of this process reflects the contradictory legislation that underlies it, including laws that encourage forest preserve management to completely avoid entanglement with historic buildings, wherever possible. This legislation therefore engenders administrative complexity and ambiguity about historic preservation.

New York State’s Department of Environmental Conservation (DEC) is solely responsible for the management of both the Catskill and the Adirondack Forest Preserves. The DEC, the state’s lead environmental agency, is a huge department, consisting of 12 offices with 33 subsidiary divisions. The DEC is responsible for regulating a broad range of activities, including those related to air resources, climate change, environmental justice, fish and wildlife, marine resource, forest protection, and lands and forests.¹⁵²

The Catskill Forest Preserve is located within the Division of Lands and Forests, under the Forest Preserve Management Program. The Forest Preserve Management program oversees the management and use of the Catskill and Adirondack Forest Preserves. Although not pictured on the official organization chart on the following page, Forest Preserve Management is one of four subsidiaries of the Divisions of Lands and Forests (the others being Private Land Services, Real Property, and State Land Management). The Division of Lands and Forests is itself one of four divisions located

¹⁵² Department of Environmental Conservation, “Divisions,” New York State, 2017. <http://www.dec.ny.gov/about/255.html>

**New York State Department of Environmental Conservation
Executive Organization- Revised January 2017**

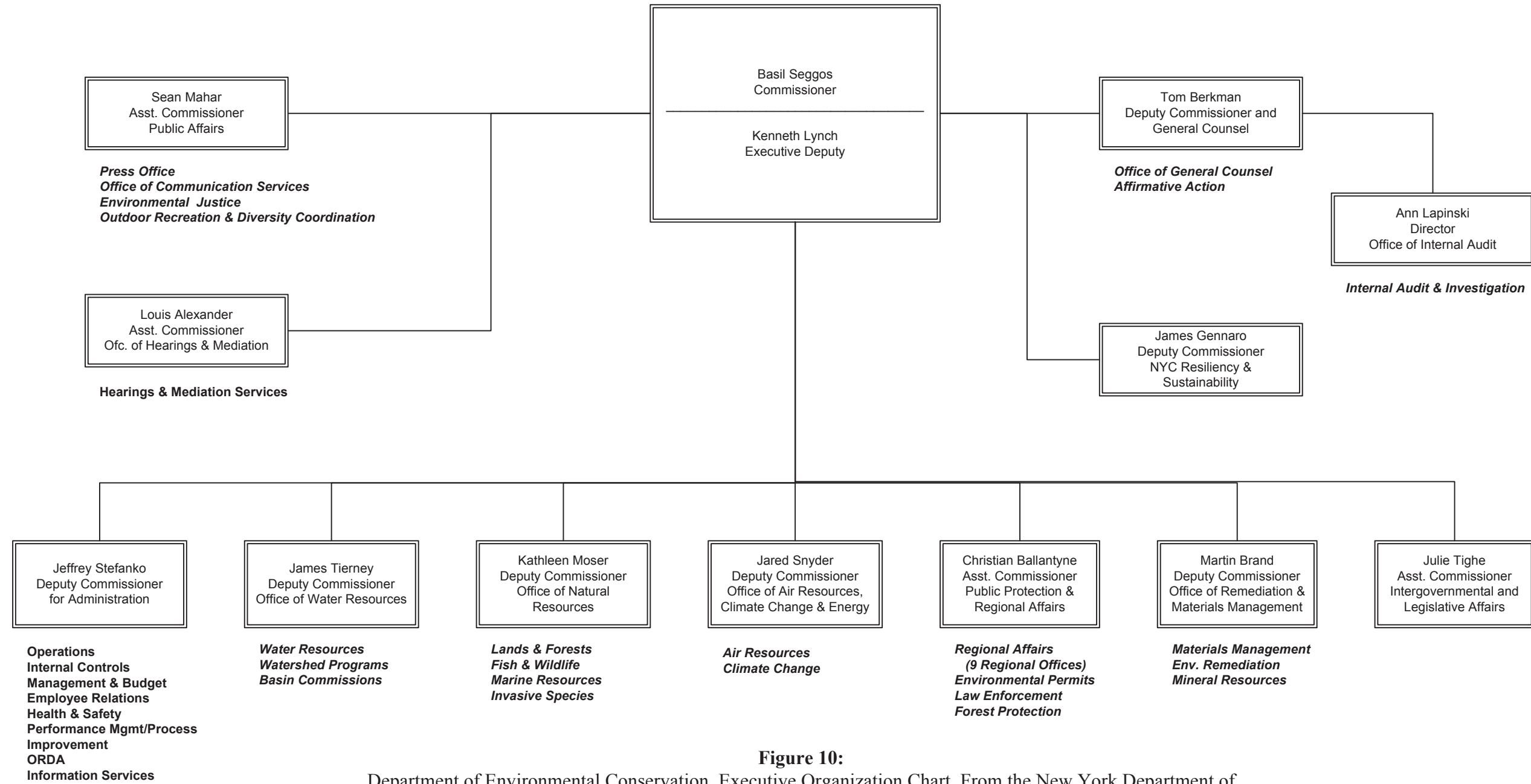


Figure 10:
Department of Environmental Conservation, Executive Organization Chart, From the New York Department of
Environmental Conservation. http://www.dec.ny.gov/docs/administration_pdf/execorgchart

within the Office of Natural Resources. At the head of the DEC is a governor-appointed Commissioner who oversees all the state's environmental regulations.

Management of the Catskill Forest Preserve is also spread across three administrative regions, defined by the DEC. These are the Region 3 (New Paltz Office), Region 4 (Schenectady Office), and Central Office (Albany), and staff from each of these offices possesses management responsibilities within the preserve.¹⁵³

In addition to overseeing both forest preserves, the Division of Lands and Forests acquires and manages New York State land for environmental conservation, as well as holds and manages conservation easements. The Division also provides assistance concerning regulation of forestry and timbering acts on private lands. As with the DEC as a whole, the Division of Lands and Forests concerns itself primarily with the natural environment. Historic preservation is not a central goal. The Department of Environmental Conservation employs a single Historic Preservation Officer (out of approximately 3000 total employees) to oversee projects in their landholdings.¹⁵⁴ This position covers a huge geographical territory—over 4 million acres statewide, with the Adirondack and Catskill Forest Preserves comprising 3,000,000 acres of that land. In this position, the Historic Preservation Officer implements the New York State Historic Preservation Act, handles Section 106 reviews, serves as manager for historic sites on state land, and maintains and grows the inventory of historic resources on state land. It must be noted that being a manager for historic sites on state land is not the same as being a site manager in the traditional sense. Instead, the Historic Preservation Officer is

¹⁵³ Department of Environmental Conservation, "Catskill Forest Preserve," New York State, 2017. <http://www.dec.ny.gov/lands/5265.html> (accessed 3/31/2017).

¹⁵⁴ Charles Vandrei, Historic Preservation Officer, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, March 30, 2017.

involved in important decision-making processes for these historic sites, assists outsiders who are working with resources on state land, reviews proposed work, and signs permits. As an advocate for historic preservation in a department where protection of the natural environment dominates, the Officer coordinates with foresters and biologists to ensure the DEC staff gives due consideration to historic buildings in their decision-making processes.¹⁵⁵

However, it is fair to say that the DEC's primary focus is on natural resources, as opposed to historic resources, which strongly influences the department's decision-making. An attitude of prioritizing natural resources has far-reaching implications, influencing both short-term decisions and long-term planning, as well as affecting decision-making about new hires.

Although the DEC possesses a Historic Preservation Officer, the department does not, on an organizational level, overlap with the New York State Historic Preservation Office (SHPO). Like the DEC, the SHPO has its own, governor-appointed Commissioner. The SHPO is located within the New York State Office of Parks, Recreation, and Historic Preservation (NY OPRHP), which oversees state parks and historic preservation initiatives. As noted previously, the forest preserves are not state parks, and therefore the NY OPRHP has purview over historic sites within the preserves only in the form of Section 14.09 consultation (discussed later in this chapter). This constitutes the primary extent of the collaboration between the DEC and the SHPO in the forest preserve. In addition, the DEC and the NY OPRHP Commissioners sit on the State Council together. The State Council of Parks, Recreation, and Historic Preservation has a

¹⁵⁵ Charles Vandrei, Historic Preservation Officer, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

variety of responsibilities, including to “act as a central advisory agency on all matters affecting parks, recreation, and historic preservation; review the policy, budget, and statewide plans of the agency and make appropriate recommendations regarding their amendment or adoption; [and] submit reports to the Governor...concerning progress in the area of state parks, creation, and historic preservation.”¹⁵⁶

The SHPO becomes involved in the workings of the forest preserves only under two circumstances: Section 106 and the New York State version of Section 106, known as Section 14.09. Under Section 14.09 proceedings, when an undertaking in the forest preserve has the potential to “change...the quality of any historic, architectural, archaeological, or cultural property” that is on or eligible for the State or National Register of Historic Places, the DEC (or another state agency doing work in the forest preserve) enters into consultation with the SHPO to determine if the impacts of the undertaking on the historic resource can be mitigated.¹⁵⁷

A final important governmental entity that provides important context to the management of the New York forest preserves is the Adirondack Park Agency (APA), which acts as a regulatory agency within the Adirondack Park. For the most part, the APA controls development on private land through permitting and planning and implementation of long-range land use plans.¹⁵⁸ Within the forest preserve, their obligations primarily concern land use classification and writing and contributing to management plans. For example, a collaboration between the DEC and the APA

¹⁵⁶ New York State Council of Parks, Recreation, & Historic Preservation, *2014 Annual Report*, New York State Office of Parks, Recreation, and Historic Preservation, 2014, 8. <https://www.parks.ny.gov/state-council/documents/2014StateCouncilAnnualReport.pdf>. (accessed 4/12/2017).

¹⁵⁷ N.Y. Parks, Recreation, and Historic Preservation Law § 14.09 (2016).

¹⁵⁸ Adirondack Park Agency, “Park Policy & Planning Division,” New York State, 2017. https://www.apa.ny.gov/About_Agency/planning.htm. (accessed 3/29/2017.)

produced the Adirondack Park State Land Master Plan, the northern counterpart to the Catskill Park State Land Master Plan.¹⁵⁹ When it comes to management decisions in the Adirondack Forest Preserve, the APA can offer input on the proposed actions of the DEC.

There is no analogous situation in the Catskills. Although the New York State Legislature passed a bill in 1971 creating “The Temporary State Commission to Study the Catskills,” a first step towards the establishment of an APA counterpart in the Catskills, despite the commission’s recommendation, the state authorized no similar regulatory agency to advocate on behalf of the Catskills.¹⁶⁰ The DEC thereby possesses more freedom to act on its own, without outside input, within the smaller preserve, which admittedly possesses fewer historic structures than its larger, northern neighbor.

State Historic Preservation Act

In its 1980 State Historic Preservation Act, New York State officially established its commitment to historic preservation, stating the following: “The act declares it to be the public policy and in the public interest of this State to engage in a comprehensive program of historic preservation.”¹⁶¹ The act created the State Register of Historic Places, required the state to consider the effects of any state undertakings on historic properties (Section 14.09), and made the State the steward of historic properties under its custody

¹⁵⁹ Department of Environmental Conservation & Adirondack Park Agency, *Adirondack Park State Land Master Plan*, (Ray Brook, NY: Adirondack Park Agency, 1987, updated 2013).

¹⁶⁰ Brown, *Forest Preserve Handbook*, 46.

¹⁶¹ New York State Historic Preservation Act of 1980.

and control.¹⁶² The Act made official New York’s commitment to historic preservation, today enforced by the State Historic Preservation Office.

Forest Preserve Legislation

Three major pieces of legislation govern historic preservation decision-making within the Catskill and Adirondack Forest Preserves: Article XIV of the New York State Constitution (1894), Section 14.09 of the New York State Historic Preservation Act (1980), and New York Environmental Conservation Law 9-0109 (1983). These are Attachments 1, 2, and 3 of this thesis. The DEC interprets the wording of these three statutes when determining the appropriate treatment of historic buildings on forest preserve land. As elaborated below, these pieces of legislation are not fully consistent with each other, which has created administrative ambiguity concerning the appropriateness of historic preservation within the forest preserves.

Article XIV

The opening text of Article XIV of the New York State Constitution, codified in 1894, has remained unchanged from its original form. It states that the forest preserve “shall be forever kept as wild forest lands.”¹⁶³ It contains no references to the treatment of historic structures. Of the twenty-one approved amendments to Article XIV over the past

¹⁶² Ibid.

¹⁶³ N.Y. Constitution, Article XIV, § 1; Department of Environmental Conservation, “New York’s Forest Preserve,” New York State, 2017. <http://www.dec.ny.gov/lands/4960.html> Accessed 2/28/2017.

