

**Case Study
of the East Branch of Fish Creek Working Group
Tug Hill, New York**

National Community Forestry Center
Northern Forest Region
February, 2001

About the National Community Forestry Center . . .

The National Community Forestry Center (NCFC) is a decentralized network with four regional centers and a national coordinator. The four regional centers are located in the Southwest, the Appalachians, the Pacific Northwest, and the Northeast. The Northern Forest Regional Center of the NCFC is administered by Yellow Wood Associates, Inc. of St. Albans, Vermont. The northern forest region, our primary area of service, is comprised of the states of Maine, New Hampshire, New York, and Vermont.

The core purpose of the Northern Forest Regional Center is to help rural people conduct and use research to inform decision-making about forest resources. Our goal is to add value to the work of communities, organizations, and institutions in our region who share a vision of healthy communities and healthy forests, now and for future generations.

The work of the Center includes:

- developing partnerships with existing organizations who share our vision
- assisting rural communities in defining research agendas and engaging scientists in participatory research
- conducting targeted research to address region-wide issues and opportunities
- responding to requests by rural people for information and technical assistance related to community forestry
- establishing mechanisms such as listservs, web page, newsletter, and conferences to facilitate information sharing and networking
- publishing fact sheets, reports, and other materials on forest-related topics
- working intensively with up to three communities per year based on priorities established by our regional Advisory Council

We look forward to engaging you in this unique opportunity to support rural people in creating healthy communities and healthy forests. We would be happy to respond to your inquiries about the Center's services, or about specific forest topics, and are prepared to assist you in locating forest-related information and resources.

The National Community Forestry Center is a program of the National Network of Forest Practitioners. Network members share an interest in rural community development based upon sustainable forestry, and, even more importantly, a conviction that healthy communities and healthy ecosystems are interdependent.

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Introduction to Case Studies in Community Forestry

The National Community Forestry Center Northern Forest Region is committed to sharing information and lessons learned by practitioners of community forestry in our region. This is the first in a series of case studies we will publish to illustrate the variety of approaches that can be taken to create healthy communities and healthy forests.

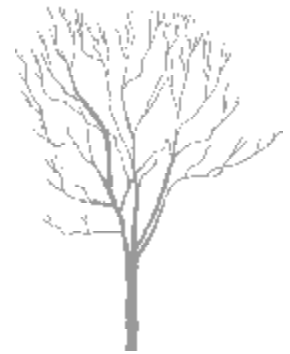
The story of the East Branch of Fish Creek Working Group in Tug Hill, New York, demonstrates how a grassroots effort to protect forest values can succeed where top-down federal and state efforts failed.

This study illustrates the steps that can be taken to build trust among diverse groups and individuals, identify common interests, and, ultimately, change state policy to allow communities to secure long-term benefits from their forest resource. The East Branch Working Group gathered and interpreted new information, and thought creatively about the use of conservation easements to meet multiple use objectives.

We invite you to read this case study with an eye toward how the issues and methods of resolving them might apply to circumstances in your community or region. We welcome your comments as well as your suggestions for other community forestry efforts in New York, Vermont, New Hampshire, and Maine for inclusion in our case study series.

Acknowledgment

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Case Study
of the East Branch of Fish Creek Working Group
Tug Hill, New York

The East Branch of Fish Creek is part of the core forest of the Tug Hill region of New York State, a sparsely populated, heavily forested rural region west of the Adirondack Park and east of Lake Ontario. Tug Hill's "lesser wilderness" is an extension of "the greater wilderness" of the Adirondacks as well as the western-most reach of the Northern Forest that stretches from Maine through New Hampshire and Vermont to Northern New York State. The core forest, a mixed northern hardwood forest containing mostly maple, beech, hemlock, white pine, and yellow birch, crowns the Tug Hill Plateau which rises from the shore of Lake Ontario to more than 2,000 feet at its eastern edge. The Tug Hill Plateau is one of ten places singled out for protection by the Northern Forest Alliance, a coalition of conservation, recreation and forestry organizations, in 1997.¹

The core forest is a remarkable place. As the basis for the region's economy, it supports diverse timber and forest manufacturing including paper, pallets, firewood, and fine furniture. In addition, the forest provides for hundreds of jobs in the recreation economy which includes hunting, fishing, snowmobiling, trapping, skiing, and more.

Forest-based recreation is central to the culture of the Tug Hill region. Many snowmobile trails run through the core forest which extends into three counties: Lewis, Jefferson, and Oswego. The Tug Hill Plateau receives over 20 feet of snowfall on average each year. As a result, snowmobiling in Lewis County generates over \$4 million dollars annually and supports some 350 local jobs. Local hunting clubs also use the core forest.

