

# Brandy Brook Lease

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1. Since 1965 the Brandy Brook Sports Club (BBSC) has leased approximately 1,645 acres on the Tug Hill Plateau in West Turin New York. In 1967 a cabin was built near Alder Creek off the G&W Rail Road. In about 1972 in coordination with the NYSDEC, the club built an obstruction in Alder Creek to form what is now known as Page Pond. The property was originally owned by a paper company and was sold and resold a few times over the years to various privately owned entities. 2015 marked our 50<sup>th</sup> anniversary at that location near Page Pond.
2. The Nature Conservancy (TNC) purchases the property BBSC leases in approximately 2004
  - a. Jim Howe Regional Exec
    - i. Greg Sargis Tug Hill Exec
      1. Club liaison Patrick Crast
      2. 2006~ Michelle Peach
      3. 2008~ Lorna Wright
      4. 2014~ Brian Roat
3. 2005~ TNC gives a "Recreational Easement" to the NYSDEC in exchange for a property tax consideration.
  - a. An inventory of cabins in the TNC holdings was conducted.
4. 2009~ LORNA WRIGHT meets with BBSC BOD
  - a. Comfortable meet and greet
  - b. No mention of a lease problem
5. 2011 LORNA WRIGHT negotiates a 5 year lease with no increase. Up to that point we always worked year to year so we took it gladly.
  - a. LORNA WRIGHT stated that there would be a thinning of the cabin count on TNC's Tug Hill holdings from 20 cabins to 9.
    - i. There were a few other clubs with multiple cabins
    - ii. We were one club, one cabin so we were likely fine
    - iii. She could promise no definitive answer until the spring of 2014
      1. They have to "go through the process"
6. 2012 a "Monitoring Report" was conducted by the DEC which they periodically do to enforce the terms of the easement. (Copy attached)
  - a. It was determined that BBSC was inside the 200' "Page Swamp Buffer".
  - b. Further our cabin was located inside the 200 foot buffer of the Page Swamp Wetland (which we created)
    - i. According to the easement signed in 2005 all cabins located inside a wetland buffer must be razed by December 31, 2016.
  - c. We were not notified at this time.
7. July 28, 2014 I ask Mat Levine (TNC) who is replacing Lorna so we can talk about extending our lease
  - a. Brian Roat is hired
  - b. Mat Levine states they are in transition and *"some discussions have been had in the past about hunt club changes. Most of what I know about it involves structures that are not compliant with DEC regulations."* (copy of conversation attached)
    - i. There is still no sign of trouble
8. September 15, 2014 – Brian Roat copies me in on an email to Darran Crabtree and Mat Levine stating: *"I got an email from Jason Gilchrist from the Jack McDonald Club asking about the status of the camp decisions. Folks seem anxious about the situation and about their future on the Tug Hill. Have we decided on a date and time for our meeting about this?"*
9. September 24, 2014 we are notified of the existence of the 2012 Monitoring Report.

- a. We are notified by BRIAN ROAT our lease could not be renewed without a waiver or an amendment to the DEC Recreational Easement.
    - i. At this time suggested this could be worked out.
    - ii. We offer up Legal Notice to the Booneville Herald newspaper for the Page Dam/Spillway creating the pond
10. Date unknown - BRIAN ROAT calls and states TNC legal is looking at the lease to see if it's a reasonable request to waive.
- a. TNC has no interest in starting a confrontation with DEC because of the tax situation.
    - i. If its declared unreasonable TNC will simply comply
  - b. BRIAN ROAT states TNC is fine leaving us where we are, it's all about the easement
    - i. Should know by fall 2014 but didn't
    - ii. Should know by spring of 2015 but didn't
11. Repeated calls and emails - BRIAN ROAT not returning calls or emails
- a. At Lorna Wright's suggestion (who I was periodically reaching out to for advice) I start coping in Greg Sargis
12. Late summer or Fall 2015 BRIAN ROAT tells me the meeting finally happened and did not go well
- a. TNC is out of options. We have to vacate the buffer zone.
13. Inquiry to Attorney Doug Barclay
- i. Former Senator
  - ii. Established the Tug Hill Commission
    - 1. John Bartow exec
      - a. Retiring now
    - 2. Enter Katie Malinowski #2
      - a. BBSC member Jack Thoden's contact
  - iii. Knows Jim Howe, TNC Regional Exec
  - iv. Knows high level DEC
- b. States we could get an extension
  - c. Correctly assesses TNC's willingness to keep us.
  - d. Willing to take the case with a \$5G retainer.
14. November 24, 2015 – email to BRIAN ROAT: *"We have a lawyer and we have case studies and we are confident that we can get an easement, but before we spend the time and money we need you, the TNC, to back our efforts and we must have a long term commitment from you. I need to know as soon as possible if you are willing to talk about a long term commitment to the Brandy Brook Sports Club. Could one of you please call me at your earliest convenience?"*
15. December 8, 2015 – BRIAN ROAT finally returns my email with a phone call and states there is no saving the cabin where it sits and TNC would not support us in a lawsuit against DEC. Further, TNC's ecological interests are parallel to the DEC's so if they want us off, so does TNC. I got a little pissy with him because of shift in TNC's position and the late decision. I asked him to mark the line ASAP so we can evaluate if moving is an option.
16. December 21+/-, 2014 – Phone call with Jim Howe. Jim is not supportive either. Thinks we should save our money and use it to move.
17. January 4, 2016 –
- a. BRIAN ROAT sends an unofficial buffer map.
  - b. Conversation with Dave Corr (Jack's contact)
    - i. Sent the History piece Jack wrote
    - ii. Meeting with higher ups in the DEC
      - 1. Stating he is cautiously optimistic