120 years, only two reference historic properties, neither of which outlines an exact approach to historic properties within the forest preserves.¹⁶⁴

The first amendment, known as the “Conservation Bill of Rights” was codified in November 1969, and establishes that “the policy of state shall be to conserve and protect its natural resources and scenic beauty.”¹⁶⁵ This amendment, since renumbered to Section 4 of Article XIV, also promotes protection of agricultural land and discourages water, air, and noise pollution.¹⁶⁶ Significantly, it permits the state to acquire properties “outside of the forest preserve counties” on the basis of “their natural beauty, wilderness character, or geological, ecological, or *historical* significance, [which] shall be preserved and administered for the use and enjoyment of the people.” [author’s italics]¹⁶⁷ Although this amendment is appended to Article XIV—a piece of legislation that specifically creates and relates to the forest preserves—the acquisition portion of the amendment only applies to counties outside of the forest preserve.¹⁶⁸ And although the amendment preceded the New York State Historic Preservation Act (1980), it acknowledges the public benefit of historic sites. Its timing trends with a period of increasing awareness of historic preservation and associated advocacy. (The Penn Station demolition had occurred in Manhattan a mere 6 years prior.) And yet the language of the amendment balks at challenging the concept of a “forever wild” forest preserve. The exclusion of the “forest

¹⁶⁴Ibid; “Article XIV Section 1 of the NYS Constitution has been amended 15 times since 1938 Constitutional Convention, four times since 2007,” Protect the Adirondacks. <http://www.protectadks.org/2015/07/article-xiv-section-1-of-nys-constitution-has-been-amended-15-times-since-1938-constitutional-convention-four-times-since-2007/>, accessed 4/5/17

¹⁶⁵ N.Y. Constitution, Article XIV, § 4; New York State Bar Association, *Report and Recommendations Concerning the Conservation Article in the State Constitution (Article XIV)*, The Committee on the New York State Constitution, 2016. <https://www.nysba.org/ArticleXIVreport/> (accessed 4/5/2017.)

¹⁶⁶ Ibid.

¹⁶⁷ N.Y. Constitution, Article XIV, § 4.

¹⁶⁸ Kagan, 16.

preserve counties” from historic acquisition cements the state’s commitment to the singular promotion of natural qualities within the Catskill and Adirondack Forest Preserves, even as it advances historic preservation as a valuable public objective.¹⁶⁹

A 1983 amendment serves as the only constitutional acknowledgement of a historic site within the forest preserve. The amendment permits a land exchange between New York State and the Sagamore Institute of the Adirondacks, in which the state transferred ownership of the Great Camp Sagamore to the non-profit for purposes of stewardship.¹⁷⁰ The amendment was a culmination of a years-long campaign to save the Great Camp Sagamore, an 1897, Adirondack-style private estate acquired by the DEC in the mid-1970s for addition to the Adirondack Forest Preserve.¹⁷¹ The site was, at the time, a National Register listed property and has since been designated a National Historic Landmark. Believing that the “forever wild” clause endangered this architectural treasure, a dedicated group of more than 70 non-profits rallied to save the buildings.¹⁷² While state law does not allow the sale of forest preserve land, it permits land exchanges under special circumstances. An exchange might concern municipal infrastructure improvements, such as the construction of drinking wells, power lines, and cemeteries on land presently owned by the state.¹⁷³ The state’s voters must approve each land swap, which then is memorialized as an amendment to Article XIV. The Great Camp Sagamore amendment marks the only time Article XIV was amended to save a historic building. The terms of the transfer required the Sagamore Institute to donate 200 acres of forest

¹⁶⁹ N.Y. Constitution, Article XIV, § 1.

¹⁷⁰ Ibid.

¹⁷¹ “A Short History of Great Camp Sagamore,” Great Camp Sagamore,.

¹⁷² “Camp Sagamore: A Brighter Future,” *New York Times*, August 8, 1985.

<http://www.nytimes.com/1985/08/08/garden/camp-sagamore-a-brighter-future.html>

¹⁷³ N.Y. Constitution, Article XIV, § 1.

land to the Adirondack Forest Preserve in exchange for the 10 acres containing the Great Camp Sagamore.¹⁷⁴

ECL § 9-0109

The process of amending the New York State constitution is an arduous and lengthy one, requiring a minimum of three years.¹⁷⁵ First, the legislature votes to approve the amendment. Then, following an election, the newly elected legislature must vote again to approve the legislation. Finally, the people of New York State vote in a referendum to either pass or reject the amendment. Rather than endure future trials over historic buildings in the forest preserve, the State of New York passed Environmental Conservation Law 9-0109 in 1983 in response to the Great Camp Sagamore incident, seeking to safeguard the State from similar, drawn-out ordeals in the future.

For the purposes of this thesis, Environmental Conservation Law 9-0109 can be condensed and clarified into the following requirements:

1. The State will not acquire “structures or improvements in the Adirondack or Catskill parks listed or eligible to be listed on the state register of historic places” unless an argument can be made that their acquisition is necessary “for the conservation of critical and unique land areas or of significant wild forest land areas.”¹⁷⁶

¹⁷⁴ “Camp Sagamore: A Brighter Future,” *New York Times*.

¹⁷⁵ Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

¹⁷⁶ N.Y. ECL § 9-0109 (1).

2. The “commissioner or responsible chief executive officer” is responsible for reviewing each land acquisition to ensure that there are no State Register listed or eligible buildings present.¹⁷⁷
3. “If structures or improvements in the Catskill or Adirondack Parks are offered to the state for purchase or as a gift” then the DEC must “search for a private purchaser or donee who would preserve such structures or improvements.”¹⁷⁸
4. Existing historic structures within the “Adirondack and Catskill Parks and owned by the state prior” to the passage of this legislation “and which existed [on the land] prior to [that land’s] acquisition by the state may be maintained provided that:”
 - a. The structures are State Register listed or eligible; and
 - b. The structures “can be maintained for public enjoyment and understanding of the forest preserve, or for departmental activities necessary in protecting forest preserve lands...in a manner that will not disturb the...wild forest character of the land;” and
 - c. Maintenance of existing buildings is “reasonable...consistent with the article fourteen of the state constitution.”¹⁷⁹

It is unclear, from the wording of the statute, whether the law requires that historic properties meet all three criteria under item 4. Although the “and” does so suggest that this is the case, in practice there remain structures on forest preserve land, pre-dating the

¹⁷⁷ N.Y. ECL § 9-0109 (2).

¹⁷⁸ N.Y. ECL § 9-0109 (3).

¹⁷⁹ N.Y. ECL § 9-0109 (4)(a-c).

DEC's ownership, that are used for administrative purposes, although they might not necessarily be Register-eligible.

Lastly, ECL § 9-0109 requires a HABS/HAER-level recordation of historic buildings slated for demolition prior to their removal.¹⁸⁰

Clearly, much can be said about ECL § 9-0109, including critical implications such as:

1. ECL § 9-0109 affirms the natural qualities of the forest preserve as being New York state's highest priority. The law does not allow state agencies to acquire properties for the Adirondack and Catskill Forest Preserves unless they contribute to the "wild forest" character of the preserves. Additionally, one of the qualifications for a building's maintenance is whether or not it contributes to the educational and administrative goals of the forest preserves. If a building lacks such a practical or educational use, the DEC will not maintain it and may demolish it.
2. Concerning acquisition, ECL § 9-0109 pushes historic preservation responsibilities onto non-public entities. The State avoids historic preservation in two ways: first, by declining to actively pursue and acquire historic buildings within the Adirondack and Catskill Parks, and second by refusing to accept land, specifically proffered to the state, that possesses historic structures. The requirement to "search for a private purchaser," in reality, happens rarely.¹⁸¹ The state's refusal to acquire historic properties places a

¹⁸⁰ N.Y. Public Buildings Law § 63: Protection and management of state historic and cultural properties.

¹⁸¹ ECL § 9-0109 (3).

burden upon outside entities to pursue preservation opportunities in the forest preserve.

3. ECL § 9-0109 permits the state to maintain existing historic properties on forest preserve land, but does not legally require maintenance. The exact wording of the text reads that these properties “may be maintained” if the historic properties meet certain requirements—the buildings’ ability to provide “public enjoyment and understanding” of the forest preserve, their potential to provide recreational opportunities, or their register-eligible or listed status.¹⁸² Absent any of these, the DEC may preserve a structure at its discretion.¹⁸³ ECL § 9-0109 does not provide explicit guidance for reuse of saved historic properties, and so outside entities play a major part in the preservation of existing buildings on forest preserve land. The DEC can provide restoration or preservation funding for historic structures on forest preserve land through Environmental Protection Fund grants, but these grants only finance “capital projects” on public land.¹⁸⁴ The DEC cannot use EPF funds to directly pay for staff (however, non-profits who receive money through EPF grants can use it to hire staff).¹⁸⁵ This necessitates the intervention of a non-profit that can provide additional employee funding, or, more often, volunteer bodies to ensure the ongoing use and maintenance of

¹⁸² ECL § 9-0109 (4)(b).

¹⁸³ ECL § 9-0109 (4).

¹⁸⁴ Department of Environmental Conservation, “Environmental Protection Fund,” New York State, 2017. <http://www.dec.ny.gov/about/92815.html> (accessed 3/18/2017.)

¹⁸⁵ Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

the historic resource. Before the DEC spends money to save a building, it needs to know that a partner will fill this management gap.

ECL § 9-0109 thus places severe limitations on the state's ability to engage with historic preservation in the forest preserves. In accordance with this text, the DEC's only methods of preserving historic sites within the Catskill forest preserve is either 1) to classify a specific building within the administrative land use category (a classification further discussed later in the chapter, but which does not ensure a building's long-term preservation) or 2) enter into a stewardship agreement with a non-profit agency. It seems incongruous that despite New York State's avowed commitment to the preservation of its built resources, the State sidesteps responsibilities concerning structures on forest preserve land.

Section 14.09

The New York State Historic Preservation Office engages with the forest preserve through Section 14.09 consultation, New York State's version of Section 106. Section 14.09 was established by the 1980 State Historic Preservation Act, which also created the State Register of Historic Places and made state entities the stewards of historic properties under their ownership.¹⁸⁶ Section 14.09 of that act requires that state agencies participating in an "undertaking" that will impact a historic property "avoid or mitigate adverse impacts" to registered or eligible property.¹⁸⁷ It further requires that "every agency shall fully explore all feasible and prudent alternatives and give due consideration to feasible and prudent plans which avoid or mitigate adverse impacts on such

¹⁸⁶ New York State Historic Preservation Act of 1980.

¹⁸⁷ N.Y. Parks, Rec, and Hist. Pres L § 14.09 (2016).

property.”¹⁸⁸ As with Section 106, any member of the public can identify themselves as an “interested party” to Section 14.09 consultation and express their thoughts and objections in response to a proposed undertaking.¹⁸⁹

In reality, Section 14.09 is not applicable with great frequency in the Catskill Forest Preserve.¹⁹⁰ New construction within the forest preserve is rare, since it conflicts with the state’s commitment to keep the land “forever wild.” Section 14.09 consultation that does occur often concerns archaeology, as there are few historic buildings remaining.¹⁹¹ Section 14.09 applications often concern recreational features such as boat launches, or municipal improvements such as wells, fences, or “riparian buffers.”¹⁹²

However, in cases where Section 14.09 concerns historic properties in the forest preserve, the legislation has about as many teeth as its federal progenitor, Section 106. The state agency considering the undertaking must consider the impacts of its actions on historic properties—and consider “feasible and prudent” alternatives—but are not ultimately required to pursue an alternative, only to enter into consultation and to give such alternatives “due consideration.”¹⁹³ During the consultation process, the state can request mitigation to lessen the impact of the proposed project.

In the case of Section 14.09 in the forest preserve, wilderness almost always trumps historic preservation. And classifying a site as “wilderness” or “wild forest” often requires an erasure of human culture from the landscape. In cases of demolition, both

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, March 30, 2017, 2017.

¹⁹¹ Ibid, February 10, 2017.

¹⁹² Ibid; New York Office of Parks, Recreation, and Historic Preservation, Project Summary Reports, Section 14.09 Consultation, 2014-2017.

¹⁹³ N.Y. Parks, Rec, and Hist. Pres L § 14.09 (2016).

Section 14.09 and ECL § 9-0109 accept the same form of mitigation—HABS/HAER level documentation. In reality, recordation often does not rise to the national HABS/HAER standard, but instead meets recordation standards set by New York State. This includes digital photography, a written history of the property, a site plan, maps, and architectural plans if available.¹⁹⁴ This was the mitigation for the removal of the Coykendall Lodge. While recordation remains a valuable preservation tool in instances when a building cannot feasibly be saved, it should always be an agency’s last possible resort. Therefore, while in principle Section 14.09 remains a valuable process, in that it requires state agencies to consider the effects of their actions, in practice it ultimately yields little power to save historic buildings in the forest preserve.

Implementation of Legislation

While Article XIV and ECL § 9-0109 serve as the legislative underpinning for treatment of buildings in the forest preserves, the DEC ultimately manages the Catskill Forest Preserve according to the regulations of the Catskill Park State Land Master Plan (2008). The plan identifies individual units within the forest preserve and their land use classifications, as well as lists the permissible activities within these areas. The plan denotes 6 land use classifications:

Wilderness: As stated by the Catskill Park State Land Master Plan,

“a wilderness area, in contrast with those areas where man and his own works dominate the landscape, is an area where the earth and its community of life are untrammelled by man—where man himself is a visitor who does not remain. A wilderness is further defined to mean an area of

¹⁹⁴ John Bonafide, Director of the Technical Preservation Bureau & Agency Preservation Officer, New York Historic Preservation Office, telephone conversation with Carolyn Zemanian, February 23, 2017.

state land or water having a primeval character, without significant improvements or permanent human habitation, which is protected and managed so as to preserve and where necessary, enhance and restore its natural conditions.”¹⁹⁵

Within the Catskill Forest Preserve, there are 5 land units identified as “wilderness” land areas: Big Indian Wilderness, Hunter-West Kill Wilderness, Indian Head Wilderness, Slide Mountain Wilderness, and Windham Blackhead Range Wilderness. The land in these units totals 143,000 acres, or 51% of the preserve.¹⁹⁶

Wild Forest:

“A wild forest is an area of Forest Preserve land whose character as a natural plant and animal community receives the same degree of protection under Article XIV...as in areas classified as wilderness, but which differs from wilderness in that generally [1] the physical characteristics of wild forest areas are capable of withstanding higher levels of recreational use, [2] wild forest areas convey less of a sense of remoteness and provide fewer outstanding opportunities for visitors, and therefore [3] wild forest areas are managed to provide opportunities for a greater variety of recreational activities and a higher intensity of recreational use.”¹⁹⁷

There are 14 wild forest units in the Catskill Forest Preserve: Balsam Lake Mountain Wild Forest, Bluestone Wild Forest, Colgate Lake Wild Forest, Delaware Wild Forest, Dry Brook Ridge Wild Forest, Elm Ridge Wild Forest, Halcott Mountain Wild Forest, Kaaterskill Wild Forest, Overlook Mountain Wild Forest, Phoenicia-Mount Tobias Wild Forest, Rusk Mountain Wild Forest, Shandaken Wild Forest, Sundown Wild Forest, and Willowemoc Wild Forest. Wild forests include 130,000 acres or 47% of the preserve.¹⁹⁸

¹⁹⁵ DEC, *Catskill Park State Land Master Plan* (2008), 31.