The core forest, the majority of which is privately owned, provides a critical portion of the local property tax base, especially for the towns in the eastern core. The eastern core forest's six rural towns have some of the smallest tax bases of any towns in New York State. Only 5,000 people reside in all six of the eastern core forest towns; the average population density is eight people per square mile. The smallest town in New York State, Montague, has only 47 residents and an annual town budget of \$150,000. In terms of per capita income, Lewis County is the second poorest county in New York State. In terms of natural resource endowment, it may be one of the richest.

Within its approximately 200,000 acres, the core forest contains the headwaters for several major rivers including the Salmon, Deer and Mad Rivers as well as Fish Creek. The East Branch of Fish Creek supplies the drinking water for the city of Rome and is the source of the purest waters flowing into Oneida Lake, the largest lake



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located completely within New York State. The East Branch of Fish Creek is nationally recognized as an important and threatened undeveloped area by American Rivers and River Network.

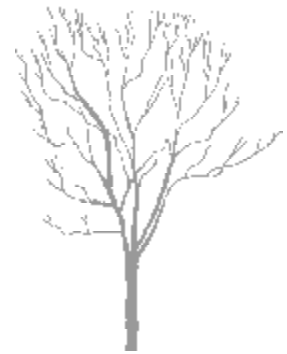
The environmental significance of the core forest and the East Branch of Fish Creek has been publicly recognized for over twenty years. Previous efforts to protect and preserve the area have failed, primarily due to lack of local involvement and support. This case study tells the story of a local initiative, the East Branch of Fish Creek Working Group, that has succeeded in developing a plan to protect and preserve the eastern core forest and the East Branch of Fish Creek. It is the story of lessons learned in the process of finding common ground among diverse viewpoints. The story illustrates the importance of addressing fiscal impacts of proposed protective measures, and the opportunities presented by separating packages of property rights to meet the needs of different segments of the population.

History of Efforts to Protect the East Branch of Fish Creek Watershed

The environmental importance of the East Branch of Fish Creek watershed has been recognized for some time. Formal efforts to protect the East Branch of Fish Creek watershed began in the early 1980s with a decision by the National Park Service to study Fish Creek for possible designation as a "wild and scenic river" under the original federal Wild and Scenic Rivers Act.

According to a member of the East Branch of Fish Creek Working Group, the local reaction to the federal study, when released, was "extremely adverse." Local sentiment ran strongly against federal designation due, in part, to concern that designation as a wild and scenic river would lead to federal mandates and additional use of the watershed without additional resources (such as rangers and clean up crews) to protect the resource. In fact, local response was so negative that the National Park Service concluded that the area should not receive federal designation, not because of the quality of the resource, but because of adverse local reaction.² This was the first time in its history that the National Park Service had made a recommendation not to designate based upon local reaction.

In the late 1980s, after New York State passed its own Wild and Scenic Rivers Act, the New York Department of Environmental Conservation (NYSDEC) decided to explore the possibility of designating the East Branch of Fish Creek. According to a local observer who later became a member of the East Branch of Fish Creek Working Group, "They sent a hapless individual around to the towns to see about it and he almost got drawn and quartered. These are very self-sufficient people. They don't want anyone to tell them what to do with their land and water." The State formed a local committee but, as another Working Group member recalls, "they never really got past the feeling that this was a state-initiated effort, not a local effort, and it pretty much fell apart on its own."



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Also in the late 1980s, NYSDEC got into the easement acquisition business when Diamond International sold its substantial timberland holdings in the Adirondacks (and elsewhere). The Adirondack lands were purchased by Henry Lassiter, who was perceived to be a land speculator and developer. NYSDEC was under substantial public and political pressure to make a deal to protect the land (which did not include Fish Creek), so a deal was made.

This was the first big easement acquisition by New York State. According to a NYSDEC employee and member of the Working Group, "It wasn't well thought out about what we wanted and why. There wasn't a public process. For example, we have large tracts of land that have no public access, but we do have the recreation rights... We've made some mistakes, but we've learned from them." The experience with the Diamond International sale and subsequent sales, meant that NYSDEC was bringing familiarity with the use of conservation easements to the Working Group table.

When the New York State Open Space Plan was crafted in the early 1990s, the East Branch of Fish Creek was identified as one of the top five priority areas in Region 6 needing protection. In the State's Open Space Plan, local government has the option to veto any proposed sale (of conservation easements) to the State.

Despite the failure of federal and state efforts at protecting the eastern core forest and the East Branch of Fish Creek, the area has remained relatively undeveloped to date. Of the over 200,000 acres in the core forest, approximately half, or 100,000 acres comprise the eastern core. Most of the land in the core forest as a

What is a Conservation Easement?

