



# the Conservationist

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## Special Issue: Celebrating 100 Years of the Forest Preserve





"Lake George" by John Frederick Kensett

Courtesy The Metropolitan Museum of Art,  
bequest of Maria DeWitt Jesup

# *The New York State Forest Preserve*

*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.*

*Article XXV, Section 1,  
New York State Constitution*



# THE FOREST PRESERVE— A CHRONOLOGY

**T**HE Forest Preserve of New York State—all 2.7 million acres of it—is a unique treasure in the world. Encompassing the largest wilderness region east of the Mississippi, it is the only such area specifically protected by a state constitution. Its birth and subsequent history have been beset by turbulence and controversy. Not all people judge it with the same type of emotions. Some would defend it with their very lives. Others just as strongly seek to lessen the strictures that govern it. Some have never heard of it. Most will be surprised to learn that in 1985 it celebrates its 100th birthday.

Another surprise is that the Forest Preserve consists of two parts—one in the Adirondacks and the other, and smaller of the two, in the Catskills. Over the years, these two parts have come to be called by separate and obvious names—the Adirondack Forest Preserve and the Catskill Forest Preserve. Notwithstanding, the Environmental Conservation Law defines both as a single entity. Recognizing that each region came about for different reasons, and that each has a separate constituency, it is better and clearer perhaps to accept the distinction between the two.

The Adirondack Forest Preserve is, with some exceptions, all the state-owned land within the 12 counties that include the Adirondack Mountains. Similarly, the Catskill Forest Preserve is, with some exceptions, all the state-owned land within the four counties that include the Catskill Mountains.

The Forest Preserve encompasses the highest mountains in the state. In the Adirondacks, this includes the 46 peaks which are 4,000 feet or more in

elevation, notably, the state's highest peak, Mount Marcy at 5,344 feet. In the Catskills, the Forest Preserve includes many of the 35 peaks over 3,500 feet in elevation, the highest being Slide Mountain at 4,204 feet.

It is important that both these areas should not be confused with the designations "Adirondack Park" and "Catskill Park." The parks are something entirely different. The Adirondack Park consists of all the land, both state and privately owned, within a described boundary encompassing something less than the 12 Adirondack counties. The Catskill Park is all the land within a certain boundary encompassing something less than the four Catskill counties. Today the total land area of the Adirondack Park is 5.9 million acres of which 2.5 million acres or slightly more than 40 percent is state-owned and therefore Forest Preserve. The Catskill Park consists of the total area of 705,500 acres of which 272,000 acres or slightly more than 38 percent is Forest Preserve.

At the time of their designation the boundaries of both the Adirondack and Catskill Parks were delineated on a map by a blue line thus establishing a tradition whereby the boundary of both parks is still designated on official state maps by a blue line. Locations within the parks are referred to as being "within the blue line."

Over the years since 1885, the Forest Preserve has gone through a number of changes of a maturing nature. The chronology that follows provides highlights of that process of refinement.

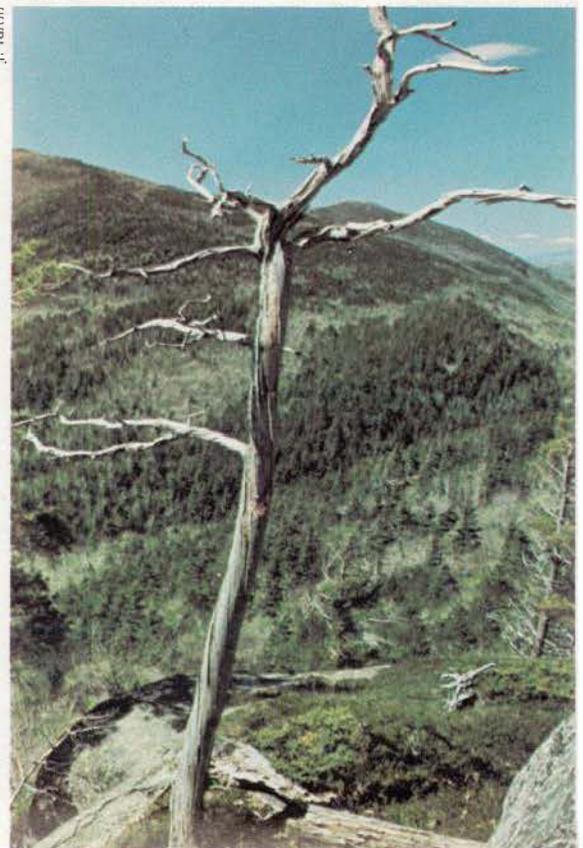
**1886** Using much of the language of the Sargent Commission's third proposal, a new law (Chapter

280) provided for the assessment and taxation of the lands of the Forest Preserve at the same rate as private lands. In 1983, under continuing legal provisions, the State of New York paid over \$23 million in property taxes to local towns, counties and school districts in the Adirondacks and Catskills.