¹⁹⁶ *Ibid.*, i.

¹⁹⁷ *Ibid.*, 38.

¹⁹⁸ *Ibid.*, i.

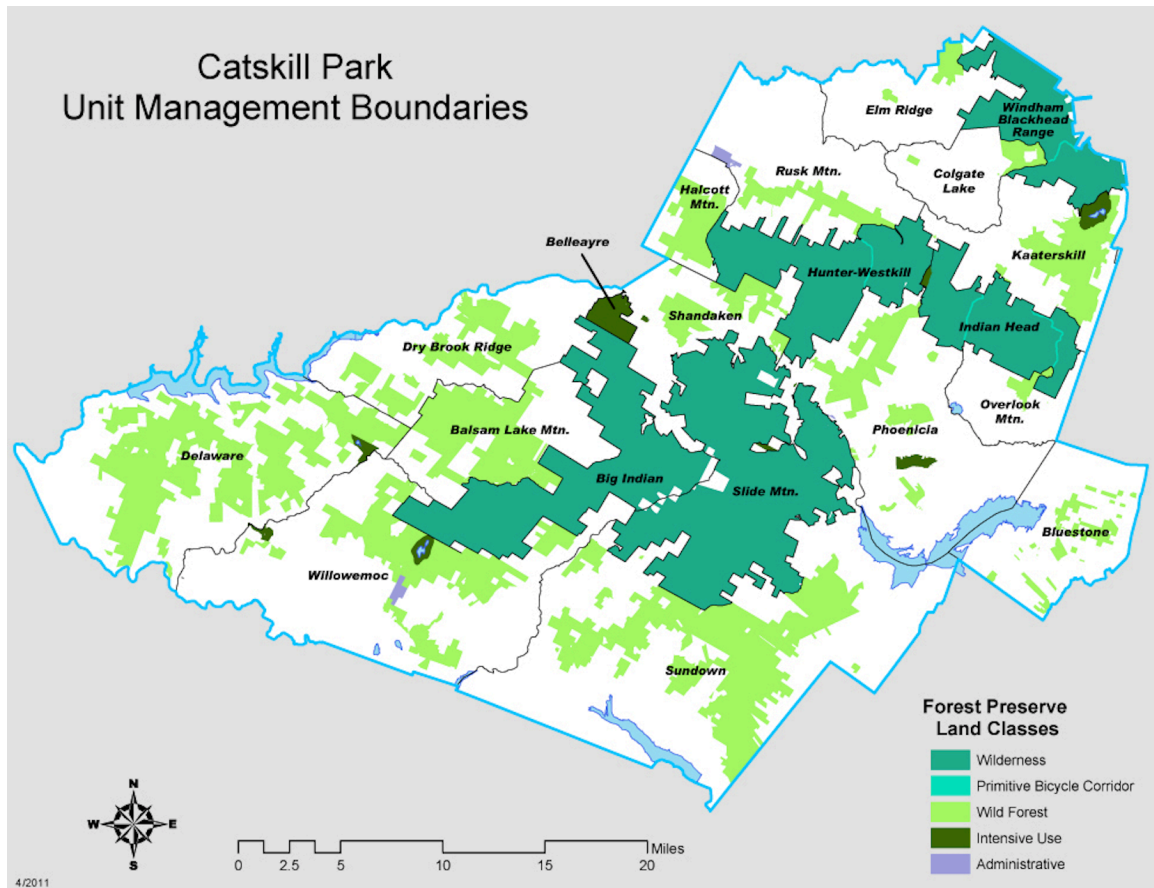


Figure 11

Land classification boundaries within the Catskill Forest Preserve. Map from the New York Department of Environmental Conservation.

<http://www.dec.ny.gov/lands/46629.html>

Intensive Use: Intensive use areas support “an array of outdoor recreational activities...appropriate to a wild forest setting...[that can] accommodate relatively high densities of visitors while conforming in design and intensity of development with the wild character of the forest preserve.”¹⁹⁹ Examples include “campgrounds, day use areas, fishing access sites, ski centers, and visitors information centers.”²⁰⁰ There are 11

¹⁹⁹ Ibid, 48.

²⁰⁰ Ibid.

intensive use units in the forest preserve, amounting to 5,580 acres or 2% of the preserve.²⁰¹

Administrative Area: “An Administrative Area is an area of State land within the Catskill Park under the jurisdiction of the Department of Environmental Conservation, which was acquired and is managed for other than forest preserve purposes.”²⁰² These include DEC offices and other facilities. There are 6 Administrative areas in the Catskill Forest Preserve, amounting to 824 acres or .3% of the preserve.²⁰³

Primitive Bicycle Corridor: “A linear area of Forest Preserve land, adjacent to or going through, a Wilderness Area, where bicycles are permitted, but is otherwise managed as wilderness.”²⁰⁴ In the Catskill Forest Preserve, there are 4 primitive bicycle corridors, comprising 156 acres, or less than .1% of the preserve.²⁰⁵

Conservation Easements: There are three conservation easements within the Catskill Forest Preserve, comprising 514 acres or .2% of the preserve.²⁰⁶

Each of these six classifications is subject to basic guidelines governing permitted land use and activities. Some of these land use classifications geographically overlap with others (in particular, the Primitive Bicycle Corridors and Conservation Easements). Guidelines in Wilderness and Wild Forest address broad concerns such as recreational uses, motorized vehicles, bicycles, roads, “structures and improvements,” the introduction of plant and animal species, fishery management, boundary markers, and

²⁰¹ Ibid, i.

²⁰² Ibid, 55.

²⁰³ Ibid, i.

²⁰⁴ Ibid, 46.

²⁰⁵ Ibid, i.

²⁰⁶ Ibid.

signage.²⁰⁷ The guidelines for each land use category also include a list of activities and items that are “non-conforming” within the boundaries of that designation. The plan defines a non-conforming use as “any structure, improvement, or human use that does not comply with the guidelines specified in the Master plan for the land classification where it exists or would take place.”²⁰⁸ In Wilderness and Wild Forest areas, non-conforming structures include any structure with the exception of Adirondack lean-tos, pit privies, foot and horse bridges, trail markers and other signage, trout spawning structures, and bear-proof boxes.²⁰⁹ The plan notes that non-conforming structures “will be phased out as rapidly as possible.”²¹⁰

Traditionally, the DEC has considered historic buildings within the forest preserve to be non-conforming. This determination contributed at least partially to past demolitions of historic properties in the forest preserve, including, as recently as 2008, the removal of the Coykendall Lodge. Although other considerations have also driven the DEC’s decision to demolish—including the lack of a practical reuse for a building or advanced deterioration—buildings’ “non-conforming” nature within the forest preserve certainly contributed to their removal.

The term “non-conforming” was first officially used, to the author’s knowledge, in the 1985 Catskill Park State Land Master Plan, but as described in the previous chapter, the concept of buildings as inappropriate within a natural setting predates the master plan. The DEC’s application of this classification to historic structures almost certainly alleviated internal pressure during decisions concerning demolition. The

²⁰⁷ Ibid, 33-37.

²⁰⁸ Ibid, 81.

²⁰⁹ Ibid, 33-37.

²¹⁰ Ibid, 34.

preservation of natural resources, and not of historic buildings, is the major tenet of forest preserve management.

The 2008 Catskill Master plan possesses a single section addressing historic preservation. The plan reiterates the DEC's commitment to "the appropriate treatment of historic resources within the Catskill Forest Preserve," acknowledging state agencies' obligations to act as "stewards" under the State Historic Preservation Act.²¹¹ The plan identifies five forest preserve properties as on or eligible for the State or National Register of Historic Places; these are the Coykendall Lodge and Fish Hatchery, and the fire towers located at Balsam Lake, Hunter Mountain, Red Hill, and Tremper Mountain.²¹² Four remain today; the DEC demolished Coykendall Lodge in 2008. The plan identifies a crucial weakness of historic preservation in the forest preserve: with the exception of these properties, "no systematic inventory of historic properties has been undertaken within the Catskill Forest Preserve."²¹³

Finally, the master plan reiterates the State's avoidance of historic preservation in the forest preserve, stating that "except as provided for in ECL § 9-0109, the maintenance of historic properties, particularly standing structures, is considered to be inconsistent with the wild forest character of the Forest Preserve."²¹⁴ As described previously, ECL § 9-0109 gives the DEC limited leeway to maintain historic buildings in the forest preserve, but no real authority to engage in proactive historic preservation without a community partner.

²¹¹ Ibid, 26.

²¹² Although unlisted in the State Land Master Plan, there are two additional historic resources in the Forest Preserve, listed on the National Register of Historic Places. The Beaverkill Bridge, a historic wooden covered bridge, was listed 2007. The Frank D. Layman Memorial, a stone pillar erected in honor of a local firefighter who lost his life in a forest fire, was listed 2003.

²¹³ DEC, *Catskill Park State Land Master Plan* (2008), 26.

²¹⁴ Ibid, 27.

Despite the shortcomings of the 2008 State Land Master Plan, its approach towards historic buildings is a vast improvement on the document's preceding iteration. The 1985 Catskill Park State Land Master Plan possesses only a single paragraph addressing the treatment of historic properties, reinforcing that "historic structures located on Forest Preserve lands that are not essential to the administration and protection of those lands are considered non-conforming."²¹⁵ Then, as today, the 1985 master plan delegated the identification and treatment of non-conforming historic structures to individual unit management plans, yet unlike the 2008 plan, the 1985 version does not include a list of non-conforming structures. This earlier omission further reinforced the State's reluctance to plan for the treatment of forest preserve historic buildings.

Each of the five "Wilderness" units and fourteen "Wild Forest" units possesses a guiding document, called the unit management plan (UMP), describing the land boundaries of the unit, and the physical, biological, historic, and cultural resources within that unit, as well as its permissible recreational uses. Each UMP also outlines proposed goals and future management of the unit and its resources. Every UMP also incorporates public input, gathered at public hearings, to ensure that local community members have a say in the management of the forest preserve. The Master Plan requires that each UMP be revised every 10 years.²¹⁶ A DEC staff member, often a forester, acts as a unit manager, in charge of implementing the vision outlined in their unit's plan.²¹⁷ The DEC crafts the text of every UMP in keeping with the guiding principles of the Catskill Park State Land

²¹⁵ DEC, *Catskill Park State Land Master Plan* (1985), 16.

²¹⁶ DEC, *Catskill Park State Land Master Plan* (2008), 58.

²¹⁷ Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, March 30, 2017, 2017.

Master Plan, yet resource management within each unit is considered on an individual basis.

A review of the Catskill unit management plans reveals no lockstep uniformity to the enforcement of the master plan's recommendation to "phase out" (i.e. remove) non-conforming structures.²¹⁸ For example, in one particularly strict UMP, concerning the Willowemoc Wild Forest (1991), the plan proposes the removal of the remains of a stone foundation—a near total elimination of human culture on the site. (A gravestone was permitted to remain).²¹⁹ However, the DEC has taken a different approach in the Overlook Mountain Wild Forest Unit. The Overlook Mountain House, a grand hotel originally constructed in 1833, burned several times, most recently in the 1960s.²²⁰ Today, the building's concrete shell is all that remains. The building is listed as "non-conforming" within the wild forest's unit management plan, and yet its massive skeleton has persisted for a half-century.²²¹ In 1999, the DEC considered multiple possible treatments of the ruins, ultimately deciding against complete demolition due to lack of funding, the "formidable challenge" of destroying the "thick concrete walls," and because of "public preference to save the structure."²²² The Overlook Mountain House is a well-loved landmark alongside a frequented hiking trail; a quick Google image search reveals hundreds of images of the building's skeletal remains, taken by visitors reveling in the picturesque quality of the forlorn ruins. The DEC has chosen to erect "iron fencing or

²¹⁸ Department of Environmental Conservation, *Catskill Park State Land Master Plan* (2008), 31.

²¹⁹ Department of Environmental Conservation, *Willowemoc Wild Forest Unit Management Plan*, (Albany: Department of Environmental Conservation, 1991), 70.

²²⁰ Kimberly Wadsworth, "Overlook Mountain House: The Skeletal Remains of a Catskills Hotel that Still Welcomes Visitors," *Atlas Obscura*, October 30, 2013. <http://www.atlasobscura.com/articles/overlook-mountain-house> Accessed 4/19/17

²²¹ Department of Environmental Conservation, Division of Lands and Forests, *Overlook Mountain Wild Forest Management Plan*, (Albany: Department of Environmental Conservation, 1999), 20.