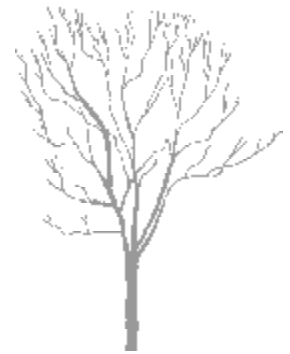
A conservation easement is a legal, voluntary agreement between a landowner and a government agency or private land trust. The easement limits one or more specific activities on the property in accordance with the landowner's goals and the property's unique natural condition. Once the terms are negotiated and approved by the landowner and the organization who will hold the easement, the agreement is signed by both parties and filed with the deed. Present and future owners of the property are bound by the restrictions of the easement. The holder of the easement assumes responsibility for monitoring the property and enforcing the terms of the easement. Conservation easements can be very flexible. For example, a landowner may wish to retain the right to farm or harvest timber, or protect a variety of special natural features differently within one easement. Or the



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whole is privately owned. More than 225,000 acres consist of holdings in parcels of 400 acres or more.³ About half of the East Branch of Fish Creek watershed is owned by one landowner: John Hancock Timber Resource Group. Less than 24,000 acres, or 12% per cent of the entire core forest, is publicly owned forest land.

Local concern for the future of the watershed reached a high point in the early 1990s when the largest single landowner in the East Branch of Fish Creek watershed, then Lyons Falls Pulp and Paper Company, put together a prospectus for an outright sale of their lands and asked state government to consider purchasing conservation easements. At that time there was little funding available to support state purchase of conservation easements, and the company ended up holding onto the land. The local sportsmens groups, which then numbered over 20, became concerned that, if sold, the land would be subdivided and eventually closed off to members of private clubs who have long enjoyed hunting and fishing privileges on the land by virtue of the clubs' lease holdings. In 1995, the Tug Hill Sporting Association approached the Tug Hill Commission to ask for their help in pulling together a group in the region who could "help come up with some alternatives to make sure the leased forest lands weren't sold off, subdivided, and then unavailable for recreational pursuits."



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What Is the Tug Hill Commission?

The Tug Hill Commission (THC), which began life as the Temporary State Commission on Tug Hill, was created in 1972 by the New York State Legislature and charged with "recommending policies for natural resource protection and development of a 39-town rural area of approximately 1,285,000 acres."⁴ The Commission was given no regulatory power and has had to rely on its ability to influence the decisions of local governments through day-to-day interactions in providing technical assistance, information, education, and advice on problems of concern to the governments and the people they serve. Although initially intended to exist for only five years, the Commission has continued to receive state support for 25 years due to the extraordinarily strong support of its constituency, the towns of the region. As a trusted, yet neutral, third party, The Tug Hill Commission was critical to the formation, management, and success to date of the East Branch of Fish Creek Working Group. According to one Working Group member, "It wouldn't have had the same credibility if anyone else in the Group led it."

Like the THC itself, the East Branch of Fish Creek Working Group has no regulatory authority. It is an ad hoc group brought together expressly for the purpose of crafting and articulating a widely shared vision of a preferred future for the watershed.

Beginning with the concerns of the Tug Hill Sporting Association, the THC began the work of identifying stakeholders to include in the discussion over the future of the East Branch of Fish Creek Watershed. This process continued well into the Group's first year as members continued to consider who else needed to be included in their deliberations. From the beginning, the Group was committed to being as inclusive of local and outside interests as possible. They included not only current stakeholders, but potential future stakeholders as well. For example, the East Branch of Fish Creek is not a prime area for hikers because it is posted and gated, but hiking could become more popular in the future, so the Adirondack Mountain Club, a well-established regional non-profit involved with hiking, was invited to the table to express their interests and concerns.

Once potential group participants were identified, the THC and other Working Group members took the time to identify the appropriate individuals in each group to include in the Working Group. This often took more than one phone call. A wide range of perspectives were represented including those of the NYSDEC, the timber industry, the Sporting Association, town governments, county government, the City of Rome, the county snowmobile association, timberland managers, small landowners, the county industrial development agency, the New York State Conservation Fund Advisory Board, and three environmental groups -- the Adirondack Mountain Club, The Nature Conservancy, and New York Rivers United. The East Branch of Fish Creek Working Group was described by one participant as, "A lot of different circles that don't normally converge that converged with this Group."

In the beginning, no one, including the THC facilitator, knew each of the participants personally. Some participants didn't even know that the groups others represented existed, much less what their concerns and interests might be. Therefore, the meetings of the Group included many unprecedented conversations. In addition, all the meetings of the Working Group were publicized in local newspapers and were open to anyone who wished to attend. Observers who were not designated representatives were asked to hold their comments until the end of the meeting so as not to interrupt the work of the Group.