**1887** Oneida County was added to the listing of counties wherein the state lands constitute the Adirondack Forest Preserve. The same 12-county listing for the Adirondacks continues today.

**1888** Delaware County was added to the listing of the Catskill Forest Preserve counties. The same four-county listing—Delaware,

Survivor



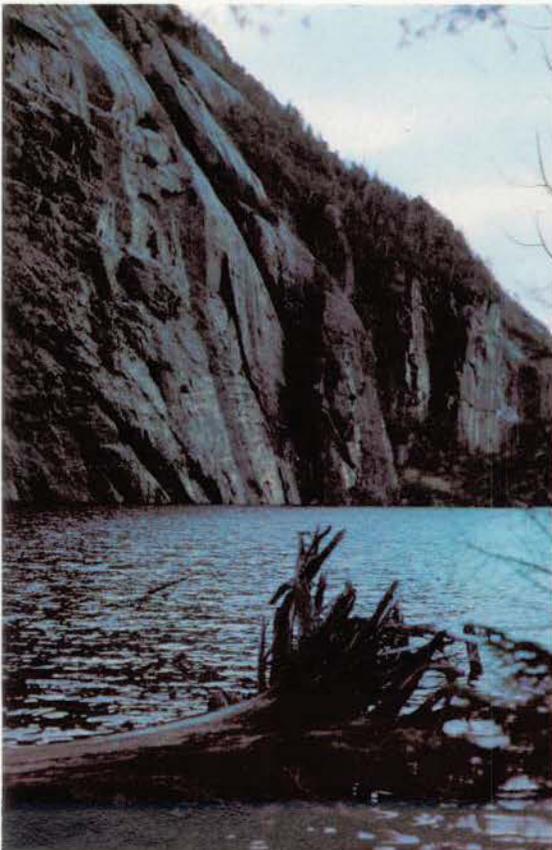


"Batkins Club — Camp in the Adirondacks" by Frederick Rondel

Courtesy Adirondack Museum

Avalanche Lake

Lake Colden



M. Schaefer





A moment's pause on the ski trail  
 "Twilight in the Adirondacks" by Sanford Gifford

Courtesy Adirondack Museum



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Greene, Sullivan and Ulster— continues today.

**1890** A law provided \$25,000 to "... purchase lands so located within such counties as included the forest preserve..." This was the first specific appropriation for the acquisition of land to add to and expand the Forest Preserve.

**1892** Chapter 707 of Laws of 1892 established a 2,800,000-acre Adirondack Park.

**1892** A sum of \$250 was allocated to construct a "public path" in the Forest Preserve. It was a trail to the summit of Slide Mountain, the highest peak in the Catskills. From this small beginning, a major recreational trail network has evolved both in the Catskills and the Adirondacks consisting of foot, horse, ski and snowmobile trails.

**1894** The Constitutional Convention of 1894 approved a new Article VII that stated, "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." This proposal (combined with others from the convention) was approved by the people at the November general election and became effective on January 1, 1895.

**1904** The Catskill Park was created by Chapter 233 of the Laws of 1904 and included 576,120 acres within its blue line.

**1911** The Forest, Fish and Game Commission was reconstituted as the Conservation Commission, and the division of lands and forests was created as the unit responsible for administration of the Forest Preserve. In 1927, the Conservation Commission was renamed the Conservation Department. In 1970 the Conservation Department was renamed the Department of



L. Reutz

*The trail to solitude  
Top of Cascade Mountain*



M. Schaefer

Environmental Conservation (DEC). Administration of the Forest Preserve remains with the division of lands and forests in the Department of Environmental Conservation.

**1912** The Adirondack Park was enlarged to 4,054,000 acres with the new blue line following the outside limits of the "Great Forest of Northern New York." At the same time, the description of both parks was revised to include all lands within the blue lines in the park designation instead of just the State Lands as in the earlier descriptions.

**1913** The constitution was amended to provide that up to three percent of the total acreage of the Forest Preserve could be used for water reservoirs for the purposes of municipal water supply, state canals and stream regulation.

**1916** A \$7.5 million bond issue was approved for the acquisition of additional lands for the Forest Preserve. Over the next 10 years, these funds were used to acquire 245,000 acres for the Adirondack Forest Preserve and nearly 49,000 acres for the Catskill Forest Preserve.

**1918** The constitution was amended to allow the use of Forest Preserve land in the construction of a state highway from Saranac to Tupper Lake (now Route 3) to Blue Mountain Lake (now Route 30) to Old Forge (now Route 28). Subsequent amendments in 1927, 1933, 1941 and 1957 allowed for expansion and widening of roads, airports and ski trails within the Forest Preserve.