²²² *Ibid.*

grates to close off accessible stair and window openings and drop offs,” protecting the State from injury liability, while allowing visitors to continue to explore the ruins.²²³ The agency cited public preference as a crucial factor in their decision to take this step, noting that “comments strongly favored maintaining some public access to parts of the complex.”²²⁴ Although not stated outright as such, the DEC’s decision to retain the Overlook Mountain House is a recognition that historic preservation can improve a visitor’s forest preserve experience.



Figure 12

Ruins of the Overlook Mountain House, 2010. Photo from Wikimedia Commons.
https://commons.wikimedia.org/wiki/File:Overlook_Mountain_House.jpg

However, aside from the visitor safety measures, the DEC intends to take no actions to maintain the Overlook Mountain House, believing that its eventual

²²³ Ibid.

²²⁴ Ibid.

deterioration will return the site to a “forever wild” state. The DEC also accelerated the rewilding of the site by planning for the removal of four other buildings—two hunting cabins, a two-story administrative building, and a concrete garage, leaving only the Mountain House remains.²²⁵

Prisons

A unique anomaly of the New York Forest Preserves is the prisons. Eleanor Brown’s *The Forest Preserve of New York State: A Handbook for Conservationists* records four prisons on “forever wild” land in the Adirondack Forest Preserve.²²⁶ These are classified as “State Administrative Areas,” within that preserve.²²⁷ Despite questions surrounding the constitutionality of these complexes on “forever wild” land, the prisons remain, perhaps due to employment opportunities for local residents. No prisons exist in the Catskill Forest Preserve.

Historic Preservation in the Forest Preserve

Contradictory and unclear legislation can be pinpointed as the source of the historic preservation problem in the Catskill Forest Preserve. Forest preserve legislation seemingly avows the State’s commitment to historic preservation on the one hand, while on the other eagerly avoids entanglement with any historic structures at all.

Major managerial challenges facing historic preservation in the Catskill Forest Preserve include a lack of funding, the DEC’s prioritization of natural values over

²²⁵ Ibid, 21.

²²⁶ Brown, *Forest Preserve Handbook*, 135-136.

²²⁷ Department of Environmental Conservation, “State Land Classifications,” New York State, 2017. <http://www.dec.ny.gov/lands/7811.html> (accessed 4/7/17.)

historic buildings, and the legislative need for the DEC to pair with an outside, community partner each time they wish to preserve a historic building. This last item, in particular, proves tricky and complicated.

As will be further discussed in the upcoming chapter, one of the preservation successes in the Catskill Forest Preserve has been the restoration and reuse (as educational sites and hiker destinations) of five obsolete fire towers. A number of non-profits participated in the restorations of the Catskill Fire Towers, under the umbrella leadership of the Catskill Center for Conservation and Development and the DEC; the Catskill Center still continues to oversee fire tower volunteers. This arrangement has proved far simpler than most. In the Adirondacks, the DEC has paired with various local non-profits and municipalities, and seasonal operations of the fire tower might be overseen by the unit's forester, or by a ranger, or by the recreation operations staff.²²⁸ But no clear playbook exists for stewardship of historic resources in the forest preserve.

²²⁸ Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017, 2017.

CHAPTER 5: CASE STUDIES

The following chapter contains three examples of historic preservation in the New York Forest Preserves: two from the Catskill Forest Preserve and one from the Adirondacks. The first case study, the Lower Birch Creek Road Parcel, describes the use of a 19th century farm by the DEC as an Administrative Area. The second case study, the Catskill Fire Towers, describes a proactive intervention by local non-profits, who entered into a partnership with the DEC to accomplish their goal of restoring these landmark structures. The third case study, the Adirondack Forest Preserve's spectacular Great Camp Santanoni, serves as an example of how long-term collaboration between a non-profit and the DEC has raised both public and State awareness of the value of historic preservation to the forest preserve.

These examples support that historic preservation successes within the Forest Preserves occur as a result of dedicated advocacy by non-profits and Friends groups. This chapter is intended to serve as a blueprint of how historic preservation transpires within the legislative and management constraints of the Catskill and Adirondack Forest Preserves.

Lower Birch Creek Road Parcel

The Shandaken Wild Forest contains numerous traces of prior human settlement—perhaps the largest amount of any unit of the forest preserve. Its unit management plan (UMP) notes:

“Many remnants of farms, tanneries, sawmills, and bluestone mining can be found throughout the forest preserve, including the lands which make up the Shandaken

Wild Forest. Many foundations and remnants of old roads still exist throughout the unit and attract visitors interested in the history of the area. This is especially true of the visitors to Rochester Hollow, an area with significant remnants of past use.”²²⁹

The Shandaken Wild Forest UMP possesses a brief section on “historic resources,” which include the John Burroughs Memorial Forest, site of the no longer extant home of a famous naturalist and writer, and the lengthy Shandaken Tunnel, a 1923 water supply tunnel and “man-made marvel” connecting two New York reservoirs.²³⁰ The UMP also lists three categories of existing structures: “improved springs/water lines,” a springhouse at Rochester Hollow, and a 19th century farm complex at Lower Birch Creek Road Parcel.²³¹

Rochester Hollow is the site of the former estate of one Colonel William Rochester, who purchased multiple farmsteads in the Catskills on his quest to amass a large estate.²³² Today, all that remains of his acquisitions are a springhouse, stone gate columns, and the foundations of a garage. Until the 1970s, the DEC used the main dwelling on the site—the Colonel Rochester House—as a trail maintenance headquarters, but demolished the deteriorating 19th century dwelling and its outbuildings in 1984.²³³ The department then moved its trail maintenance operations to a “shack” elsewhere in the preserve.²³⁴ In 1999, the DEC again shifted its headquarters to the former Reisser Farm on the Lower Birch Creek Road Parcel, designating the site an Administrative Area.²³⁵

²²⁹ , *Shandaken Wild Forest Unit Management Plan*, 5.

²³⁰ Ibid.

²³¹ Ibid, 7.

²³² Ibid, 2.

²³³ Ibid, 10-11.

²³⁴ Ibid.

²³⁵ Ibid.

The Lower Birch Creek Road Parcel contains “a two story wood frame house, [a] large post and beam barn, [a] small cottage, [a] wood house, [a] workshop, [a] sugar shack, [a] spring house, fenced gardens and [an] outdoor fireplace.”²³⁶ These buildings comprised the 19th century Reisser Farm. The Reissers, New York City dentist Otto and his wife, Elisabeth, purchased the property in 1942 and used it as their summer refuge rather than operating it as a true farm. Following Elisabeth’s death in 1999, the property passed to the State to become “forever wild” forest land.²³⁷

However, the state did not demolish the Reisser farm. Instead, the Catskill Park State Land Master Plan classifies the property as an Administrative Area, or “an area managed for other than forest preserve purposes.”²³⁸ The Lower Birch Creek Road Parcel possesses this separate designation, even though it lies within the Shandaken Wild Forest. The Shandaken Wild Forest UMP calls for the removal of only one structure, the woodshed, which “serves no administrative purpose and therefore will be removed.”²³⁹ However, an earlier, draft version of the UMP called for additional removals—namely of the sugar shack, historically the site of small-scale maple syrup production. Public comments, appended at the rear of the final UMP, show that the DEC bowed to pressure to preserve this structure and provide increased protection of the Lower Birch Creek Road Parcel. Original plans classified the site as “intensive use,” which would have

²³⁶ Ibid, 7.

²³⁷ Ibid, 1.

²³⁸ DEC, *Catskill Park State Land Master Plan* (2008), 35.

²³⁹ DEC, *Shandaken Wild Forest Unit Management Plan*, 16.

allowed a higher density and wider scope of recreational uses on the site.²⁴⁰ In particular, the public objected to plans to install visitor parking in place of the sugar shack.²⁴¹



Figure 13

Sugar Shack, Lower Birch Creek Road Parcel. Photo from the New York Department of Environmental Conservation. <http://www.dec.ny.gov/lands/75328.html>

Comments reflect the public’s appreciation of the Reisser farm as a historic resource. One member of the public insisted, “the site should be restored gradually and a public hearing should be held to determine what the community wishes their ultimate use to be.”²⁴² To this, the DEC responded, “The Buildings have been included in the Administrative Use Area and will remain at this time. Potential use of the buildings will

²⁴⁰ DEC, *Catskill Park State Land Master Plan* (2008), 48.

²⁴¹ DEC, *Shandaken Wild Forest Unit Management Plan*, 91.

²⁴² *Ibid*, 92.

be discussed during the five year revision planning period.”²⁴³ A second comment recommended the restoration of the farm’s “fruit trees, berry patches, and vegetable gardens to their original historical function.”²⁴⁴ The DEC declined, responding, “The Lower Birch Creek Road Parcel is within the Forest Preserve and managed as such. Manipulation of habitat, including the fruit trees, berry patches, and vegetable gardens would be inconsistent with the forever wild character of the forest preserve, as determined by Article XIV of the New York State Constitution.”²⁴⁵ The irony of this assertion, of course, is that the DEC has manipulated the habitat of the preserve for a hundred years: replanting lost trees, installing trails, and removing traces of human settlement.

The DEC clearly recognizes the historical appeal of the Shandaken Wild Forest unit; as mentioned previously, the UMP asserts that remainders of human settlement within the Wild Forest “attract visitors interested in the history of the area.”²⁴⁶ The agency’s classification of the historic Reisser farm as an Administrative Area provides the buildings with a practical use, and therefore renders them deserving of maintenance funds. But the administrative designation is not a concrete form of historic preservation. It is not an especially replicable approach for other buildings in the preserve, and it does not provide lasting protection to the Reisser Farm. For example, the Colonel Rochester House, which formerly served the exact same purpose within the preserve, fell the wrecking ball in 1984. The DEC could legally reclassify the Reisser Farm at any time, thereby leaving the buildings at risk.

²⁴³ Ibid.

²⁴⁴ Ibid, 93.

²⁴⁵ Ibid.

²⁴⁶ Ibid, 5.

Is it likely the DEC would demolish the farmstead? Possibly not, especially considering public interest in the site. But classifying the Reisser Farm as an Administrative Area does not lastingly protect the site from the “forever wild” provision.

Catskill Fire Towers

The State of New York erected Hunter Mountain Fire Tower, the first of the Catskill Fire Towers, in 1909. Its installation shortly followed periods of devastating forest fires in 1906 and 1908.²⁴⁷ The original fire towers were wood and 40 feet tall, their sites scattered across mountaintops to ensure visual coverage. The towers’ steel replacements, which arrived beginning in 1917, were taller (between 47 and 60 feet) and of more durable construction.²⁴⁸ One hundred and two fire towers dotted the peaks of the Catskills, Adirondacks, and New York state parks by 1970, each manned by an observer whose job was to scan the treetops for signs of smoke.²⁴⁹ Nineteen of these towers protected the Catskills Mountains.²⁵⁰

²⁴⁷ John A. Bonafide, “Hunter Mountain Fire Tower,” National Register of Historic Places Inventory/Nomination Form. NYS Office of Parks, Recreation, and Historic Preservation, Waterford, April 11, 1997. Section 8, Page 2- 3.

²⁴⁸ Department of Environmental Conservation & The Catskill Center for Conservation and Development, “Fire Towers of the Catskills,” (Albany: Department of Environmental Conservation, 2008.) http://www.dec.ny.gov/docs/lands_forests_pdf/catskillsfiretower.pdf. (accessed 4/5/2017.)

²⁴⁹ Wes Haynes, “Fire Observation Stations of the New York State Forest Preserve,” National Register of Historic Places Inventory/Nomination Form: Multiple Property Listing, Adirondack Architectural Heritage, Keeseville, July 26, 2001. Section E, page 4.

²⁵⁰ DEC & CCCD, “Fire Towers of the Catskills.”



Figure 14

The original 1909 Hunter Mountain Fire Tower. From the New York State Department of Environmental Conservation.

https://en.wikipedia.org/wiki/Hunter_Mountain_Fire_Tower#/media/File:1909_Hunter_Mountain_firetower.jpg



Figure 15

Balsam Lake Fire Tower, 2008. Photo by Daniel Case.

https://commons.wikimedia.org/wiki/File:Balsam_Lake_Mountain_fire_tower.jpg

However, in 1970 aerial detection flights diminished the usefulness of the existing fire tower system.²⁵¹ The DEC discovered that pilots flying over the preserve could more accurately detect signs of forest fire over a greater range of territory. Additionally, each

²⁵¹ Marty Podskoch, "High Five: Determined citizens group save a handful of the towers that once protected the forests of the Catskills," *Woodstock Times*, December 2, 1999, 22-23.

of the fire towers cost “approximately \$12,000 a year to staff and maintain;” by using the new flight system, the DEC could shave \$250,000 off of its budget for the Catskill and Adirondack Forest Preserves.²⁵² The Catskills’ Mount Tremper Tower closed first, in 1971.²⁵³ Red Hill Tower, the last operational fire tower in the region, closed in 1989.²⁵⁴

Following the towers’ closure, the DEC began assessing the futures of these structures. The State sold a number of the 110 to private entities; others were disassembled. Most towers went unmaintained and began to decay.²⁵⁵ There was, after all, no money in the DEC budget for the preservation of unused structures. Of the 19 Catskill fire towers, the DEC removed six between 1968 and 1988, and a seventh in 1999. Two exist on private land. Six remain on DEC property, but are closed to the public. Five—the towers on Balsam Lake Mountain, Hunter Mountain, Overlook Mountain, Red Hill, and Tremper Mountain—have since been restored and are open to the public.²⁵⁶ Their restoration serves as a premier example of how to accomplish historic preservation in the Catskill Forest Preserve.