Gaining Local Government Participation: Understanding Fiscal Impacts of Protection

Early on, The Tug Hill commission recognized the need to actively involve and garner the support of local governments. "We

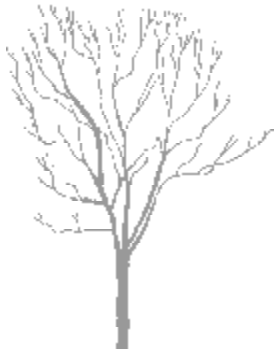


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were in a situation where the East Branch of Fish Creek has a low enough priority for the rest of New York State that if external funding would be required (to protect it) which it would, it would require very strong local support. It was easy to figure that out after having been through two exercises (federal and state) that died for lack of local support.”

The key issue of concern to local governments was property taxes and the potential shift of the property tax burden to local taxpayers. A Working Group member recounts, “The property tax issue became a point of unanimity when we were done, but early on in the process the town representatives were saying, ‘This issue is so important that it’s an absolute requirement. As much as we agree with the need to protect the watershed, we can’t be a party to it unless we know it won’t shift the tax burden to the people in our communities.’”

"I think there were a number of Group members who would want to preserve the whole thing as forever wild, but that didn't serve the interests of the Group. You had



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It’s not only the towns who are concerned about property taxes; forest landowners are also concerned. According to the research conducted by the Working Group, property taxes in the eastern core forest range between \$4 and \$5 an acre and have been rising steadily over the past decade with no end in sight. Property tax pressure is already a contributing factor in the breakup of large parcels. New York State’s version of “current use” law for forest lands, the “480-a” program, allows a forest property owner to take a reduction of up to 80% of property taxes for forested lands managed in accordance with a plan approved by NYSDEC. Enrollment in the program is not subject to any local approval. Since New York State does not reimburse towns for lost tax revenues, enrollment by forest landowners in “480-a” automatically shifts the property tax burden onto local citizens. Several efforts to amend the “480-a” law to provide state reimbursement to towns that experience property tax shifts have failed.

Reaching Consensus on Goals: Creative Approaches to Multiple Use

In a group as varied as this, achieving consensus is no small matter. Perspectives range from public, to private, to non-profit, and insider to outsider. Politics range from the far left to the far right, and perspectives on the forest itself range from forest as a private recreational preserve to forest as something to preserve as forever wild to forest as something akin to a farm. Given this much divergence and potential for conflict, how did the Group manage to reach consensus?

The process began with the facilitators offering participants an opportunity to identify their particular interests in the watershed. All

participants were willing to listen to each other and to at least try to understand the diversity of viewpoints. Issues related to those interests were identified and a list of information needs was started. All three areas: interests, issues, and information needs, were continually revisited and refined over the course of two years during which the Working Group met approximately 15 times. The one thing everyone seems to have agreed on from the start was the need to protect the watershed and prevent the lands from being broken up. This was the "prize" everyone agreed to, at least in general terms.

Bob Quinn, Executive Director of the THC and facilitator of the East Branch of Fish Creek Working Group, describes the process the Group went through:

"We took about nine months to reach agreement on the general principles that are listed in the report. . . . It was probably about seven meetings. People were needing to get to know one another, . . . we had winter weather, and a change in one major landowner six months into the project with the sale of Lyons Falls Pulp and Paper Company lands to Hancock Timber Resource Group in February. That caused us to do some backing up and retracing and figuring out how the new landowner felt about what was going on."

As another participant observed, "The inherent conflict in this project is on recreational use issues, not resource use." The interests of hunting clubs, snowmobilers, and public recreation interests can conflict. Snowmobiling interests may wish to encourage use of trails by outsiders while hunting clubs would prefer to preserve exclusive rights to the areas they have leased as private clubs for generations. However, by taking the time to thoroughly understand each groups' seemingly clashing interests, the Working Group has been able to help them find a way to accommodate each other by recommending flexible and innovative approaches to the design of conservation easements.

A key area of disagreement was over exclusive hunting rights. Bob Quinn explains, "Exclusive hunting rights were a big question at town board meetings, but also in the Group. There was a lot of discussion about if you use conservation easements without broad public access rights, have you created some kind of private preserve, and, if you have, 'I don't want to have anything to do with it.'"

Another participant reports, "There was philosophical disagreement about whether it was right to use public money to preserve exclusive rights. We didn't get down to real specific details, but there are some options. Maybe the (hunting) camps would be there but they would only have exclusive hunting rights during big game hunting season. At other times there would be limited, specified public access. The bottomline, too, is that it's still up to the landowner. We had to bring that up a few times, too. The landowner understands you need strong local support for (State) acquisition (of easements) to occur."