**1920** The first public campsites (now called public campgrounds) were established in the Adirondack Forest Preserve—at Sharp Bridge in Essex County and at Sacandaga in Hamilton County. In 1926, the first Catskill Forest Preserve campsites opened—at Devil's Tombstone in Greene County and at Woodland Valley in Ulster County. All four are

- still in operation, and we now have 42 Adirondack campgrounds and seven Catskill campgrounds.
- 1924** A \$15 million bond issue to expand State Parks was approved at the general election of which \$5 million was allocated for the acquisition of lands to expand the Forest Preserve within the Adirondack and Catskill parks. These funds provided for the addition of 72,000 acres to the Catskill Forest Preserve and 273,000 acres to the Adirondack Forest Preserve over the next 20 years.
- 1931** The Adirondack Park was enlarged to include a total of 5,600,000 acres within the blue line.
- 1938** As the result of the 1938 Constitutional Convention, Article VII of the constitution was recodified to Article XIV and partly reworded with no change, however, in the "forever wild" language.
- 1947** The constitution was amended to permit the construction of "20 miles of ski trails 30 to 80 feet wide" on Forest Preserve lands on Belleayre Mountain in the Catskills and "30 miles of ski trails" of the same width on Gore, South and Pcte Gay mountains in the Adirondacks.
- 1953** Reacting to a proposal by the Black River Regulating District—supported by the U.S. Corps of Engineers—to construct a dam and reservoirs on the Moose River at Panther Mountain in Herkimer County, the constitution was amended to remove regulation of the flow of streams as a permissible use of three percent of the total Forest Preserve as had been authorized in 1913.
- 1956** The Adirondack Park was enlarged to a total of 5,693,500 acres.
- 1957** The Catskill Park was enlarged, on the east to include Ashokan Reservoir and on the south to include additional areas of Sullivan and Delaware counties, to a total of 705,500 acres.
- 1959** The constitution was amended to allow the use of up to 300 acres of Forest Preserve land to construct the Northway (now Interstate Route 87).
- 1960** A \$75 million Park and Recreation Land Acquisition Bond Act was approved. Funding from this bond issue and a supplemental one of \$25 million approved in 1962 provided \$3 million to acquire 102,000 acres of land as an addition to the Adirondack Forest Preserve and 12,000 acres as an addition to the Catskill Forest Preserve.
- 1968** Governor Nelson A. Rockefeller appointed a Temporary Study Commission on the Future of the Adirondacks to develop recommendations to guide the future use of public and private lands within the Adirondack Park. This resulted in the creation of the Adirondack Park Agency in 1971. In consultation with DEC, the APA completed the Adirondack Park State Master Plan in 1972. The plan, as adopted, divides state lands within the park into a number of specific classifications, including 15 wilderness areas totaling nearly one million acres. Private lands within the park were zoned into various categories in the APA's 1973 Adirondack Park Land Use and Development Plan.
- 1969** The constitution was amended to create the State Nature and Historical Preserve outside the Adirondack and Catskill Forest Preserve counties to consist of properties to be acquired and protected "because of their natural beauty, wilderness character or geological, ecological or historical significance."
- 1971** The Adirondack Park Agency was created and given responsibility for preparing plans for use of the public and the private lands within the Adirondack Park and for administering parts of such plans when finished.
- 1971** The state legislature created a Temporary State Commission to Study the Catskills. Among recommendations in the commission's 1975 final report was one to classify Forest Preserve Land in the Catskill Park into areas of wilderness, wild forest and intensive use. No action has been taken on this recommendation.
- 1972** The Adirondack Park was enlarged to a total of 5,927,600 acres.
- 1972** The Environmental Quality Bond Act was approved at the 1972 general election to provide (among other fundings) \$15 million for the acquisition of lands to consolidate and provide additional access to the Catskill Forest Preserve and \$44 million for the same purposes as addition to the Adirondack Forest Preserve. Land acquisitions under this bond act are continuing today with nearly 24,000 acres so far acquired for addition to the Catskill Forest Preserve at a cost of \$8.6 million and 67,000 acres acquired for addition to the Adirondack Forest Preserve at a cost of \$14 million.
- 1973** DEC Commissioner Henry Diamond ordered 700 lakes closed to aircraft and motor boats within designated wilderness areas in the Adirondack Forest Preserve.
- 1979** The constitution was amended to allow the exchange of up to 8,500 acres of Adirondack Forest Preserve land for land of equal value owned by the International Paper Company at Perkins Clearing in Hamilton County.
- 1983** The constitution was amended to allow the exchange of 10 acres of Forest Preserve land and the "historic grouping of buildings" thereon with Sagamore Institute, Inc. for "approximately two hundred acres of wild forest land located within the Adirondack Park." ■
- Norman Van Valkenburgh



All sepia photos (unless otherwise noted) are by Seneca Ray Stoddard, courtesy Adirondack Museum.