In 1996, George Profous, a DEC forester, recommended the removal of the deteriorating Red Hill Fire Tower in the unit management plan for Sundown Wild Forest. As an unused structure, it would have been considered non-conforming within the wild forest unit. Despite the recommendation, Profous “hoped someone would stand up for

²⁵² Ibid.

²⁵³ Wes Haynes, “Mount Tremper Fire Observation Station,” National Register of Historic Places Inventory/Nomination Form, Adirondack Architectural Heritage, Keeseville, July 26, 2001. Section 8, page 2.

²⁵⁴ Wes Haynes, “Red Hill Fire Observation Station,” National Register of Historic Places Inventory/Nomination Form, Adirondack Architectural Heritage, Keeseville, July 26, 2001. Section 8, page 2.

²⁵⁵ Laurie Rankin, email message to author, March 6, 2017.

²⁵⁶ DEC & CCCD, “Fire Towers of the Catskills.”

saving the tower.²⁵⁷ On its own, the DEC had no process for the preservation of the structure. The agency could not practically reuse the fire tower as an administrative area.

The tower's proposed removal upset citizens from the nearby town of Claryville, who reached out with their objections to the Catskill Center for Conservation and Development.²⁵⁸ The mission of this regional non-profit is "to protect and foster the environmental, cultural and economic well-being of the Catskill region," and the Center has a history of promoting and engaging in regional historic preservation.²⁵⁹ Helen Budrock of the Catskill Center organized a meeting with Profous and advocates from the Adirondack Mountains, who had recently triumphed in their restorations of Adirondack fire towers once slated for destruction. Coming out of the meeting, the DEC and the Catskill Center elected to work together to accomplish the restoration of all five fire towers, recognizing that the Hunter Mountain, Overlook Mountain, Balsam Lake Mountain, and Mount Tremper Towers were similarly at risk within the forest preserve.²⁶⁰

The first point of order for the Catskill Fire Tower Restoration Project was the organization of five separate, local committees to "adopt" the fire towers through the

²⁵⁷ Marty Podskoch, "High Five."

²⁵⁸ Ibid.

²⁵⁹ The Catskill Center for Conservation & Development, "Mission, Board, & Staff," 2017. <http://catskillcenter.org/what-we-do/>; The Catskill Center partnered with the MARK project, a non-profit focused on economic development, small business development, and affordable housing, to completely restore the c1860 Pakatakan Round Barn, in Halcottsville, NY. Today the barn is the site of a popular farmer's market. The Center also purchased the Thomas Cole House in the 1970s, stabilized the structure, and located a private owner willing to complete appropriate repairs. Today the house is a National Historic Site under the stewardship of the Park Service. (Information summarized from phone interview with Erik Johanson).

²⁶⁰ Marty Podskoch, "High Five."

DEC's "Adopt a Natural Resource Program."²⁶¹ The committees would each oversee the restoration of their particular fire tower. The Catskill Center and the committees heavily focused on fundraising efforts, selling T-shirts and fabric patches, engaging in letter writing campaigns, organizing booths at festivals, and holding a wide variety of raffles and benefits. The Red Hill Tower Committee also wrangled a \$10,000 state grant.²⁶² To fund the restoration of all five towers, the groups needed to raise \$75,000.²⁶³ Although the groups accomplished much of their fundraising separately, they operated under the same umbrella structure headed by the Catskill Center and the DEC, and ultimately pooled funds. These donations provided for the restoration of the towers.

While the Catskill Center focused on fundraising, the DEC organized the towers' physical restoration.²⁶⁴ The department paid for engineering studies to identify the necessary repairs for each tower. Hunter Mountain Tower needed flood repairs, as well as a new roof, windows, and doors.²⁶⁵ Balsam Lake Tower received a new, custom stainless steel-roof, which was installed using volunteer labor from steelworkers as well as AmeriCorps members.²⁶⁶ Damage from vandalism and from nesting porcupines was common throughout all of the towers. The fundraising and restorations remained on

²⁶¹ Marty Podskoch, "High Five"; Department of Environmental Conservation, "Adopt-A-Natural-Resource Stewardship Program," New York State, 2017. <http://www.dec.ny.gov/regulations/2568.html> (accessed 3/18/2017.)

²⁶² Marty Podskoch, "High Five."

²⁶³ Ibid.

²⁶⁴ Hubert Herring, "Views of the Catskills and a Peek at the Past," *The New York Times*, November 5, 2000.

²⁶⁵ Helen Budrock and George Profous, "Tower Updates: Hunter Mountain," *Catskill Lookouts: A Newsletter of the Catskill Fire Tower Restoration Project 2*, Winter 1997: 4.

²⁶⁶ Laurie Rankin, email message to author, March 6, 2017.

track, and the Catskill Center, Friends Groups, and DEC met their goal of opening all five towers by 2000.²⁶⁷

Today, the fire towers have become popular hiker destinations. The DEC website touts their “incredible views” and provides directions to hiking trails associated with the resources.²⁶⁸ The DEC heavily regulates tree-cutting in the Catskill Forest Preserve. The fire towers, looming 40-60 feet above the ground, provide 180-degree views of the mountains and treetops unavailable elsewhere in the preserve. The fire towers are open to the public every Saturday and Sunday between Memorial Day and Columbus Day. A network of more than 100 volunteers act as “summit stewards,” answering questions for the public about the history of the fire towers and the forest preserve.²⁶⁹ The most popular tower, on Overlook Mountain near Woodstock, might see thousands of visitors in a single weekend.²⁷⁰

Each fire tower has a donation box outside; donations fund the ongoing maintenance of the structures. Additionally, the DEC is periodically able to offer funding for various fire tower restoration and education projects. Fire tower “Friends” groups can apply for this money, which they can use for structural repairs (the replacement of damaged members, new stairs treads, etc.), interpretation (exhibits and trail guides), summer staffing, and trail improvements.²⁷² The DEC can spend money on the fire towers because they are in conformance with the guidance of ECL § 9-0109, which states

²⁶⁷ Laurie Rankin, email message to author, March 6, 2017.

²⁶⁸ Department of Environmental Conservation, “Fire Towers in the Catskills,” New York State, 2017. <http://www.dec.ny.gov/lands/76620.html> (accessed 3/30/2017).

²⁶⁹ Ibid.

²⁷⁰ Erik Johanson, Catskill Center for Conservation and Development, telephone conversation with Carolyn Zemanian, February 2, 2017.

²⁷² Charles Vandrei, Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, March 30, 2017; Steven Engelhart, Executive Director, Adirondack Architectural Heritage, telephone conversation with Carolyn Zemanian, February 8, 2017.

that the Agency may maintain structures that contribute to “public enjoyment” of the preserve, if their preservation does not “disturb the...wild forest character of the land.”²⁷³

Despite these funds, volunteer labor remains essential for the success of the fire towers, as the funding does not cover staffing needs. The Catskill Center, which is engaged in a Volunteer Stewardship Agreement with the DEC, collaborates with volunteers to ensure the towers remain open and staffed for the summer season.²⁷⁴

The successful preservation of the fire towers is unusual in a number of ways. First, the fire towers possessed fierce advocates in the form of the public and the non-profits involved with the restoration. Outside of the Catskill Center and the five restoration committees, other supportive partners included the Forest Fire Lookout Association, the Platte Cove Community, AmeriCorps, a steelworker’s association, and other groups, all of whom contributed their expertise and enthusiasm to the Catskill Fire Tower Restoration Project. Early advocates of the Catskill Center Fire Tower Restoration Project shrewdly viewed the fire towers not only as historic resources worthy of preservation, but as a hiker and ecotourist attraction that might “boost regional tourism and economic development.”²⁷⁵ The Catskills region is dependent on tourism, and has, for decades, lacked a booming economy. Casting the fire towers as an economic boon would likely attract additional supporters, especially locals who might not feel as passionately about preserving the towers for their history alone.

Second, the towers had a supporter within the DEC—George Profous—who believed in their value and sought ways to partner with outside leadership. Profous’s

²⁷³ N.Y. ECL § 9-0109 (4)(b).

²⁷⁴ Erik Johanson, Catskill Center for Conservation and Development, telephone conversation with Carolyn Zemanian, February 2, 2017.

²⁷⁵ George Profous, “Catskill Fire Tower Restoration Project,” Letter, March 25, 1998.

embrace of the significance of the fire towers to the forest preserve, despite their non-conforming nature, meant that the DEC adopted a can-do attitude. Their managerial support proved essential to the success of the project. Without support from the owners of the structure, the struggle to preserve the fire towers would have been exponentially more difficult.

Third, the DEC and the Catskill Center were able to identify a distinct use for the towers, one that was in conformance with legislation governing the forest preserve. As educational tools, the fire towers improve the public's enjoyment of the forest preserve, a fact proudly touted by the DEC website.²⁷⁶

Historic Preservation in the Adirondack Forest Preserve

The Adirondack Forest Preserve formed at the same time as the Catskill Forest Preserve; indeed, in 1885 the Adirondacks were the true target of environmental protection, and the Catskills a mere afterthought. At the outset, the Adirondack Forest Preserve possessed 681,000 acres, but today it has grown to more than 2,400,000.²⁷⁷ The Adirondacks serve as an excellent comparison to the Catskills, possessing a comparable settlement chronology, topographical similarities, an analogous reliance on tourism, and having emerged from, and being governed by, the same legislation.

The history of European-American settlement in the Adirondacks unfolded in a similar manner to settlement in the Catskills. Throughout the 17th and most of the 18th centuries, the majority of the region's travelers were missionaries, seeking to convert the

²⁷⁶ Department of Environmental Conservation, "Fire Towers in the Catskills," New York State, 2017. <http://www.dec.ny.gov/lands/76620.html>. Accessed 3/30.

²⁷⁷ Brown, *Forest Preserve Handbook*, 13.

native population to Christianity. In his book *Great Camps of the Adirondacks*, author Harvey Kaiser notes that most early American settlers declined to put down roots in the mountainous area with unforgiving terrain and deep and lasting winters.²⁷⁸ Kaiser claims the “area was not fully explored until the 1830s,” around the time that lumbering became the region’s driving economic force.²⁷⁹ Throughout the 19th century, logging repeatedly threatened the environmental integrity of the Adirondacks. Eleanor Brown, in *The Forest Preserve of New York State: A Handbook for Conservationists*, records that during the nineteenth century, New York supplied a third of the nation’s paper pulp, and 85% of New York’s pulp came from felled Adirondack trees.²⁸⁰ As more fully described in Chapter 2, concerns over the deforestation’s detriment to the New York City watershed birthed Article XIV, the lasting protection of the “forever wild” forests of the Adirondack and Catskill Forest Preserves.

As in the Catskills, the 19th century brought tourism to the Adirondacks; however, tourism here developed separately than did resort culture in the Catskills. As the 19th century wore on, visitors to the Adirondacks tended to be of a higher social class. The Catskill Mountains’ location closer to New York City made the region more accessible in terms of travel time and economy. Individuals traveling to the Adirondacks often had money to spend and sought exclusive accommodations. Architecture in the Adirondacks developed to reflect that reality.

Author Harvey Kaiser points to three different types of land development in the Adirondack Mountains in the Gilded Age (1870s-1880s): “the campsite located on a

²⁷⁸ Kaiser, *Great Camps of the Adirondacks*, 1.

²⁷⁹ *Ibid*, 5.

²⁸⁰ Brown, *Forest Preserve Handbook*, 21-25.

lakeshore or mountain; the club consisting of joint membership...and the private preservations of thousands of acres containing a luxurious Adirondack hunting lodge.”²⁸¹

While clubs, which often featured a shared lodge and cabins in a hunting preserve, were popular with prosperous visitors, it was the third land use—the Great Camps of the ultra-rich—which became the most well-known and admired building type within the region.

Much of the land in the 19th century Adirondacks remained in large parcels, which made it simple for wealthy families to purchase thousands of acres of land and create their own personal preserves. In the late 1800s, the wealthiest families shifted away from lakeside resorts, often overrun with newer money, and sought shelter in enormous estates where they had control over the social crowd. While early tourists to the Adirondack Mountains had relished the idea of “roughing it”—resulting in the popularity of mountainside campsites—Gilded Age barons turned this concept on its head. Their Great Camps possessed a “collection of ‘rustic’ buildings” that often included a central grand lodge for the family, multiple guest residences, and accommodations for the vast number of staff necessary to run what might essentially amount to a “small village.”²⁸² The most elaborate Camps incorporated amenities such as “working farms, greenhouses, icehouses, and occasionally even a chapel.”²⁸³ Recreational facilities such as bowling alleys, boathouses, and tennis courts abounded. Great Camps infused the notion of “comfort and luxury” with “remoteness, isolation, and [an] insistence on privacy.”²⁸⁴ Kaiser asserts that the Great Camps were “superficially stripped to essentials;” although their remote location and architectural form suggested

²⁸¹ Kaiser, *Great Camps of the Adirondacks*, 50.

²⁸² *Ibid.*, 2.