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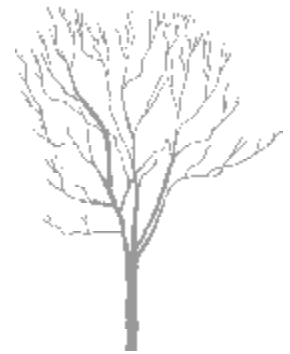
From one participant's perspective, "The amount of public access was the area of greatest disagreement. After a while I realized that not all the lands were leased (by the hunting clubs) and perhaps the unleased lands could have complete public access. Maybe we could allow mountain biking during some seasons, or snowmobiling after hunting season, maybe fishing wasn't as critical in some areas as hunting. . ." This is evidence of the creative thinking that emerged as the group sought solutions that would respect everyone's diverse interests.

Dealing with Conflict

As disagreements surfaced they were actively addressed in one of two ways. Again, Bob Quinn explains, "The Group, especially after the first few meetings, was comfortable enough that people were willing to raise objections by saying, 'I just can't be a party to this unless. . .' Mostly we got the response, 'OK, we have to work this out then.' They dealt with conflict fairly well and agreeably. The second way they dealt with conflict was to avoid it.

That's often the case in rural communities where folks very often are likely to hear something they disagree with and, before they speak out against it, wait to hear more about what the other guy is saying. I think it has to do with fundamental values about how much you push to get what you want. Maybe people in rural areas have less occasion to feel they have to assert what they want. There are times when you actually have to elicit a negative response. 'Are you really comfortable with that?' If you were used to working in more urban settings, you might take the non-response as a sign of agreement and not realize that people in this setting may be just less likely to object. Regularly I'd ask folks whether or not they had a disagreement with something. . . If you ask the question and there's silence, don't assume it's OK."

These techniques were so successful that all twelve members interviewed for this case study had trouble identifying any real conflict in the process. Instead, they responded with comments such as, "Some people felt some areas were more important than others, but I don't think there was any disagreement." "Even if the Group didn't agree on something, it was all very polite and they agreed to disagree." "There were just minor disagreements. Mostly they came from lack of information and understanding." "I look back on it and don't ever remember having "conflict". . . When there were disagreements it was always, 'Let's talk about this some more, what do you mean? Why don't you agree with so-and-so? I've seen conflict at public hearings, but I don't remember any here."



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Given the diversity among Working Group members, a considerable amount of learning had to occur to enable the Group to reach common ground. Participants learned a lot about each other, about the eastern core forest, and about the process of forest protection through easements and other means. Environmental group representatives, for example, learned for the first time about what the Eastern Core Forest really meant to some local people.

“These (hunting club) groups have a tradition. Their fathers were members of these clubs and they hope their sons will be. They view the land as their own, although it’s not. This was a hard thing for me, representing the environmental community, to understand. We’re still thinking in terms of birds and bunnies. We didn’t see the difference between what they had and public ownership. The low point of the process was our not understanding the difference. . . It was a step backwards to realize we don’t have all the answers and our way isn’t always the only way.”

Another environmental group representative learned that, “working with the forest products community is very beneficial. They have many of the same goals and concerns we do.”

Others learned that there are many different local points of view. Snowmobilers see the issues differently than hunters, whose views differ from those of small landowners. It is a mistake to assume that local perspectives are homogeneous. A representative from the City of Rome whose interest was in protecting the city’s water supply learned “that there are many people involved in special interest groups that you may not even realize exist -- snowmobiling organizations, hunting organizations, New York Rivers United -- that have dedicated individuals.”

Local hunting club representatives were able to identify interests in common with environmental groups. One of the hunting club representatives started out adamantly opposed to the involvement of environmental groups. Over the course of the Working Group meetings, the attitude changed from, ‘I just don’t trust you’, to “Come up and I’ll open the gates for you and show you good places to sample (water quality).”

The county planner learned more about conservation easements and the 480-a program and its impacts. “You can talk about all these programs, but until you actually have to have input on one and do it, it’s hard to see how all the pieces are going to fit together.”



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When it came time to edit the final recommendations, a great deal of care was given to the order in which the goals were presented and the language used to describe each one. As one member observed, "Our number one goal is to maintain a high quality of the sustainable environment for our children and our children's children. That was listed first intentionally. That was very important. People are willing to accept change, but they want to guide it and oversee it."

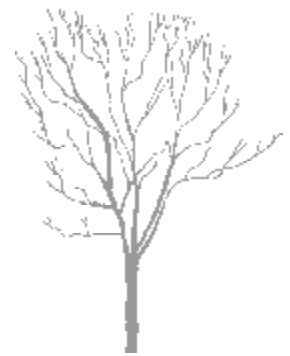
Soliciting Public Input

Once the Working Group achieved consensus on its goals, the Group made the decision to write them up along with some basic information about the eastern core forest (including the property tax implications of changing patterns of land ownership), the efforts of the Working Group to date, and options for forest protection that the Group had identified for further discussion. The THC provided the staff support required in preparing numerous drafts of this document for review, comment, and revision.