*Fire on the mountain*



R. Sponable

# THE CREATION OF THE FOREST PRESERVE

by Norman Van Valkenburgh

**W**HEN the new State of New York began to organize following the Revolutionary War, one of the first actions of the fledgling legislature was to pass an act declaring that all lands previously owned by the Crown of Great Britain were transferred to and

“forever . . . vested in the people of this state . . .” This law did not have much effect in the Catskills because the land there had been patented by the crown some years before. But the Adirondacks presented a different story. Here, some land had been patented, but the so-called Act of Attainder of 1779 voided

many of these early land titles and included those lands as well in the transfer to state ownership. In all, title to about seven million acres of Adirondack land was passed to the new state under that early law.

The land became an asset to be turned into revenue to finance the

operation of a government that had little else to keep it functioning. As early as 1784, the state lawmakers passed an act to "encourage the settlement of the waste and unappropriated lands within the state..." These "waste" lands were those in the Adirondacks, and this law and a series of others over the next 50 years or so set out simplified procedures to effect their "speedy sale" to buyers with cash in hand.

Whether because of the designation in these laws or because the forests of the Adirondacks seemed inexhaustible, the new owners treated the lands as waste. In 1806, the Salmon River in Franklin County was declared to be a public highway so that logs could be driven down without interference from shoreline land owners. Similar laws followed for other Adirondack waterways, thus encouraging widespread removal of timber from the mountains. Throughout the 19th century forests were cut without thought to the future. Fires from the railroads that ran through the area or those left by careless lumbermen and tanners burned what was left. Fish and wildlife were taken at a record-setting pace. Need did not seem to have been a factor. The natural resources were there, and the people of the new state, basking in their hard-won freedom, took them.

New Yorkers were not alone in their thoughtless treatment of their remote and wild lands. But, the sounds of a conservation ethic were heard. As early as 1808 the state legislature made it a misdemeanor for anyone to cut down or destroy the "public woods in the county of Essex." This was the first legislative attempt to preserve the forests of the Adirondacks. The first real stirrings of concern were written by Samuel H. Hammond, an Albany journalist. An ardent outdoorsman, Hammond's *Wild Northern Scenes; or Sporting Adventures with the Rifle and Rod* published in 1857 became a landmark in early conservation writing. After describing a morning of fishing on the Rackett [sic] River with three friends, Hammond lapsed into a thoughtful observation:

"Civilization is pushing its way even towards this wild... and before

many years even the Rackett will be within its ever-extending circle. When that time shall have arrived, where shall we go to find the woods, the wild things, the old forests, and hear the sounds which belong to nature in its primeval state? ... Had I my way, I would mark out a circle of a hundred miles in diameter, and throw around it the protecting aegis of the constitution. I would make it a forest forever. It should be a misdemeanor to chop down a tree, and a felony to clear an acre within its boundaries. The old woods should stand here always as God made them... I would consecrate these old forests, these rivers and lakes, these mountains and valleys..."

Newspapers such as the *Albany Evening Journal* and *New York Times* adopted the same theme in some of their editorials in the late 1850's and early 1860's. Indeed the *New York Times* would become, over the years, a staunch defender of the Forest Preserve.

It was in 1864 that George Perkins Marsh wrote *Man and Nature; or Physical Geography as Modified by Human Action*. *Man and Nature* is, in effect, the first textbook on ecology, and in its pages Marsh describes the relationship of one part of the environment to another and singles out the forest as the key to it all. The book is not about the Adirondacks, but it became a basic influence for those who argued for the Forest Preserve in the years to come.

Verplanck Colvin, a self-taught land surveyor from Albany, had read *Man and Nature*, but his immediate interest in the Adirondacks was prompted more by the inaccuracies in the surveys of the land patents and the lack of any maps showing the relative location of the peaks of these mountains. He thought he could set things straight if only the state would fund an Adirondack survey with him in charge. He had been north before, but it was his trip in late September of 1870 to take "the barometric measurement of Mt. Seward" that brought him to the forefront in the story of the Forest Preserve. In the *24th Annual Report on the New York State Museum of Natural History* (1870), Colvin called attention to the