18. January 5, 2016 – Email to Jim Howe asking for a year extension. Declined
19. January 7, 2016 – Call from Brian Roat
  - a. Offered a 15 year lease but not on that site
  - b. Stated we could dismantle the cabin and pirate all the reusable assets.
    - i. STEVE’S NOTE: That’s not what the lease says
  - c. Offered to let us stay on site until December 31, 2016
    - i. I suggested we would have a hard time getting out on December 31 if the road was closed.
    - ii. Suggests we plan to vacate before snow (say September 2016)
  - d. Mentioned Tim Burpoe knew of a Michigan Mills club that moved a cabin 3 miles
20. February 1, 2016 – Dave Corr
  - a. Seemed to think we had a case and was sympathetic but had no authority
21. Kathy Moser – Deputy Commissioner - 518-402-8533
  - a. Seemed to think we had a case and was sympathetic but didn’t do anything to help
22. Rob Davies – Director (under Moser and ties to US Forest Service) – 518-402-9405
  - a. Hard NO
23. Dave Core, Kathy Moser ghosts us
24. Letter to Seward March 2016
  - a. Seward effected a 12 month stay to December 2017 but could not promise anything more.
25. November 27, 2016- 9 month lease signed with TNC
26. Meeting with Ken Lynch December 9, 2016 at his Syracuse office
  - a. Todd Freeman connected through youth athletics and his connection to DEC Wayne Masters
  - b. Attending Gary Hayden, Steve Cinquanti, Todd Freeman
  - c. Ken suggested he could not just give away a State asset but if we could find land of equal value we could “trade” BBSC’s five acre envelope out of the recreational easement and this goes away
27. Lyndaker Property
  - a. 400 acres bordering us to the northeast was available and served the purpose.
28. Ken Lynch gives the direction to execute this to Region 6 but states “it will take some time”
  - a. Region 6 doesn’t get the message right away and starts pressuring us to get out June 2016+/-
  - b. Lynch takes care of it
29. October 4, 2017 - 3 month lease signed with TNC
30. September 15, 2018 – 12 month lease signed with TNC
31. December 13, 2019 - East Branch Fish Creek North conservation easement modification terms Letter issued
32. May 21, 2020 Meeting on site with DEC Kieth Rivers, TNC Brian Roat and BBSC Todd Freeman and Steve Cinquanti to discuss what BBSC needs to do to comply.
33. June 15, 2020 – Letter of approval from Fred Munk Region 6 Natural Resources Supervisor
34. March 29, 2021 - BBSC, TNC and DEC agree to a Plan of Compliance:
  - a. Cut back branches and brush along driveway to open access for trucks and equipment.
    - i. Level and add fabric and gravel to stabilize driveway. (Can we use gravel from the East Rd?)
  - b. Empty Woodshed and UG storage. Dumpster for all trash and general clean-up of the area.
  - c. Demo Woodshed & Entrance to UG Storage, set up silt fence and hay bales to protect pond.
  - d. Remove and Dispose of UG Storage unit. Backfill area with soil from high area between the back of camp and woodshed.
  - e. Remove tree(s) at the end of the woodshed area to make room for the new woodshed.
  - f. Add fill to raise area of the woodshed to place the new woodshed/outhouse. (East Rd. fill?)
    - i. (Depending on final decision of building type, is a concrete pad under the woodshed acceptable?)

- g. Prepare building pad and install concrete septic tank for new outhouse.
  - h. Erect new Woodshed/Outhouse.
  - i. Demo existing Outhouse repurpose lumber and dispose of other materials. East Rd. fill? & level.
  - j. Tell everyone we are throwing a big party to celebrate completion and have it coincide with Work
  - k. Weekend to refill the new Woodshed...
35. October 2020 we sign a 10 year lease
- a. Albeit with a 90 day termination clause

Other documents:

Booneville Herald legal notice

Seward Letter

Recreational Easement Modification Terms

Fred Munk Approval Letter

BBSC Compliance Plan

Woodshed/Bath House plans

Compliance Budget