With great sensitivity to the issue of local control, the Group deliberately chose to present its work to date, not as recommendations, but as information to inform further public discussion. Bob Quinn recalls, "... when we talked about going to the communities and asking their reaction, the Group was very adamant that we needed to be asking their opinion about how we should pursue these goals. They were concerned that, while they had concluded that conservation easements were the way to go, if they went to the public with it in writing, it would look like another imposed plan that people would reject."

The draft report was used in a series of six town board meetings during the summer of 1996. The meetings were open to the public. Town government representatives who were members of the Working Group, and, in particular, the staff of the Cooperative Tug Hill Council, had been keeping their town boards apprised of Working Group discussions on an ongoing basis as had the county planner and regional circuit rider⁵. The meetings were crucial in not only conveying the work of the Group to the towns, but in bringing comments, concerns, and insights from the public and the town boards back to the Working Group for consideration. The public meetings held in the summer of 1996 built on the relationships already established within the Working Group and between members of the Working Group and their own individual communities as well as over twenty years of work with the Cooperative Tug Hill Council. This, combined with the written document presented to the public and the town boards, provided the background for substantive discussion.

At the six town meetings, each town board was offered the opportunity to endorse state legislation that would change existing law so



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that Tug Hill taxing jurisdictions would be reimbursed for loss of tax revenue associated with the value of any conservation easements purchased by the State of New York. All six town boards passed resolutions supporting the proposed legislation. For several participants, including the THC, this was one of the high points of the Working Group experience.

Bob Quinn speaking for the THC reflects, "In the work we've done over the years people have said, 'Protect the land, allow private ownership, continue productive use of the lands.' We've heard that over and over again, but this is the first time the conservation easement approach has seemed to click with town boards. . . Five years ago we asked town boards how they felt about conservation easements, and at that time the towns didn't understand easements enough to say it would be a good idea. It was great to see that what was new five years ago now seemed like a decent idea." Once the towns had endorsed the proposed legislation, the THC organized several trips to Albany during which various members of the Working Group were able to explain their concerns, interests, and support to state legislators.

Digging Into Details

By the fall of 1996, the Working Group had received public endorsements of their general approach as well as specific support for legislation that would permit purchase of conservation easements by New York State without shifting the tax burden to local taxing jurisdictions.

With this support behind them, the Group began to dig into the details required to come up with a plan for the eastern core forest. This is a plan with a little 'p'. It has no regulatory power behind it -- its power is derived from the consensus of diverse interests it represents. Creating the plan involved identifying information needs, and then gathering, synthesizing, and presenting information for discussion by the Group. In addition to presentations and information sharing at meetings, the Working Group arranged two tours of the eastern core forest for its members. Categories of information developed by and for the Group by a combination of members, consultants, and the THC included:

- current ownership
- water bodies, rivers, wetlands, and classified streams
- current roads and access
- current land use controls and current land use
- status of conservation easement legislation
- case studies -- water quality in relation to development
- natural heritage data
- cost of community services



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- case studies of similar situations
- fisheries
- canoe guides
- location of camps and gates
- pH of river
- deer wintering yards
- rare plant communities and habitats
- potential property tax impacts of 480-a and easement purchases
- examples of conservation easements adapted to multiple uses/purposes

According to Working Group members,

“Once we formed objectives, we gathered information about the watershed from many sources. We did a great job coming up with the best information available. Lyons Falls Pulp and Paper provided anything they (the Working Group) were looking for as far as forest management on the property for the last 100 years, and we (LFP&P) had done an inventory in 1991 so we knew what the forest looked like.”

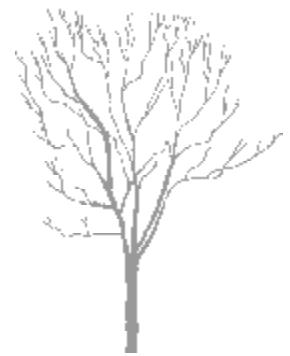
“Appraisers came in to talk about property tax issues and others talked about natural resource research going on. New York Rivers United sponsored research on mussels and water quality. The need for that knowledge came right out of the Group.”

“We spent 45 minutes at one meeting identifying the key trail opportunities for various recreational uses, not just because it gave us ideas for recreation, but because it gave the members of the Group a chance to share what they knew.”

In the process of looking for information, the Working Group identified information gaps that members are now trying to address. Gaps include a lack of information about natural communities or discrete ecosystems within the forest, and information on rare plant and animal habitats. Members like New York Rivers United were able to secure funding to address specific research needs identified by the Group.