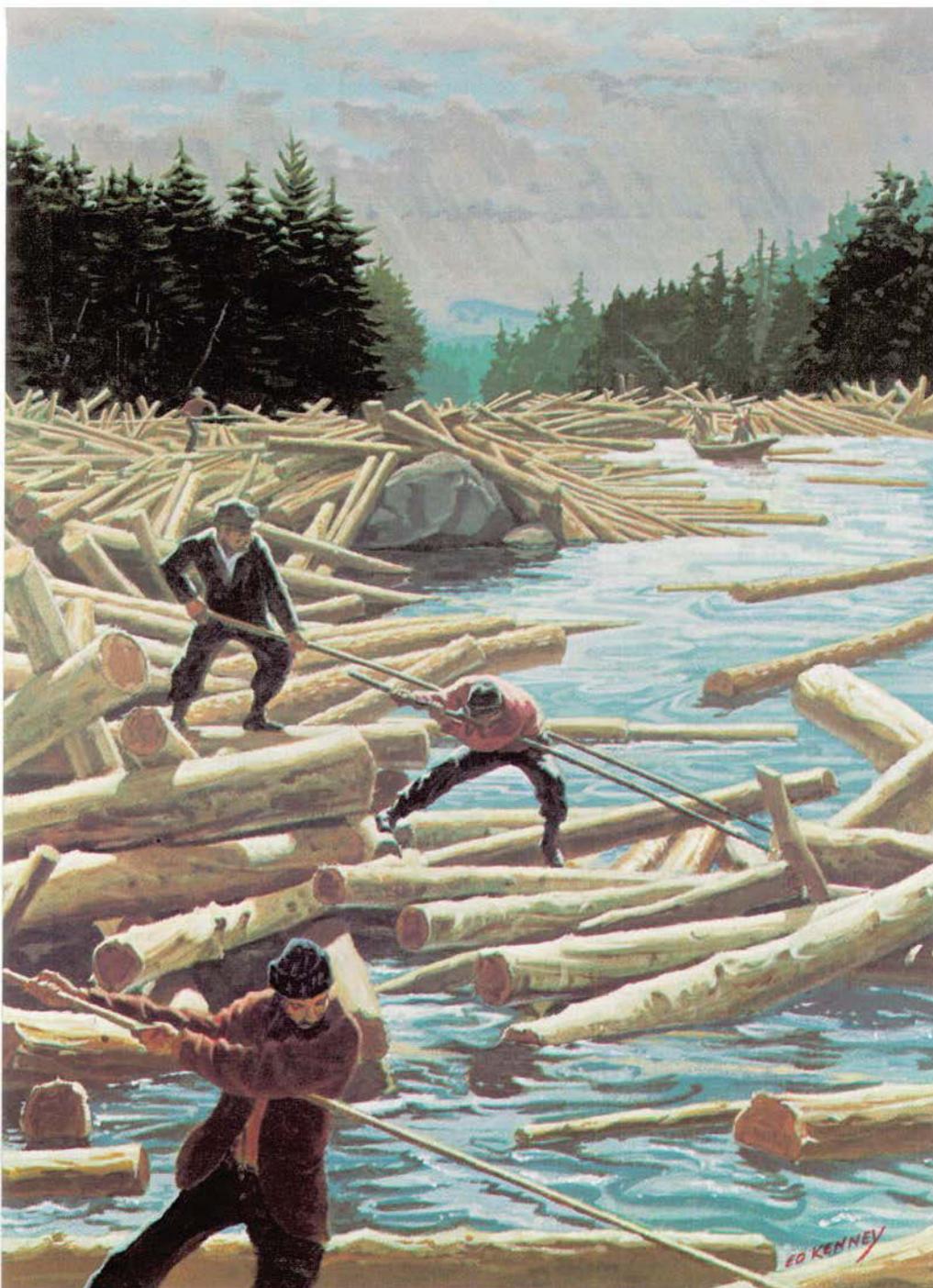
problems caused to the Adirondack watershed by "the chopping and burning off of vast tracts of forests in the wilderness..." Prompt action was needed, he said,

"The remedy for this is the creation of an Adirondack Park or timber preserve, under the charge of a forest warden or deputies. The 'burning off' of mountains should be visited with suitable penalties; the cutting of pines under 10 inches or one foot in diameter should be prohibited. The officers of the law might be supported by a per capita tax, upon sportsmen, artists and tourists visiting the region; a tax which they would willingly pay if the game should be protected from unlawful slaughter, and the grand primeval forest be saved from ruthless desolation. The interests of commerce and navigation demand that these forests should be preserved; and for posterity should be set aside; this Adirondack region, as a park for New York, as is the Yosemite for California and the Pacific States..."

Colvin's report appeared at a time when the city of Albany was in the midst of a long drought and having water supply problems. Some were suggest-

The visionary—Verplanck Colvin





"Breaking the Log Jam" by Edward Kenney

ing the Hudson River, polluted though it was, be used as an alternate water source. Others thought water from the Adirondacks might be the answer. Many discussions were held in the meetings of the Albany Institute, an old and respected literary and scientific society, of which Colvin was a member. The subject of its April 2, 1872 meeting was, "The Water Supply of Albany." In attendance was one Franklin B. Hough, a country doctor from Lowville on the western fringe of the Adirondacks. The meeting between Hough and Colvin was to have important consequences for

the future Forest Preserve.

Hough seems to have had little time for doctoring. He was the writer of separate histories of the counties of Franklin, Jefferson, Lewis and St. Lawrence and, in 1873, wrote a *Gazetteer of the State of New York*. He supervised the state census in 1865 and the federal census in 1870. In 1873, he was invited to attend the annual meeting of the American Association for the Advancement of Science in Portland, Maine and gave an address entitled, "On the Duty of Governments in the Preservation of Forests." Its

concluding line suggested, "... that this association might properly take measures for bringing to the notice of our several state governments, and congress with respect to the territories, the subject of protection to the forests, their cultivation, regulation and encouragement..." The association took the suggestion and appointed a committee, with Hough as chairman, to do something with that idea. In 1876 the committee, with Hough providing most of the effort, succeeded in getting an appropriation of \$2,000 from the U.S. Department of Agriculture to employ a forestry agent. Hough was appointed to the new post and remained in it until 1883. This office became the Division of Forestry in 1886, the Bureau of Forestry in 1901 and the United States Forest Service in 1905.

