



NEWS IN AND ABOUT THE SIX-MILLION-ACRE ADIRONDACK PARK

INSIDE

- Constitutional rights threatened by lawsuits
- Tips for citizen action for the Park
- APRAP study data examined
- New acid rain legislation introduced

New York State Budget Late Again

Legislature working to improve upon Governor's proposal

The state budget is late again this year as the April 1st deadline came during the Legislature's religious holiday break. However, the extra time will allow for changes that will better protect the environment and economy of the Adirondack Park.

In late March, the Senate passed its budget resolution which called for a \$222 million Environmental Protection Fund (EPF), with no details about specific categories in the EPF. The Senate's proposal also included full restoration of funding for the Office of Parks to prevent the closure of any parks or historic sites.

The state Assembly's proposal would also keep all Parks facilities open and provide the EPF with \$25

million more than the Governor's budget, boosting the fund back up to \$168 million, with \$44.3 million dedicated to open space preservation. This increased funding is provided with new funding sources including the waste tire fund and electronic waste recycling.

The Assembly's budget plan also includes the \$6.6 million funding for the Olympic Regional Development Authority (ORDA) proposed by Governor Paterson and would keep the Moriah Shock Correctional Facility open. Both the Moriah facility and ORDA funding would be eliminated under the Senate's proposal. The Adirondack Council will continue to work with the Legislature to seek agreement to adequately fund the EPF, ORDA and Moriah Shock to protect jobs in the Adirondack Park, strengthen the tourism-based economy, provide community grants and fund land conservation efforts.



Press Conference on the EPF

Council's Lawsuit on Snowmobile Trails Continues

Agencies disregard environmental safeguards in favor of expanding motorized access

In April, the Adirondack Council filed an amended petition to our Article 78 lawsuit against the Adirondack Park Agency (APA) and Department of Environmental Conservation (DEC) for their ill-conceived snowmobile guidance document. The guidance, which is now being used by DEC to revise Unit Management Plans, Adopt-a-Natural Resource agreements and Temporary



Revocable Permits for snowmobile trail construction and maintenance, clearly violates the *Adirondack Park State Land Master Plan* (APSLMP). It allows trails to be up to 50 percent wider than the current standard and permits trails on virtually all state land classified as Wild Forest. Finalization of the guidance also failed to follow public participation laws. The case is expected to be heard this summer in Albany.

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Newsletter photos by Adirondack Council staff
unless otherwise noted.



Lawsuits Threaten Free Speech

The Adirondack Council is the leading advocacy group in the Adirondack Park, speaking out on behalf of the environment and local communities that are part of this unique and special place. Our advocacy role rests on the foundation of the New York State Constitution, the United States Constitution and the laws that govern land use and development. We use the best available science and policies to communicate thoughtfully for all people who appreciate the Park's clean air, pure water, wilderness, working forests and farms, and communities.

We do our job well, gaining the friendship and respect of others who share our vision of how people and nature can thrive together in the Adirondacks. Occasionally there are people who resent us and seek to destroy our efforts. We find ourselves in such a situation today.

Recently, we have become the subject of two lawsuits. We believe that the motivation of those involved with the plaintiff is to force us to spend time and financial resources on litigation rather than efforts that benefit the Park and the people who live and visit here. The suits are intended to interfere with our shared right of free speech; our and your right to speak out and compel our government agencies to do their jobs and do them well.

The two suits have been brought by a developer who we have disagreed with for several years. While one suit is now pending in state court and another in federal court, they arise from the same underlying issues. The Adirondack Council will continue to exercise our right of free speech and our right to petition the government for a redress of grievances.

Suddenly we find ourselves not only seeking to protect the Adirondack Park, but thrust into the role of protector of the US Constitution and NYS Constitution. That role is one we will embrace because we must.

There are strong federal and state laws that protect citizens and advocacy organizations from legal action referred to as Strategic Litigation Against Public Participation (SLAPP) lawsuits, those intended to interfere with constitutionally protected rights. We will use both the statutory protections and the many court decisions that have been handed down to defend these suits. But, these cases will be time-consuming and costly.