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*, xiii & 169.

primitiveness, they seldom lacked for civilized amenities. Many possessed a “complex network of underground water supply, waste collection systems, and eventually electric power lines,” systems that supported the “village”-like structure of the Camps.²⁸⁵ Alfred Vanderbilt’s massive Great Camp Sagamore could sleep up to one hundred guests.²⁸⁶

The Great Camps became the progenitors of the Adirondack Style of architecture eventually ubiquitous to the mountain region. The Adirondack Style is known for its rusticity, incorporating local, natural materials. Lodges were essentially oversized log cabins, incorporating massive granite chimneys, “simply proportioned windows and doors,” “shingled roofs with broad overhangs and porches,” and rustic detailing such as “roughly dressed [tree] limbs used to create imaginative, ornamental patterns” in architectural features such as balustrades and stair rails.²⁸⁷ The style exuded farcical simplicity; Adirondack Style buildings were masterful works of craftsmanship, carefully designed to harmonize with their environment and withstand the natural, harsh conditions of the mountains. For example, Kaiser notes that the overhang of the roofs protected foundations from the press of heavy winter snows.²⁸⁸ Architects throughout the region adopted this style, made famous by the Great Camps and lodges of the private clubs, and adapted it to residences of less impressive stature. One of the marks of success of the Adirondack Style was in the way that its usage scaled up rather than trickled down; it is cited as a forebear of National Park Service ‘parkitecture,’ widely employed in parks

²⁸⁵ Ibid, 2.

²⁸⁶ Ibid, 60.

²⁸⁷ Ibid, 2 & 64.

²⁸⁸ Ibid, 13.

throughout the twentieth century, which relied on the use of natural materials and local craftsmanship to fade buildings into the surrounding scenery.²⁸⁹

The Catskills and the Adirondacks diverged in their architectural forms. While the Adirondacks became known for a recognizably rustic style, Catskills building styles tended to be influenced more by national trends. And although the Adirondack and Catskill Forest Preserves are governed by the same legislation, and have faced many of the same challenges concerning historic preservation and the “forever wild” clause, their management structures have also deviated. Better enabling framework and a greater precedent for historic preservation exists within the Adirondack Forest Preserve.

The Adirondack Park State Land Master Plan identifies nine land classification categories: wilderness, primitive, canoe, wild forest, intensive use, historic, state administrative, wild, scenic and recreational rivers, and travel corridors.²⁹⁰ The historic area designation is of most interest for this thesis. This designation has existed since 1979.²⁹¹ Historic areas are:

“locations of buildings, structures or sites owned by the state...that are significant in the history, architecture, archaeology, or culture of the Adirondack Park, the state or the nation, that fall into one of the following categories: state historic sites; properties listed on the National Register of Historic Places; [and] properties recommended for nomination by the committee on Registers of the New York State Board For Historic Preservation.”²⁹²

The master plan also notes that “the state has committed resources to manage such areas primarily for historic objectives,” indicating that the State financially supports

²⁸⁹ Ibid, 4.

²⁹⁰ DEC & APA *Adirondack Park State Land Master Plan*, 14.

²⁹¹ Ibid, 12.

²⁹² Ibid, 40.

these areas of the preserve.²⁹³ There are five historic areas within the Adirondack Forest Preserve: Camp Santanoni, Crown Point (an archaeological site), Hurricane Mountain Fire Tower, John Brown's Farm, and St. Regis Mountain Fire Tower.²⁹⁴

The implications of the historic land classification are crucial. By making historic buildings an official designation with the Adirondack Forest Preserve, the State of New York legitimizes them, and has given advocacy groups a foothold for historic preservation. The designation remains in compliance with the restrictions of ECL § 9-0109, because the structures are used for "public enjoyment," a permissible use according to the law.²⁹⁵ Having acknowledged the value of historic sites, the DEC is more likely to appropriate funds towards their maintenance. However, the historic site classification does not guarantee funds. While the Adirondack Park State Land Master Plan lists the Hurricane Mountain and St. Regis Mountain Fire Towers as historic areas, the plan makes clear that "the Historic Area designation does not require, obligate, or anticipate expenditure of state funds for maintenance and restoration of the fire tower[s]."²⁹⁶

In contrast to the accepting tone set by the Historic Area classification, the master plan continues to emphasize that the primary value of the preserve rests in its natural qualities. The plan decrees that "all historic areas will be designed, managed, and interpreted so as to blend with the Adirondack environment and have the minimum adverse impact possible on surrounding state land and nearby private holdings."²⁹⁷ This

²⁹³ Ibid.

²⁹⁴ Ibid, 110-111.

²⁹⁵ ECL § 9-0109 (4)(b).

²⁹⁶ DEC & APA, *Adirondack Park State Land Master Plan*, 110-111.

²⁹⁷ Ibid, 42.

language suggests that the preservation of built heritage has the potential to jeopardize the wilderness value of the forest preserve.

A major component of the Adirondack's management landscape is the Adirondack Park Agency (APA). Founded in 1971, the Agency works closely with the Department of Environmental Conservation on land classification and "long-range planning" within the preserve.²⁹⁸ Primarily, the APA regulates development on private land within the larger Adirondack Park. The APA possesses "an eleven-member board and a staff consisting of 54 people;" they implement and regulate policy within the park and control permit applications to better ensure responsible development of the Adirondack region.²⁹⁹ The Agency delivers input on the management of the Adirondack Forest Preserve and provides an additional level of oversight on major decisions within the preserve. Despite the recommendations of a 1970s forest preserve study committee, no similar regulatory agency exists within Catskill Park.

New York historic preservation advocacy groups have historically engaged more frequently with the larger, Adirondack Forest Preserve. At the time of the writing of this thesis, the Preservation League of New York State had included on their 2016-2017 "Seven to Save" list the Adirondack Scenic Railroad, a passenger and freight line traversing the mountains.³⁰⁰ New York State intends to remove 34 miles of track to create a recreational trail system, even though the historic train line remains in active use.³⁰¹ A

²⁹⁸ Ibid, 11.

²⁹⁹ Adirondack Park Agency, "About the New York State Adirondack Park Agency," New York State. https://apa.ny.gov/About_Agency/index.html (accessed 3/30/2017).

³⁰⁰ "Seven to Save 2016-2017," Preservation League of New York State, 2017. <http://www.preservenys.org/seven-to-save---2016-17.html>. Accessed 3/30/17.

³⁰¹ Ibid.

lawsuit remains in court, with railroad attorneys fighting the State's plans.³⁰² The Adirondacks, too, have a wide network of Friends groups who maintain and staff the Adirondack Fire Towers. And one of Adirondack Architectural Heritage's best-known preservation victories, the restoration of Great Camp Santanoni, has done much to educate the State of New York about the value of historic resources within the forest preserve.

Great Camp Santanoni

Robert Pruyn, a wealthy Albany banker, and his wife, Anna, constructed Great Camp Santanoni as a summer getaway in 1892, employing the region's traditional Adirondack architectural style. At the height of its operation, Santanoni possessed almost "four dozen buildings" of log and granite construction, tucked away on 12,500 acres of pine forest abutting Lake Newcomb.³⁰³ Buildings included a gatehouse and central lodge, as well as barns, "farmhouses and workers' cottages, a stone creamery, workshop, chicken house, kennels, smoke house, [and a] root cellar."³⁰⁴ Great Camp Santanoni is especially notable for its remoteness, with the majority of Camp structures located at the end of a private, nearly five-mile drive.³⁰⁵

³⁰² "Judge requests more info in Adirondack Scenic Lawsuit," *Trains*, February 3, 2017.

<http://trn.trains.com/news/news-wire/2017/02/03-adirondack-railway-preservation-sues-new-york-state> (accessed 3/30/2017).

³⁰³ "Visiting," Adirondack Architectural Heritage, 2017. <http://www.aarch.org/preserve/santanoni/visiting/> (accessed 3/23/2017)

³⁰⁴ "Santanoni: A Brief History," Adirondack Architectural Heritage, <http://www.aarch.org/preserve/santanoni/history-architecture/> (accessed 3/23/2017)

³⁰⁵ "Visiting," Adirondack Architectural Heritage, 2017.



Figure 16

Gatehouse, Great Camp Santanoni, 2012. Picture by CJW_NY, Flickr.com.
<https://www.flickr.com/photos/65301466@N08/7259453696>

The Pruyn family sold the complex to the Melvin family in 1953. The Melvins occupied Santanoni until 1971, at which point the property passed to the State of New York. The Department of Environmental Conservation did not move to demolish the property, but neglected Santanoni for approximately twenty years.³⁰⁶ The property was listed on the National Register of Historic Places in 1986, yet the designation did not galvanize protective action.³⁰⁷ By the mid-1990s, many wood structures were in terrible condition due to years of moisture damage.³⁰⁸

³⁰⁶ Alan Wechsler, "Rebuilding the past," *Adirondack Explorer*, January/February 2017: 8-11.

³⁰⁷ Raymond W. Smith & Richard C. Youngken, "Camp Santanoni (Component 4)," National Register of Historic Places Inventory/Nomination Form, New York State Office of Parks, Recreation, and Historic Preservation, Albany, September 11, 1986.

³⁰⁸ Wechsler, "Rebuilding the past," 9.

Three partners—Adirondack Architectural Heritage (AARCH), the nearby town of Newcomb, and the Department of Environmental Conservation—engineered the comeback of Santanoni. Adirondack Architectural Heritage “is the nonprofit historic preservation organization for New York State’s Adirondack Park,” and advocates for historic buildings on public and private lands.³⁰⁹ They have a Memorandum of Understanding with the DEC, which outlines their working relationship with regards to the site.³¹⁰ AARCH became involved with Santanoni in 1990, concerned that the continued neglect of the site’s buildings might someday necessitate its destruction. The small town of Newcomb, home to Santanoni, became involved shortly thereafter, wisely appreciating the Great Camp not only for its architectural history, but also for the economic and tourism boon Santanoni might prove once restored.³¹¹

AARCH recognized that most historic preservation advocacy succeeds because of public pressure, and so they focused on raising public interest in Santanoni’s importance and fate. AARCH approached local municipalities, asking if their governments would pass resolutions calling for the site’s preservation.³¹² When the State of New York allowed AARCH to hire a staff person to live at Santanoni and greet the public, they had him survey the site’s visitors about their impressions of the site. Most importantly, the survey asked if the presence of Camp Santanoni added to, detracted from, or made no difference at all in their forest preserve experience. An overwhelming majority of people

³⁰⁹ “About Adirondack Architectural Heritage,” Adirondack Architectural Heritage, 2017. <http://www.aarch.org/about/> (accessed 3/23/2017)

³¹⁰ Charles Vandrei, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

³¹¹ Steven Engelhart, Adirondack Architectural Heritage, telephone conversation with Carolyn Zemanian, February 8, 2017.

³¹² Ibid.

(98%) said that it enhanced their experience.³¹³ Concurrently, AARCH sought legal protections for Great Camp Santanoni; while they considered a wide variety of approaches, including land banking and constitutional amendments, they ultimately decided the most simple approach was to have the State reclassify the land as a historic area.³¹⁴ Once this occurred, AARCH, Newcomb, and the DEC moved forward with the lengthy renovation of Great Camp Santanoni.

Between 2001 and 2016, close to \$2 million worth of restoration was accomplished at Great Camp Santanoni.³¹⁵ This figure does not include restoration work that occurred in the late 1990s, which began to address long-deferred maintenance on the site. Of the \$2 million, the DEC has contributed over \$700,000. \$141,000 additionally came from state grants, with \$365,000 from federal grants. The AARCH/Friends of Camp Santanoni contributed close to \$150,000.³¹⁶

The town of Newcomb has also been a major force in the site's preservation. The municipality donated money for the site's preservation plan as well as provided matching funds for conservation endeavors, for a total contribution of at least \$600,000.³¹⁷ Major conservation projects included the "stabilization of the two story kitchen wing of the Main Lodge," reroofing the Main Lodge, road repairs, a complete restoration of the gate

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ "Camp Santanoni, Conservation and Restoration Work History," Adirondack Architectural Heritage, 2016.

³¹⁶ Ibid.

³¹⁷ Ibid; Steven Engelhart, Adirondack Architectural Heritage, telephone conversation with Carolyn Zemanian, February 8, 2017.

house, restoration of workers cottages, and reconstruction of the boat house, among others.³¹⁸

Because of the vast scale of Santanoni, work remains ongoing at the site. Every summer, a builder-in-residence oversees restoration work, and AARCH hires several interns to help with conservation work as well as with site interpretation for the public. Volunteer labor has also been a crucial element of the restoration process at Santanoni, and the site's management will hire contractors, via at-large bids, to accomplish major repairs as well.³¹⁹ Since the restoration of Santanoni has been ongoing for almost 25 years, some of the projects have come full circle; partners are beginning maintenance on their past repairs.

Great Camp Santanoni became a National Historic Landmark in 2000.³²⁰

Case Studies: A Conclusion

Despite variations in management approaches in the Adirondack and Catskill Forest Preserves, Steven Engelhart of AARCH has identified key historic preservation advocacy steps that advocacy groups might find equally empowering in both preserves. The successful preservation of the Catskill fire towers precisely accomplished this process.

The first step is to seek listing of a historic property on the National Register of Historic Places, so that the resource is treated as historic throughout the planning and

³¹⁸ "Camp Santanoni, Conservation and Restoration Work History," Adirondack Architectural Heritage, 2016.

³¹⁹ Ibid.

³²⁰ Wesley Haynes, "Santanoni Preserve," National Historic Landmark Inventory/Nomination Form, Argyle, May 16, 2000.

restoration processes. By the time the restorations of the Catskills fire towers were complete, all five were listed on the National Register. In addition to providing an extra layer of protection to the towers, this official recognition of their value is a method of stressing the structures' importance to the public.

At the same time, the advocacy group should raise awareness of the threat to the historic resource, and awareness of that resource's value, to put pressure on the state to change their policies. Historic preservation advocacy anywhere lives or dies by public pressure. In the Catskills, the Catskill Center and Friends groups gave interviews to the media, held fundraisers, and appeared at local social events and festivals to raise awareness. The groups got the public invested in the success of the restorations—and the State also became invested.