All that, however, followed the 1872 meeting of Colvin and Hough. Significantly, all the discussion about the water supply problems of Albany and the Adirondacks as a possible source was going on at the time the legislature was in town. Chapter 848 of the Laws of 1872, passed on May 23, established a commission of state parks for the State of New York and charged it with the duty "...to inquire into the expediency of providing for vesting in the state the title to the timbered regions lying within the counties of Lewis, Essex, Clinton, Franklin, St. Lawrence, Herkimer and Hamilton, and converting the same into a public park..." Hough was one of the seven appointed commissioners. Colvin was another and was promptly chosen by his colleagues to serve as secretary.

The *First Annual Report* (and the only one) of this commission was submitted to the legislature on May 15, 1873. The commissioners were "... of opinion that the protection of a great portion of that forest from wanton destruction is absolutely and immediately required..." They did "...not favor the creation of an expensive and exclusive park for mere purposes of recreation, but, condemning such suggestions, recommend the simple preservation of the timber as a measure of political economy..." They concluded "... that the permanent preservation of a large portion of

this forest is necessary. . . .” and recommended “. . . that the wild lands now owned and held by the state be retained. . . .”

Like many another government report, the one of the 1872 commission seemed destined to fade into oblivion. It was, however, the forerunner to a later commission created by an 1884 Act (Chapter 551) and directed “to investigate and report a system of forest preservation.”

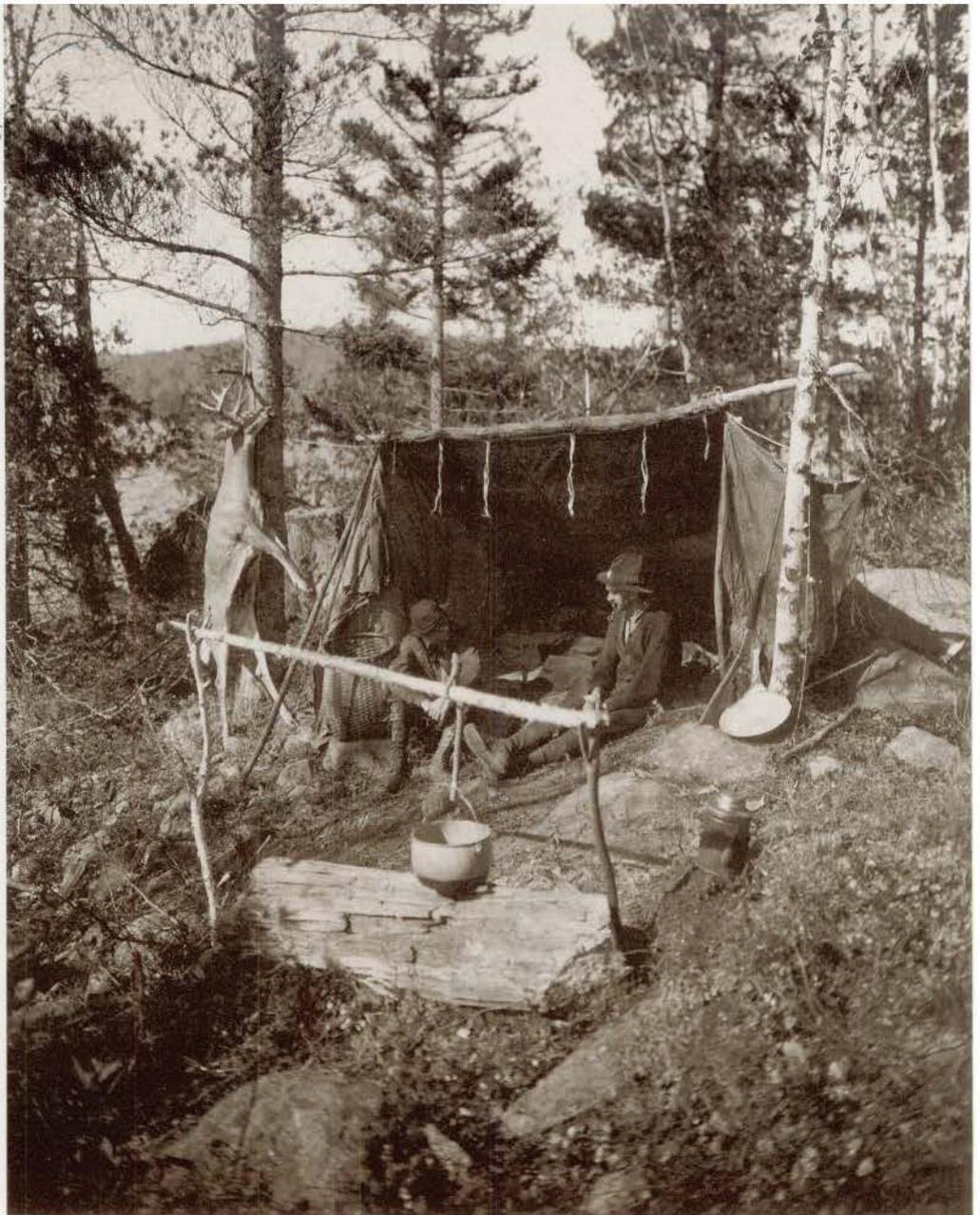
The 1884 Forestry Commission came to be known as the Sargent Commission in recognition of its chairman and most active participant, Professor Charles Sprague Sargent of Harvard University. Sargent was probably the country’s premier dendrologist and is remembered today for two principal works, the Arnold Arboretum at Harvard and his massive 14-volume *Silva of North America*, a descriptive listing of every tree species on the continent.