At this time of environmental and economic distress in the Adirondacks and across the country, there is an increasing chorus of angry voices, and the Adirondack Council has become a target for a handful of vocal zealots. We will continue to be a reasonable and diplomatic voice in the process to find solutions that benefit the Park's environment, communities and their economies.

Your support and ideas are more important than ever as we move forward with the coming legal battles. We need your vocal support to validate our efforts and to make the public aware of what is right and reasonable. We also need your continued financial support for our mission. We hope that you can contribute a bit extra to assist with the costs of litigation, the costs of speaking out and the costs of defending so much that we all believe in, a thriving Adirondack Park for future generations.

Thank you very much!

Brian L. Houseal, Executive Director

Go to our website – www.AdirondackCouncil.org – for more information.

MEMBERS IN ACTION

ACTION UPDATE

Environmental Funding in Jeopardy

Thank you for taking action

Thank you to everyone who responded to the Council's action alert and wrote letters to public officials about the Environmental Protection Fund (EPF). As our newsletter goes to print, a final budget proposal remains elusive. Restoring the state EPF funds for community Smart Growth grants, water quality improvement, land acquisition, and farmland protection remains a priority for the Adirondack Council. For the most current information about the budget and what you can do to help, please check our website or follow our updates on Twitter and Facebook.

How To Make a Difference

What you can do to help

Your letters make a difference and effect policy decisions that will impact the Park. There are some other actions that you can take to be sure that policymakers know how important the Adirondack Park is to you.

1. Write a letter to the editor. Whether it's to a local paper in the Adirondacks or *The New York Times*, by writing about your commitment to the Adirondack Park, you help build citizen support and political will for policies and funding that will benefit the Park's environment and communities.
2. Visit or call your representative. Give us a call or e-mail us. We're happy to help you with talking points and contact information.
3. Host a meeting at your home with Adirondack Council staff and invite other people who love the Adirondacks to attend so we can grow our group of advocates for the Park.
4. Forward the Council's action alerts and other messages you receive via e-mail, Facebook or Twitter to encourage friends and family to learn about Adirondack Park issues and to participate in citizen actions that will make a difference for the Adirondacks.



Follow us on

twitter

facebook



United for NY's Environment

Ad campaign fights for EPF

In the continued effort to help save New York's Environmental Protection Fund (EPF), the Adirondack Council has joined a broad coalition of organizations to launch a major advertising campaign urging state lawmakers to restore money to the EPF.

The campaign includes billboard, online and print advertisements, including personal ads slated to appear in papers across the state. The ads ask state leaders to demonstrate their love for New York by supporting the Environmental Protection Fund. Ads and more information are available at www.KeepProtectingNY.org.

"We Love New York" is the first high profile advertising campaign ever mounted by the state's environmental groups, which believe the Governor's proposed budget cuts are unfairly and irresponsibly harsh on environmental programs that protect public health and safety.

The advertising campaign began on March 4th and will run through the end of state budget negotiations.

Above: John Sheehan, Adirondack Council Communications Director, speaks to the press about the "We Love New York" ad campaign.



"...due to the Governor's reckless treatment of the environment in his budget proposal."

IN AND ABOUT THE PARK



Photo © Carl Heilman II/Wild Visions Inc.

...With a faltering economy upstate, shades of 1970 and 1990, there are complaints about APA's exercise of regulatory controls. It seems every 20 years we reprise contentious debates: over rural road closings, over development restrictions, over mining, over timber cutting in the Forest Preserve. And once again, regulatory husbanding of natural resources is framed by upstate/downstate; elite/working class; vacation versus year-round residents debates. We've been here before so let history instruct the present.

An excerpt from remarks presented by Kim Elliman at a gathering of Council supporters in New York City. Kim, a former Chair of the Adirondack Council's Board of Directors, is the CEO of the Open Space Institute.