Finally, an advocacy group's primary purpose should be to encourage an attitude shift surrounding the historic resource on behalf of the State. Instead of viewing the buildings as "intrusions," the State must begin to see them as "assets."³²¹ At Great Camp Santanoni, AARCH's survey attempted this task by asking visitors to affirm the positive effect the complex had on their recreational experience. In the Catskills, the Catskill Center, and Friends groups could foresee how the towers would improve the public's enjoyment of the forest preserve.

These case studies bear out that once the State can envision the benefit that a historic preservation project will bring to the forest, they can become a strong partner in the preservation process.

³²¹ Steven Engelhart, Adirondack Architectural Heritage, telephone conversation with Carolyn Zemanian, February 8, 2017.

CHAPTER 6: RECOMMENDATIONS

In the course of writing this thesis, it became clear that few built heritage resources in the Catskill Forest Preserve remain extant. Within the forest preserve there are however a significant amount of building remnants (such as foundations) that serve as reminders of the wilderness-inspired 20th century landscape interventions. To more fully interpret the history of the Catskill Forest Preserve, the State should approach the preserve as a historic vernacular cultural landscape, shaped by Native American impacts, by 18th, 19th, and 20th century American settlement patterns, and by 20th century State-led demolitions inspired, in part, by a nature-exclusive interpretation of the “forever wild” clause.

To this end, the author offers two levels of recommendations. Management recommendations for the DEC focus on preserving the built and below-ground historic resources remaining in the Catskill Forest Preserve. Legislative recommendations for New York State support clarifying and improving laws governing the New York Forest Preserves. While modifying this legal framework would not significantly impact the few structures remaining in the Catskill Forest Preserve, this action could protect the larger number of historic architectural resources in the Adirondack Forest Preserve.

Recommendations for the Department of Environmental Conservation

1. Compile a list of buildings and structures remaining within the Catskill Forest Preserve.

There has never been an official cultural resources survey conducted in the Catskill Forest Preserve. A survey from the 1980s focused on compiling existing

written information, rather than seeking to identify new aboveground and archaeological resources.³²² However, it is fair to say that not many buildings and structures remain within the forest preserve. Therefore, a preserve-wide survey would likely not be the best use of government resources. An inventory of buildings and structures in the forest preserve could be assembled from the forest preserve's unit management plans; each UMP possesses a list of extant structures in the unit at the time of that UMP's writing. Three Wilderness Area UMPs and six Wild Forest UMPs possessed extant structures. The majority of UMPs identified these resources as "non-conforming" and made plans for their removal. The 2008 removal of the Coykendall Lodge and Fish Hatchery accomplished one such purpose. It is likely that other such demolitions have also since occurred.

If not already accomplished, extant buildings and structures should be investigated by an architectural historian to identify any remaining historic resources.

2. Seek National Register eligibility evaluations and designations of buildings and structures within the Catskill Forest Preserve.

The Lower Birch Creek Road Parcel, in particular, might meet Register eligibility. The parcel contains the 19th century Reisser Farm, consisting of a farmhouse, barn, cottage, workshop, and sugar shack.³²³ Although the DEC currently uses the Reisser Farm as an Administrative Area, this classification does not ensure the long-term survival of the buildings on the site. An

³²² Charles Vandrei, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

³²³ DEC, *Shandaken Wild Forest Unit Management Plan*, 11.

acknowledgement of the site's National Register eligibility would provide increased protections through the Section 14.09 or Section 106 consultation process, in the case of a state or federal undertaking. Listing the property on the National Register would also officially acknowledge the historic value of the farm.

The above-recommended inventory of remaining buildings and structures in the forest preserve might also identify additional resources for evaluation and designation. In addition, structures such as the Shandaken Tunnel (in the Shandaken Wild Forest Unit) might be Register eligible due to its contributions to water transport and technologically advanced excavation. The Beaverkill Campground, one of the oldest campgrounds in the Forest Preserve, might also be eligible for the National Register of Historic Places.³²⁴ Listing these resources would elevate understanding and acceptance of human history in the Catskill Forest Preserve.

3. Designate archaeological resources in addition to above-ground, non-structural resources.

The majority of historic resources remaining in the Catskills Forest Preserve are archaeological, and yet few of these have been identified or possess historic designation. Because little new construction occurs within the Catskill Forest Preserve, there has been minimal exploration of sites likely to possess significant archaeological resources. While this thesis has focused solely on above-ground resources, a Phase I archaeological exploration of the Catskill Forest Preserve

³²⁴ Charles Vandrei, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

might reveal much about the settlement patterns and tendencies of early settlers and of the Native Americans who traversed the mountains for thousands of years.

4. Increase visitor awareness of the human history of the Catskill Forest Preserve by interpreting building foundations and other remnants of human culture in the forest preserve.

The DEC could incorporate interpretive signage at visible sites of former human occupation and at trailheads to inform hikers of who and what previously existed within that forest preserve unit. In units such as the Shandaken Wild Forest, signage could interpret the industries that left physical traces on the mountainside, such as lumbering and bluestone mining. Outside of the preserve, exhibits in the new Maurice D. Hinchley Catskill Interpretive Center could tell the stories of the lost buildings of the Catskill Forest Preserve and of the DEC's 20th century objectives of re-creating lost wilderness, placing their management practices within the context of national wilderness management. By calling attention to the forest preserve's hidden 19th century and early 20th century landscape, the DEC could provide visitors with a more informative and fulfilling visit, attracting history buffs in addition to naturalists by telling the full story of forest preserve creation.

5. Hire new staff with an understanding of, and appreciation for, history, architecture, and/or archaeology.

Individuals occupying the unit manager positions, in particular, should possess experience in one of these subjects, in addition to a background in forestry, environmental science, or outdoor recreation. Unit managers compose

the unit management plans (UMPs) that govern sections of the forest preserve; these UMPs guide the treatment of structures within the forest preserve.

The DEC has in some cases begun to shift away from its 20th century policy of recreating wilderness by demolishing structures on forest preserve land; however, staff with a historic preservation background remain underrepresented in the Department. Therefore, the corporate mindset of the DEC continues to prioritize the natural values of the forest preserve over its heritage values. A change in staffing policy could influence an attitude shift in the Department, one that could spur increased consideration of historic resources for decades to come.

As evidenced by the case studies, DEC staff have supported historic preservation when it improves public enjoyment of and educational opportunities within the New York Forest Preserves. Hiring additional staff with a knowledge of history, historic architecture, and archaeology would create additional advocates for these unique recreational opportunities within the preserve and inspire a greater departmental appreciation for the historic values of the preserve.

While the author had initially planned to recommend a preserve-wide survey and the establishment of a Historic Area land use classification in the Catskill Forest Preserve, after further research she no longer believes that these endeavors would be the best use of time and resources. Each of the preserve's unit management plans includes a list of structures on that parcel. There are few structures remaining in the Catskill Forest Preserve. Each is identified within a unit management plan, precluding the need for a preserve-wide survey; the DEC already knows what structures they have. And this

scarcity of resources does not necessitate the creation of a new classification for the Catskill Forest Preserve.

Recommendations for the State of New York

1. Clarify the language of Article XIV and of ECL 9-0109.

Article XIV of the New York State Constitution does not include a definition of “forever wild.” The State of New York has interpreted this clause strictly, and has removed structures on forest preserve land to re-create “lost” wilderness. However, no court has ever challenged the concept of “forever wild,” and its implications for historic buildings. The first sentence of Article XIV, unaltered from its original 1894 text, should be better clarified—either through a constitutional convention, an amendment, new regulations, or through a challenge in a court of law—to determine whether or not the judicial system believes the text supports the traditional interpretation. The decision could inform the treatment of remaining buildings in the Catskill and Adirondack Forest Preserves going forward, as well as have implications for new acquisitions appended to the New York Forest Preserves.

ECL 9-0109 forbids the state from acquiring historic properties in Catskill and Adirondack Parks; instead requiring the State to search for potential private buyers who might take on, and preserve, the buildings instead. But, if the State does not locate any private buyers, what course of action does the law then permit? ECL § 9-0109 does not provide guidance in this matter. Some entities—including the non-profit Open Space Institute of New York and the Trust for

Public Land—have interpreted the law to mean that the State cannot acquire historic properties in the Catskill or Adirondack Parks under any circumstances. The non-profits therefore demolished 23 buildings (and additional outbuildings) on the Lundy estate.³²⁵

However, in at least one instance, the DEC has acquired an unclaimed historic building in the Adirondack Park. The DEC acquired the Valcour Island (Bluff Point) Lighthouse on Lake Champlain in 1986.³²⁶ The DEC already owned all of the land surrounding the structure at this time.³²⁷ The DEC memorialized, in the deed of sale, an agreement by Clinton County Historical Association to “maintain the lighthouse.”³²⁸ The property was listed on the National Register of Historic Places seven years later, and its ownership/management arrangement remains the same today as it did in 1986.³²⁹

If New York State clarified the legislation of ECL § 9-0109, it might allow the State to acquire historic resources that could contribute greatly to the understanding of historic development in the Catskill and Adirondack regions. Section 4 of Article XIV already allows the State to acquire sites of historic significance for public benefit in counties outside of the forest preserves. The

³²⁵ Harris, Pickman, and Hansen, *Historical Research Study, Lundy Estate, Towns of Rochester and Wawarsing, Ulster County, N.Y.*, 1.

³²⁶ Christine Thompson, “Navigating Lake Champlain,” *All Points North*, Summer 2007. http://www.apnmag.com/summer_2007/thompsonlighthouse.php (accessed 4/5/17.)

³²⁷ Charles Vandrei, New York Department of Environmental Conservation, telephone conversation with Carolyn Zemanian, February 10, 2017.

³²⁸ Thomspson, “Navigating Lake Champlain.”

³²⁹ Linda M. Garofalini, “Valcour Island Lighthouse,” National Register of Historic Places Inventory/Nomination Form, NYS Office of Parks, Recreation, and Historic Preservation, Waterford, July 20, 1993.

omission of the Adirondack and Catskill counties unfairly ignores the significant architectural histories of these regions.

2. Provide funds specific to historic preservation in the forest preserve.

As mentioned in the introduction, the DEC budget comes from a variety of sources. Their funds are largely spent on a variety of environmental objectives, and they do not have the funds to maintain buildings that do not have a “public enjoyment” or educational purpose within the preserve. To ensure the future preservation of historic structures—without necessitating outside intervention from non-profits—New York State should provide the DEC with funds earmarked specifically for the maintenance, restoration, and staffing of historic properties. Such a fund would allow the DEC to maintain tourist attractions—such as the Overlook Mountain House ruin—without having to cut funds from other environmental projects.

Valuing the Catskill Forest Preserve as a cultural landscape would require an attitude shift on the part of the Department of Environmental Conservation and New York State. In particular, the State would need to amend overly complicated and unclear legislation to enable and encourage the DEC to take a more active role in the maintenance and historic preservation of structures within the Catskill Forest Preserve. The restoration of the Catskill Fire Towers has been a success; coupled with the Adirondack fire tower successes and the benefit of Great Camp Santanoni to the Adirondack Forest Preserve, it is clear that historic preservation does improve visitor enjoyment of the forest preserves. A compatible balance between wilderness values and

heritage values is possible, as evidenced by the increasing interpretation of national parks as cultural landscapes representative of interwoven histories of settlement, clearance, and wilderness. The Catskill Forest Preserve is “a landscape with history.”³³⁰ It’s past time to begin managing it that way.

Recommendations for Future Scholarship

In its archives, the DEC possesses demolition records for the structures it removed from the Catskill Forest Preserve, possible dating back to the preserve’s inception. To my knowledge, no comprehensive list or study of the history of these demolished buildings has ever been attempted. An exploration into this topic would illuminate the erased human history of the Catskill Forest Preserve and would reveal a fuller scope of the State’s push to reestablish wilderness on public lands.

New York Environmental Conservation Law § 9-0109 forbids the State of New York from acquiring properties in the Adirondack and Catskill Parks that contain buildings on or eligible for the National Register of Historic Places. If an owner offers to sell or donate such a property to a state agency, the law requires that agency to “search for a private purchaser or donee who would preserve such structures or improvements, if the present owner thereof consents.”³³¹ A future researcher might explore how often the State actually searches for a private entity to restore the buildings, and whether or not this approach actually results in the long-term, successful preservation of the historic resources.

³³⁰ Harris, Pickman, and Hansen, *Historical Research Study, Lundy Estate, Towns of Rochester and Wawarsing, Ulster County, N.Y.*, 53.

³³¹ ECL § 9-0109 (3).

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APPENDICES

ATTACHMENT 1

Article XIV of the New York State Constitution (1894, as amended through January 1, 2014).

Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining to federal standards federal aid interstate highway route five hundred two from a point in the vicinity of the city of Glens Falls, thence northerly to the vicinity of the villages of Lake George and Warrensburg, the hamlets of South Horicon and Pottersville and thence northerly in a generally straight line on the west side of Schroon Lake to the vicinity of the hamlet of Schroon, then continuing northerly to the vicinity of Schroon Falls, Schroon River and North Hudson, and to the east of Makomis Mountain, east of the hamlet of New Russia, east of the village of Elizabethtown and continuing northerly in the vicinity of the hamlet of Towers Forge, and east of Poke-O-Moonshine Mountain and continuing northerly to the vicinity of the village of Keeseville and the city of Plattsburgh, all of the aforesaid taking not to exceed a total of three hundred acres of state forest preserve land, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex county, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than two miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Belleayre Mountain in Ulster and Delaware counties and not more than forty miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than eight miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Gore and Pete Gay mountains in Warren county, nor from relocating, reconstructing and maintaining a total of not more than fifty miles of existing state highways for the purpose of eliminating the hazards of dangerous

curves and grades, provided a total of no more than four hundred acres of forest preserve land shall be used for such purpose and that no single relocated portion of any highway shall exceed one mile in length. Notwithstanding the foregoing provisions, the state may convey to the village of Saranac Lake ten acres of forest preserve land adjacent to the boundaries of such village for public use in providing for refuse disposal and in exchange therefore the village of Saranac Lake shall convey to the state thirty acres of certain true forest land owned by such village on Roaring Brook in the northern half of Lot 113, Township 11, Richards Survey. Notwithstanding the foregoing provisions, the state may convey to the town of Arietta twenty-eight acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and in exchange therefor the town of Arietta shall convey to the state thirty acres of certain land owned by such town in the town of Arietta. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state, in order to consolidate its land holdings for better management, may convey to International Paper Company approximately eight thousand five hundred acres of forest preserve land located in townships two and three of Totten and Crossfield's Purchase and township nine of the Moose River Tract, Hamilton county, and in exchange therefore International Paper Company shall convey to the state for incorporation into the forest preserve approximately the same number of acres of land located within such townships and such County on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands to be conveyed by the state. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title and the conditions herein set forth, the state, in order to facilitate the preservation of historic buildings listed on the national register of historic places by rejoining an historic grouping of buildings under unitary ownership and stewardship, may convey to Sagamore Institute, Inc., a not-for-profit educational organization, approximately ten acres of land and buildings thereon adjoining the real property of the Sagamore Institute, Inc. and located on Sagamore Road, near Racquette Lake Village, in the Town of Long Lake, county of Hamilton, and in exchange therefor; Sagamore Institute, Inc. shall convey to the state for incorporation into the forest preserve approximately two hundred acres of wild forest land located within the Adirondack Park on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands and buildings to be conveyed by the state and that the natural and

historic character of the lands and buildings conveyed by the state will be secured by appropriate covenants and restrictions and that the lands and buildings conveyed by the state will reasonably be available for public visits according to agreement between Sagamore Institute, Inc. and the state. Notwithstanding the foregoing provisions the state may convey to the town of Arietta fifty acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and providing for the maintenance of a clear zone around such runway, and in exchange therefor, the town of Arietta shall convey to the state fifty-three acres of true forest land located in lot 2 township 2 Totten and Crossfield's Purchase in the town of Lake Pleasant.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to the town of Keene, Essex county, for public use as a cemetery owned by such town, approximately twelve acres of forest preserve land within such town and, in exchange therefor, the town of Keene shall convey to the state for incorporation into the forest preserve approximately one hundred forty-four acres of land, together with an easement over land owned by such town including the riverbed adjacent to the land to be conveyed to the state that will restrict further development of such land, on condition that the legislature shall determine that the property to be received by the state is at least equal in value to the land to be conveyed by the state.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, because there is no viable alternative to using forest preserve lands for the siting of drinking water wells and necessary appurtenances and because such wells are necessary to meet drinking water quality standards, the state may convey to the town of Long Lake, Hamilton county, one acre of forest preserve land within such town for public use as the site of such drinking water wells and necessary appurtenances for the municipal water supply for the hamlet of Raquette Lake. In exchange therefor, the town of Long Lake shall convey to the state at least twelve acres of land located in Hamilton county for incorporation into the forest preserve that the legislature shall determine is at least equal in value to the land to be conveyed by the state. The Raquette Lake surface reservoir shall be abandoned as a drinking water supply source.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to National Grid up to six acres adjoining State Route 56 in St. Lawrence County where it passes through Forest Preserve in Township 5, Lots 1, 2, 5 and 6 that is necessary and appropriate for National Grid to construct a new 46kV power line and in exchange therefore National Grid shall convey to the state for incorporation into the forest preserve at least 10 acres of forest land owned by National Grid in St. Lawrence county, on condition that the legislature shall determine that the property to be received by the state is at least equal in value to the land conveyed by the state.

Notwithstanding the foregoing provisions, the legislature may authorize the settlement, according to terms determined by the legislature, of title disputes in township forty, Totten and Crossfield purchase in the town of Long Lake, Hamilton county, to resolve longstanding and competing claims of title between the state and private parties in said township, provided that prior to, and as a condition of such settlement, land purchased without the use of state-appropriated funds, and suitable for incorporation in the forest preserve within the Adirondack park, shall be conveyed to the state on the condition that the legislature shall determine that the property to be conveyed to the state shall provide a net benefit to the forest preserve as compared to the township forty lands subject to such settlement.

Notwithstanding the foregoing provisions, the state may authorize NYCO Minerals, Inc. to engage in mineral sampling operations, solely at its expense, to determine the quantity and quality of wollastonite on approximately 200 acres of forest preserve land contained in lot 8, Stowers survey, town of Lewis, Essex county provided that NYCO Minerals, Inc. shall provide the data and information derived from such drilling to the state for appraisal purposes. Subject to legislative approval of the tracts to be exchanged prior to the actual transfer of the title, the state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in exchange therefor, NYCO Minerals, Inc. shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land, on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the land to be conveyed by the state and on condition that the assessed value of the land to be conveyed to the state shall total not less than one million dollars. When NYCO Minerals, Inc. terminates all mining operations on such lot 8 it shall remediate the site and convey title to such lot back to the state of New

York for inclusion in the forest preserve. In the event that lot 8 is not conveyed to NYCO Minerals, Inc. pursuant to this paragraph, NYCO Minerals, Inc. nevertheless shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land that is disturbed by any mineral sampling operations conducted on said lot 8 pursuant to this paragraph on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the lands disturbed by the mineral sampling operations.

(Formerly §7 of Art. 7. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 4, 1941; November 4, 1947; November 5, 1957; November 3, 1959; November 5, 1963; November 2, 1965; November 6, 1979; November 8, 1983; November 3, 1987; November 5, 1991; November 7, 1995; November 6, 2007; November 3, 2009; November 5, 2013.)

[Reservoirs]

§2. The legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, and for the canals of the state. Such reservoirs shall be constructed, owned and controlled by the state, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the state and the legislature shall provide for a charge upon the property and municipalities benefited for a reasonable return to the state upon the value of the rights and property of the state used and the services of the state rendered, which shall be fixed for terms of not exceeding ten years and be readjustable at the end of any term. Unsanitary conditions shall not be created or continued by any such public works. (Derived in part from former §7 of Art. 7. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 3, 1953.)

[Forest and wild life conservation; use or disposition of certain lands authorized]

§3. 1. Forest and wild life conservation are hereby declared to be policies of the state. For the purpose of carrying out such policies the legislature may appropriate moneys for the acquisition by the state of land, outside of the Adirondack and Catskill parks as now fixed by law, for the practice of forest or wild life conservation. The prohibitions of section 1 of this article shall not apply to any lands heretofore or hereafter acquired or dedicated for such purposes within the forest preserve counties but outside of the Adirondack and Catskill parks as now fixed by law, except that such lands shall not be leased, sold or exchanged, or be taken by any corporation, public or private.

2. As to any other lands of the state, now owned or hereafter acquired, constituting the forest preserve referred to in section one of this article, but outside of the Adirondack and Catskill parks as now fixed by law, and consisting in any case of not more than one hundred contiguous acres entirely separated from any other portion of the forest preserve, the legislature may by appropriate legislation, notwithstanding the provisions of section one of this article, authorize: (a) the dedication thereof for the practice of forest or wild life conservation; or (b) the use thereof for public recreational or other state purposes or the sale, exchange or other disposition thereof; provided, however, that all moneys derived from the sale or other disposition of any of such lands shall be paid into a special fund of the treasury and be expended only for the acquisition of additional lands for such forest preserve within either such Adirondack or Catskill park. (Formerly §16 of Art. 7. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 5, 1957; November 6, 1973.)

[Protection of natural resources; development of agricultural lands]

§4. The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources. The legislature shall further provide for the acquisition of lands and waters, including improvements thereon and any interest therein, outside the forest preserve counties, and the dedication of properties so acquired or now owned, which because of their natural

beauty, wilderness character, or geological, ecological or historical significance, shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated shall constitute the state nature and historical preserve and they shall not be taken or otherwise disposed of except by law enacted by two successive regular sessions of the legislature. (New. Added by vote of the people November 4, 1969.)

[Violations of article; how restrained]

§5. A violation of any of the provisions of this article may be restrained at the suit of the people or, with the consent of the supreme court in appellate division, on notice to the attorney-general at the suit of any citizen. (New. Derived from former §7 of Art. 7. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938. Renumbered §5 by vote of the people November 4, 1969.)

Language current through January 1, 2014³³²

³³² New York State Constitution, Article XIV. <http://www.dec.ny.gov/lands/55849.html> (accessed 4/24/2017)

Attachment 2

New York Environmental Conservation Law §9-0109 Acquisition of Lands within the Adirondack or Catskill Parks

1. Unless deemed necessary for the conservation of critical and unique natural land areas or of significant wild forest land areas, the state shall not acquire or accept fee simple ownership of structures or improvements in the Adirondack or Catskill parks listed or eligible to be listed on the state register of historic places including that amount of land on which such structures or improvements are located that is necessary for their maintenance and use.
2. Prior to any land acquisition by a state agency within the Adirondack or Catskill parks, the commissioner or responsible chief executive officer proposing such acquisition shall undertake a review of such action pursuant to the state environmental quality review act as provided in article eight of this chapter and, when applicable, the New York state historic preservation act of 1980. [FN1]
3. If such structures or improvements in the Adirondack or Catskill parks are offered to the state for purchase or as a gift, it shall be the responsibility of the state agency to which such offer is made, in accordance with guidelines prepared for notifying potential private purchasers, to search for a private purchaser or donee who would preserve such structures or improvements, if the present owner thereof consents.
4. Historic structures and improvements which are located within the Adirondack and Catskill parks and owned by the state prior to the effective date of this section [FN2] and which existed prior to acquisition by the state may be maintained provided that:
 - a. the commissioner of parks, recreation and historic preservation finds that such structures and improvements are listed or are eligible to be listed on the state register of historic places pursuant to subdivision one of section 14.07 of the parks, recreation and historic preservation law; and
 - b. the commissioner finds that such structures and improvements can be maintained for public enjoyment and understanding of the forest preserve or for departmental activities necessary in protecting forest preserve lands in the parks in a manner that will not disturb the existing degree of wild forest character of land on which the pre-existing structures or improvements are located or the wild forest character of land adjacent thereto; and
 - c. such maintenance is in accordance with reasonable regulation of the forest preserve in the Adirondack and Catskill parks consistent with article fourteen of the state constitution.

The recording provisions of section sixty-three of the public buildings law shall apply if such structures and improvements are not maintained or are substantially altered or demolished.³³³

³³³ Findlaw.com. <http://codes.findlaw.com/ny/environmental-conservation-law/env-sect-9-0109.html> (accessed 4/24/2017)

Attachment 3

New York Parks, Recreation, and Historic Preservation Law § 14.09, State Agency

Activities Affecting Historic or Cultural Properties, Notice and Comment

1. As early in the planning process as may be practicable and prior to the preparation or approval of the final design or plan of any project undertaken by a state agency, or prior to the funding of any project by a state agency or prior to an action of approval or entitlement of any private project by a state agency, the agency's preservation officer shall give notice, with sufficient documentation, to and consult with the commissioner concerning the impact of the project if it appears that any aspect of the project may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological, or cultural property that is listed on the national register of historic places or property listed on the state register or is determined to be eligible for listing on the state register by the commissioner. Generally, adverse impacts occur under conditions which include but are not limited to (a) destruction or alteration of all or part of a property; (b) isolation or alteration of its surrounding environment; (c) introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting; or (d) neglect of property resulting in its deterioration or destruction. Every agency shall fully explore all feasible and prudent alternatives and give due consideration to feasible and prudent plans which avoid or mitigate adverse impacts on such property. In the event that the agency has filed or will file with the department of environmental conservation, with respect to that contemplated project, a draft environmental impact statement pursuant to the provisions of article eight of the environmental conservation law, it shall provide a copy thereof to the commissioner and the chairman of the board and shall also supply such further information as the commissioner may request. This section shall not apply to a state project that is necessary to prevent an immediate and imminent threat to life or property.

2. The commissioner shall undertake a review and make comment within thirty days of receipt of notice, with sufficient documentation, of a proposed project as to whether or not such proposed project may have an adverse impact on any property that is listed on the national register of historic places or on the state register or is determined to be eligible for the state register by the commissioner. The comment shall be put on file and shall be available to the public on request. If it is determined that a project may have an adverse impact on such property, the commissioner shall so notify the agency in writing. Upon receipt of such notification from the commissioner, the agency shall immediately contact the commissioner for the purpose of exploring alternatives which would avoid or mitigate adverse impacts to such property consistent with the policy and provisions of this article and other provisions of law relating to historic preservation. To the fullest extent practicable, it is the responsibility of every state agency, consistent with other provisions of law, to avoid or mitigate adverse impacts to registered property or property determined eligible for listing on the state register by the commissioner. In order to

avoid inconsistency or duplication in review functions, the commissioner shall establish procedures in accordance with other provisions of this section whereby reviews conducted under this section are coordinated with the reviews of project or plan proposals under other provisions of law and regulation. When a project is being reviewed pursuant to section one hundred six of the national historic preservation act of 1966, [FN1] the procedures of this section shall not apply and any review or comment by the commissioner and the board on such project shall be within the framework or procedures of the section one hundred six review. The commissioner shall issue an annual report outlining state agency actions on which comment had been requested or issued under this section. Proposed alternatives and results of the review process shall be included in said annual report.

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