The Sargent Commission submitted a thorough report to the controller on January 23, 1885. In summarizing their findings, the commissioners stated they were “convinced that a portion of the Adirondack forest is essential to the welfare of the state, and that its present holdings of wild lands should be strictly preserved and protected . . . .”

Up to this time, the lands and forests of the Catskill Mountains had not been a part of the concern of those involved in the Adirondack question. The Sargent Commission, however, reported that it had “visited the forest region of Ulster and Delaware counties,” but disposed of the Catskills in one paragraph stating:

*“The protection of these forests is, however, of less general importance than the preservation of the Adirondack forests. The possibility of their yielding merchantable timber again in any considerable quantities is at best remote; and they guard no streams of more than local influence. Their real value consists in increasing the beauties of summer resorts, which are of great importance to the people of the state.”*

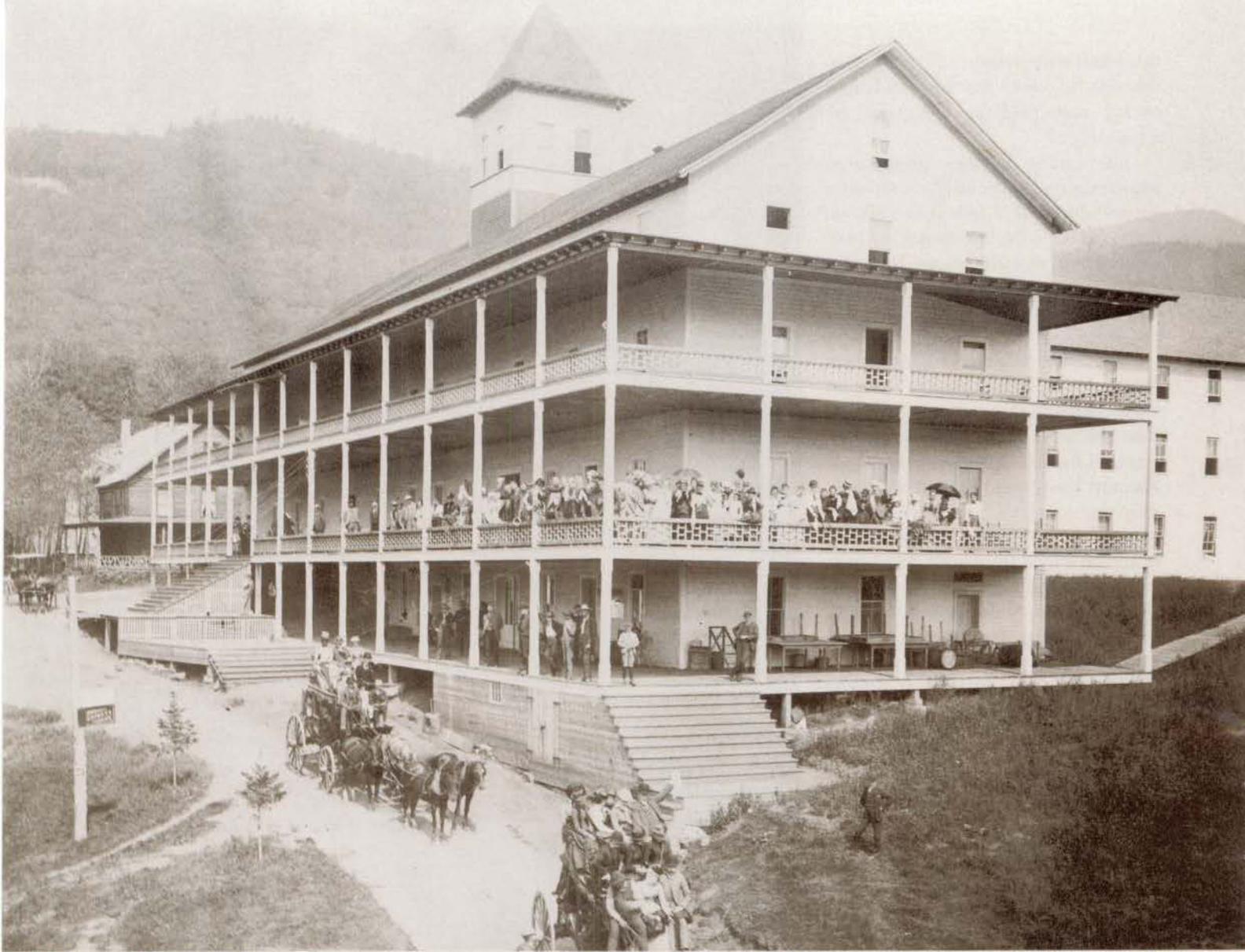
The commission concluded its report by recommending the enactment of three laws: “An act for the preserva-