Former Adirondack Council Board Chairs (L to R) Kim Elliman, Tricia Winterer, John Ernst with current Chair Brian Ruder.



ADIRONDACK COUNCIL is a member of



Thank you to Adirondack Council members who contribute through their Earth Share workplace giving campaigns. We appreciate your interest in protecting the Adirondack Park and your support for our conservation and advocacy efforts. Contact Earth Share today to talk about bringing Earth Share to **your** workplace!
info@earthshare.org

The Adirondack Park Needs Your Eyes and Ears

Your observations can help

When you're out exploring your favorite parts of the Adirondacks, we hope you will help be part of our monitoring efforts. Are there ATV tracks where you thought no motorized vehicles should be permitted? Are there structures deep in the wilderness where there should be none? Are there areas of clear-cut timber that you question? Do you have questions about a building project? You can help by reporting your observations or concerns.

Forest Preserve Violations (e.g. motorized trespass, tree-cutting)

Call the Dept. of Environmental Conservation (DEC) TIPP line at 1.800.TIPP DEC (1.800.847.7332) to report any environmental violations.

Other DEC contact information:

DEC Region 5 Headquarters
P.O. Box 296, 1115 State Rte 86
Ray Brook, NY 12977-0296
Telephone: 518.897.1200
Email: r5info@gw.dec.state.ny.us

DEC Region 6 Headquarters
317 Washington St.
Watertown, NY 13601
Telephone: 315.785.2239
Email: r6info@gw.dec.state.ny.us

Private Land Violations (e.g. shoreline set-backs, height)

Adirondack Park Agency
P.O. Box 99, 1133 NYS Route 86
Ray Brook, NY 12977
Telephone: 518.891.4050 Fax: 518.891.3938

Local Code Violations

Contact your local government offices to find your code enforcement officer.

Please send a copy of your correspondence to the Adirondack Council at info@adirondackcouncil.org.

Management Plans for Forest Preserve

Agencies jump start unit reviews

The public Forest Preserve of the Adirondack Park is divided into 45 separate units for the purpose of classification, planning and management. Although state law stipulates that units should be reviewed every five years, there has been little review during the past three years. The Department of Environmental Conservation recently introduced draft revisions for four units: Jessup River Wild Forest, Hurricane Primitive Area, Jay Wilderness Area and the St. Regis Canoe Area. The most difficult decisions are those that require choices between recreation and cultural values and Wilderness designation requirements, such as the removal of fire towers and the widening of snowmobile trails. The Adirondack Council uses the *Adirondack Park State Land Master Plan* as the guiding document for such decisions. Even decisions that may be unpopular must follow the law.

ADIRONDACK FACTS AND FIGURES

Adirondack Park Agency has Helped the Economy

Another look at the facts

Local officials are blaming the Adirondack Park Agency and state land acquisition for wrecking the Adirondack Park's economy. But, the economy isn't wrecked. It is one of the most robust rural areas in New York. Being a park is helping, not harming, the Adirondack economy.

In fact, a survey recently published by local officials – *the Adirondack Park Regional Assessment Project (APRAP)*, May 2009 – reinforces this. Contrary to most public interpretations, the data shows that the economy and quality of life are better inside the Adirondack Park than in any other rural area of the state.

Over the past 40 years, the Adirondack Park has been transformed from an economically depressed region with few prospects outside of mining and logging, to the fastest growing rural economy in New York State. It is now a region that most economists would characterize as solidly middle class.

All of this progress was made at a time when the Adirondack Park Agency was regulating development, and while the state assertively purchased land and development rights from struggling timber companies.

The recent survey found that the average Adirondack household's income had risen 28 percent faster than the rate of inflation between 1980 and 2000 (APRAP, page 73). Contrary to what has been reported, the population of the Adirondack Park is rising. It has been growing steadily since the 1950s (APRAP, page 5). "In total, 23 Park communities experienced growth between 100 and 393 percent," the survey specifies. Between 800 and 1,000 new homes are constructed every year.

