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## Scouts' claim on lake island in jeopardy

Use of land in Forest Preserve an unusual arrangement

BY JIM MCGUIRE Gazette Reporter

The Boy Scouts of America may not have any real claim on the 50-acre island of state Forest Preserve land located off the Mayfield shore of the Great Sacandaga Lake, but the place is known as Scout Island and Scouts may have camped there even before the lake was created in 1930.

The Scouts do not own the island, but for as long as anyone seems to remember they have had exclusive rights to it under provisions of a free permit issued by the agency that controls the lake, the Hudson River-Black River Regulating District. The permits are the same issued to lakeside property owners who pay a fee in exchange for exclusive access to the strip of state land that surrounds the 29-mile lake. The state owns up to the high-water elevation.

Glenn A. LaFave, executive director of the district, attributes the arrangement to past practices and he said that other non-profit organizations as well as municipalities receive free use permits for beaches, cemeteries and other purposes.

But, when the State Department of Environmental Conservation raised the issue early this year that the strip of state land around the lake is Forest Preserve land and therefore should be open to the public, BSA's hold on Scout Island became a little more tenuous.

Whatever the future may hold for Scout Island, Peter Van Avery, founder of the Batchellerville Bridge Action Committee, said a decision seems far away. The state, he said, has its hands full with both the Forest Preserve issue and a subsequent financial quagmire that together should give the Scouts — and everyone else at the lake — some breathing room.

"I don't think the Scouts have to worry for a while," said Van Avery, the leading watchdog on lake issues.

State officials did not seem prepared for the outcry that arose from lake property owners alarmed by the spectre of John Q. Public hosting barbecues on what had always been their private beaches.

When lake residents formed an action committee and hired a lawyer, DEC quickly backed off and announced over the summer that the issue remains under review.

And there was a second distraction that undermined the regulating district's finances and has it still struggling to pay about \$1.5 million in property taxes to local school districts. A federal court ruled this year that there is no legal basis to allow the district to pass on its operating costs to federally licensed, downstream power plant facilities. The decision threatens about 80 percent of the district's \$5.4 million annual budget.

### SUPPORT FOR SCOUTS

Steven Silverman, director of support services for the Twin Rivers Council, Boy Scouts of America, said the state Forest Preserve issue also elicited "a tremendous groundswell of support" from the Scouting community.

Silverman said Scout Island remains an important asset to the local Scouting program. Thousands of Scouts over several generations have camped there and BSA continues to be a

good steward of the land, Silverman said. The asset takes on added importance now as the organization celebrates its 100th anniversary, he said.

The Twin Rivers Council sells permits to the public for \$25, allowing use of the island when Scouts are absent. Silverman said the program, popular with boaters from the lake's marinas, allows BSA to monitor the island and control the use of it.

As the state wrestles with a final ruling on public access, Silverman said BSA would like to "continue what we've been doing the last 80 years."

There is some documentation, Silverman said, that the island — once a hill in the vast marshes south of the main channel of the Sacandaga River — was referred to as Scout Island as early as 1926-27. It appears Scouts were camping there by then, he said. Silverman said there has also been unconfirmed information floating around Scouting circles that the property was once deeded over to BSA.

Mayfield Historian Betty Tabor said she was once contacted by Scouting officials seeking information on the provenance of the island, but no records were found. Even if BSA had a deed, she said, all land titles were swallowed up by the state in eminent domain proceedings.

John Sheehan, spokesman for the Adirondack Council, said the arrangement between the regulating district and Scouting has been referred to the council in the past.

"We have not gone out of our way to challenge their permit," Sheehan said, but Scouting's exclusive right to a state-owned island is an unusual and unprecedented arrangement.

Sheehan said there is no question the land is part of the state's Forest Preserve, but DEC may yet find authority to uphold the permit system that is also in practice on the Canal Lakes in Herkimer County.

As a final solution, Sheehan said, landowners might want to consider joining forces to pursue a constitutional amendment providing for a land swap. In that scenario, lake residents would have to purchase a large enough tract of Adirondack land sufficient to persuade the state Legislature and voters to approve the swap.

As things stand, Sheehan said, Sacandaga landowners "are always one year away from potentially losing their access."

## RULES CONFLICT

The Scouts nearly lost their exclusive rights to Scout Island under revised lake rules which, as a result of state actions, were never adopted. The rule changes were awaiting final approval by DEC in January when DEC officials, conferring on the proposal, raised the Forest Preserve issue. In response to the outcry, Sheehan said, the Paterson administration "seemed ready to drop it like a hot rock."

After years of discussions on the rule changes, Van Avery said, the entire rule package was nullified when "the governor pulled the plug" and there was no adoption by a June 11 deadline.

The issue of Scout Island was partially addressed by the committee assigned to formulate the new rules.

The clause in the existing rules prohibiting camping on all state land at Great Sacandaga except on Scout Island, was to be amended to ban all camping, Van Avery said. The amendment was viewed as a precaution after it was surmised that the Scout's exclusive use of the island could not withstand a court challenge.

Under the new proposal, Van Avery said, the Scouts would have day-use of the island but would presumably have to share the place.