(Top) A successful day—hunter and guide  
(above) Taking the coach from North Creek

tion and care of the Adirondack Forest,” “An act for the protection of forests, and to amend the penal code,” and “An act for the speedy collection of

taxes upon the forest lands in certain towns in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence, Warren



Blue Mountain Lake House, 1889—the zenith of Adirondack resorts

To the Catskills for relaxation

Four guides



DEC photo





The conservationist—Franklin B. Hough  
Charcoal kilns—southern Adirondacks



The politician—  
Cornelius A.J. Hardenbergh



E. Pilcher

Courtesy Adirondack Research Center

and Washington.” The first of these proposals recommended the creation of a forest preserve in the 11 counties listed in the third proposal and required that such lands “be forever kept as wild forest lands.”

The Sargent Commission Report with its recommended legislation was referred to the State Committee on Agriculture and the Assembly Committee on Public Lands. In early March of 1885, a joint sitting of these two committees received a paper presented by Hough entitled, “The Duty of the Legislature with Reference to its Woodlands,” which also included recommended legislation. Hough’s proposal was the more liberal of the two, providing for protection of the state land in the Adirondacks but allowing for the selective harvest of timber from these lands under the supervision of a Forest Commission. The joint committee recommended adoption of the Hough proposal.

Throughout the entire period from the appointment of the Sargent Commission to the report of the joint legislative committee, a number of private organizations had been at work behind the scenes. Principal among these were the New York Board of Trade and Transportation and the Brooklyn Constitution Club. On April 1, 1885, the Brooklyn Constitution Club issued its own report and strongly recommended the Sargent legislation with some changes to strengthen it on the preservation side of the issue.

A third strong influence in subsequent discussions was Assemblyman Cornelius A. J. Hardenbergh from Ulster County. Hardenbergh was a late starter in the process. He was surely a man for the people being an avowed opponent of taxes. His particular irritation was an 1879 law that required Ulster County to acquire all tax-delinquent lands in the county and, then, pay taxes on these lands to the state. As supervisor of the Town of Shawangunk and chairman of the Ulster County Board of Supervisors, he influenced the decision of the board not to pay the taxes due to the state. By 1884, Ulster County owed over \$40,000 and the state brought suit to recover the monies due. Hardenbergh was elected

to the assembly and introduced a bill calling for repeal of the 1879 law and the transfer of the county-owned lands to the state. As this bill was signed into law on April 20, 1885, the final wording of the bill to create a forest preserve was being drafted.

The result was what came to be Chapter 283 of the Laws of 1885. The final bill incorporated parts of both the Sargent and Hough proposals, satisfied Hardenbergh’s concern and listened to the Brooklyn Constitution Club. Among other things it established a three-member Forest Commission to have “care, custody, control and superintendence of the forest preserve” and a staff of forest wardens and forest inspectors that has grown over the years into the present-day Forest Ranger force. However, the part that created the Forest Preserve—681,374 acres in the Adirondacks and 33,894 acres in the Catskills—was remarkable for its completeness and brevity.

“§7. All the lands now owned or which may hereafter be acquired by the state of New York, within the counties of Clinton, excepting the towns of Altona and Dannemora, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence, Warren, Washington, Greene, Ulster and Sullivan, shall constitute and be known as the forest preserve.

“§8. The lands now or hereafter constituting the forest preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private.”

It is even more remarkable that now—one century later—the legal definition and the restrictions on management of the Forest Preserve (as set out in the environmental conservation law and the constitution) retain the same wording with only some minor changes and the addition of two counties, Oneida and Delaware. Truly, the Forest Preserve is a heritage of the past and requires a thoughtful stewardship for the future. ☪

Norman VanValkenburgh is director of DEC’s division of lands and forests. He is the author of *The Forest Preserve of New York State in the Adirondack and Catskill Mountains* published by the Adirondack Research Center.