“We had no information biologically on the area before and New York Rivers United got a grant and provided a graduate student intern to do some research on water quality. . . Those are things that wouldn't have happened if so many people hadn't gotten together in one spot.”

All of this emphasis on gathering information allowed participants to learn even more about the eastern core forest, everything from chemical analysis of the water to what is happening on lands owned by other people. One participant summed it up: “We had quite a lot of



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knowledgeable people in the Group. I found myself learning all the time. I bet that was a little bit of a factor in attendance being good too. A lot of people walked away feeling they'd learned something new about the forest."

Making the Plan and Recommendations Public

On Earth Day, April 1997, the East Branch of Fish Creek Working Group released their Recommendations for the Protection of Jobs, the Environment and Traditional Uses for Tug Hill's Eastern Core Forest. The recommendations were received with minimal public comment and no organized opposition, a clear indicator of the success of the Working Group's approach to local participation.

One of the most notable features of the Working Group report is the care taken to address (rather than avoid) the key concerns of its members including the emphasis on voluntary sale and purchase of land and/or easements, specified easement conditions and flexible arrangements to respond to the needs of a wide variety of public and private users, and the requirement that any solution would not shift additional tax burdens to the local communities.

It Isn't Over Yet

Although the Group's achievements to date are impressive in terms of identifying needs, opportunities, and strategies endorsed by local and outside interests, the implementation steps are on hold pending the passage of state legislation. Members of the Group realize their job isn't over yet.

"Yes, we all came together and decided on goals and objectives and where we thought everybody should be, but the proof will be in the pudding, if and when there is state legislation to allow for these easements and there are willing sellers, how is this all going to blend?.. It depends on the willing seller and who holds the bundle of rights."

"We've been reminded that this isn't going to fix everything. You just have to do the best you can with the tools that are available and know it's better than what would have happened if you hadn't gotten together... On paper it has the potential to take care of the large landowners who have tax concerns, it has the opportunity to take care of recreational trails, maintain the high quality of the environment up there that people are concerned for future generations, and it has the potential to protect the resource that so many logging jobs depend on. There's a lot of pl uses here."

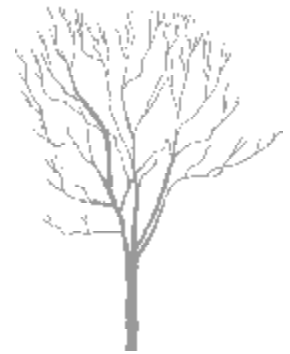


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Outcomes

From the perspectives of the members of the Working Group who were interviewed, the most significant outcomes of the Group's process are:

- *The report that includes the Group's recommendations was written through a consensual process.* As one participant stated, "The most noteworthy outcome is the agreement itself as stated in the report and the fact that this diverse Group agreed to it."
- *The formation of a broad-based coalition to support legislation in Albany.* In developing consensual agreement about the goals and recommended procedures for protecting the East Branch of Fish Creek, the Working Group has created a powerful voice for the changes in state law needed to make their plan a reality. In the process, many members have become educated about the role of the political process in land use decisions.
- *The improved communication and understanding among participants in the Working Group and the groups that they represent.* The Working Group process itself has been a process of creating and/or deepening relationships between the members. New activities are already being carried out on the basis of these new relationships and understandings, and there is evidence that individual groups such as New York Rivers United and the NYSDEC will continue to use the Working Group as a sounding board for future activities.
- *The new insights into creative use of conservation easements.* The Working Group process exposed its members to a variety of innovative approaches to the use of conservation easements -- approaches that are flexible enough to potentially meet the needs of diverse user groups. Even groups with prior experience in using easements such as the NYSDEC had their perspectives broadened by the Working Group experience.
- *The basis for an ongoing advisory role for the Working Group.* The existence of the Working Group provides the opportunity for continuing dialogue on future acquisition and management among all its members. As one of the NYSDEC members commented, "Now we have a more ready pool of people to draw on for information on interests and concerns." This suggests the possibility for stronger local involvement in resource management over the long run.
- *The increased potential for new and expanded recreational use of the eastern core forest.* There is some potential for increased recreational use of the eastern core forest, particularly in the spring, summer, and early fall. The work of the Group has already led to increased interest in developing the infrastructure for some of these activities.
- *The new or renewed appreciation for the value of local involvement.* One environmental group representative notes: "We could have gone in



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immediately and crafted a deal with specific landowners at the beginning but it would have been shallow. It wouldn't have reached as far into the community and developed their support. I have to remember that in my other work. You need to involve the community early on and make it clear that everyone's going to be listened to."

Lessons from the Process

What are the lessons of the East Branch of Fish Creek Working Group process that could be applied by other people or groups who are seeking to engage communities in developing goals and recommendations regarding the management of forest resources for both environmental and economic benefit?

Lesson #1: Identify a trusted individual or organization to facilitate the process.

The staff of the THC devoted approximately 80-100 days of staff time to the Working Group over a two year period, "and it would have taken a whole lot more time except for the fact that a lot of the information developed for the Group was information we already had and we were doing for the communities, and the project had a history." In addition to facilitating the meetings of the Working Group, the THC staff took on responsibility for arranging and organizing meetings, producing minutes of each meeting in the form of an easy-to-read newsletter and distributing it to all the Group's members, drafting and redrafting the interim and final reports of the Group, collecting, analyzing, mapping and presenting data as needed, organizing and attending numerous meetings of Working Group constituents, organizing field trips, organizing trips to Albany to talk with state legislators, and putting out press releases. All participants agreed that without the involvement of the THC, the East Branch of Fish Creek Working Group could not have accomplished all that it has.

Lesson #2: Go Slow and Really Listen

Everyone involved in the Working Group recognizes the benefits of having taken time to get to where they are today and they warn of the dangers of trying to move too fast. This is a process that involves a lot of retracing of steps as new people join in and revisiting of accomplishments and understandings change.

"Facilitators sometimes want to move too quickly... It's essential that you give people enough time to digest the situation and to achieve the trust between people."

"Working together for that length of time you get to know people and you can read them. There wasn't a



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disadvantage to meeting for that length of time. You could ask people questions and really get to know where they are coming from.”

Lesson #3: Involve all the stakeholders

Remember that there are many different “local” perspectives. Include them all. Involve outside stakeholders as well. They have experiences, points of view, and interests to share and a lot to learn from local people. One of the outsiders involved in East Fish Creek commented that the thing that surprised him the most was, “just how interested the local people were in that area. There was a passionate interest in what is, in some ways, a very remote forested area.”

Lesson #4: Bring conflicts out into the open and work them through.

As one participant observed, “It’s real important to make sure everybody talks about and represents their issues fully so that you don’t have the conflicts after the project is complete.”

“It’s amazing how much people are willing to set aside what they disagree on when they really agree on

Lesson #5: Make the process a learning experience

Give participants the opportunity to share what they know. Identify information needs and do as much as possible to satisfy them. Make sure the public has an opportunity for informed input into the work of the Group. Do this by: 1) encouraging members of the Group to actively engage with their constituents concerning the Group’s work and bring back any issues or concerns to the Group for further deliberation; 2) preparing and disseminating a written document summarizing the findings of the Group and asking for comment on the Group’s direction, and 3) holding public meetings (not hearings) to discuss the findings of the Group and to obtain endorsement of the general approach before proceeding to detailed analysis.

Lesson #6: Trust the process

Intention and commitment is an important element of this work. The facilitator and members of the Group must intend to reach consensus on important issues, must believe (or come to believe) that such a consensus is possible, and must be willing to commit themselves to the process. By modeling a willingness to listen, confront conflict, and work through differing opinions, a facilitator can do much to keep a process like this moving along, but only if the participants themselves are genuinely committed to learning from each other.



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Epilogue

In 1998, New York State passed legislation requiring the State to pay a portion of property taxes on conservation easements it acquires in the Tug Hill region, satisfying a key aspect of local concerns over the fiscal impacts of the conservation easement approach. The legislation became law due to strong local support, and strident advocacy by State legislators from the Tug Hill region, particularly Senator Raymond Meier from the Utica area.

With the legislation in place, NY State Department of Environmental Conservation began serious, detailed negotiations to acquire conservation easements and land in the eastern core forest. If successful, most or all of Hancock Timber Resource Group lands will be under conservation easement or other protective measures in 2001 or 2002.

Smaller land owners within the eastern core forest are also now considering conservation easements to realize their individual goals in keeping with the overall approach articulated by the Working Group in 1997.



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Notes

¹ See "Wildlands: A Conservation Strategy for the Northern Forest", February 1997, Northern Forest Alliance.

² "Statement of Findings, Wild and Scenic River Study, Fish Creek East Branch, New York," United States Department of the Interior, National Park Service, April 1982.

³ Many of the facts regarding Tug Hill's eastern core forest are taken from a publication of the East Branch of Fish Creek Working Group entitled, "Tug Hill's Eastern Core Forest: Recommendations for the Protection of Jobs, the Environment and Traditional Uses", April 22, 1997. The quotations throughout the case study are from selected members of the East Branch of Fish Creek Working Group who agreed to be interviewed for this purpose. Their names are listed in the appendix to the case study.

⁴ Dyballa, Cynthia D. et al, "The Tug Hill Program: A Regional Planning Option for Rural Areas", Syracuse University Press, 1981, p. xi.

⁵ A circuit rider is a professional whose services are shared by a number of different communities on a regular basis.