US Census figures confirm that the Adirondack Park is the only area of rural New York – a region with no cities – where the population is growing. Except for New York City and a few suburban areas, every other region of New York saw its population decline during that period.

APRAP data also shows that the Park is experiencing a shift in economic drivers and population demographics. The Council will continue to work with the Common Ground Alliance, the Adirondack Planning Initiative and other stakeholders to advocate for actions that benefit the Park's environment, economy and communities.



*The Town of
Elizabethtown,
the county seat of
Essex County.*



Peregrine Falcons

Birds of prey built for speed

Falco peregrinus, whose name means the "wanderer," can be found worldwide with the exception being Antarctica. During the mid 20th century the use of DDT and other chemical pesticides extirpated North America's eastern populations. The



peregrine remains an endangered species in New York. However, captive breeding has helped populations rebound in some areas and nesting pairs are being spotted in the Adirondacks.

Similar in size to a crow, these falcons are characterized by slate gray upper bodies, pale under bodies with horizontal banding and a dark "moustache" band below each eye. These birds of prey are built for speed and are well known for their incredible, swift dives of up to 200 miles per hour when catching medium sized birds in mid-air. Peregrines mate for life and nest in scrapes (shallow depressions) on cliffs, tall buildings and bridges. During the breeding season rock climbing sites in the Adirondacks are often closed to prevent any disturbance to nests perched on ledges.

Photos © Larry Master, masterimages.org

Get the Facts

You can review the **APRAP report** and access individual community profiles at <http://www.aatvny.org>. For data and interpretation that also includes important natural resource information see *The Adirondack Atlas* by Jerry Jenkins.

WATER MATTERS



APA Approves Herbicide Use

Eurasian watermilfoil targeted

The Adirondack Park Agency recently approved the first-ever permit to apply an aquatic herbicide to an Adirondack lake in an effort to mitigate the invasive Eurasian watermilfoil in Lake Luzerne. The APA ignored the Council's call for a public hearing on such an important precedent-setting permit. We are working with the APA, the lake association and others to ensure that the project and post-treatment monitoring provides helpful information about its efficacy, cost and impact on human health and native plants. The Council will continue to pursue policies to provide long-term solutions to the threat of aquatic invasive species with non-chemical methods whenever possible.

Clarence Petty Intern

Meet Jonathon Steiner



Clarence Petty Intern Jonathon Steiner is currently pursuing a graduate degree in Public Policy at the Rockefeller College of Public Affairs and Policy with a concentration in environmental policy. Prior

to coming to New York, Jonathon worked for a state senator in Denver, Colorado. Jonathon hopes to apply the skills learned at the Adirondack Council in the future as either an environmental advocate or an elected official. The Council's internship program seeks to carry on the legacy of Adirondack conservation activist Clarence Petty (1904 – 2009).

Thank you to everyone who made gifts in Clarence's honor to the Council's Clarence Petty Internship Fund at the Adirondack Community Trust (ACT).

We appreciate your tribute to Clarence and your support of the internship program.

New Acid Rain Legislation Introduced in US Senate

Builds upon successful EPA programs

On February 4th, Senator Tom Carper, D-Delaware, unveiled his new, bipartisan legislation aimed at curbing the pollutants that cause acid rain. The bill, the Clean Air Act Amendments of 2010, is co-sponsored by both of New York's Senators, Kirsten Gillibrand and Charles Schumer, and nine other Senators. The legislation proposes to limit the amount of sulfur dioxide (SO₂) emitted by power plants to 1.5 million tons by 2018 nationwide and nitrogen oxides (NO_x) to 1.6 million tons by 2015. In addition, mercury emissions from these sources would be reduced by at least 90 percent by 2015.

This legislation is needed because the US EPA's Clean Air Interstate Rule remains in legal limbo. The Adirondack Council has advocated for strong federal legislation to tighten emissions reductions since 1995. Thanks to former Rep. John McHugh, last year's House climate bill included language to ensure future emissions reductions by EPA. We are advocating for Sen. Carper's bill to be included in the Senate version of climate legislation.

In March, EPA released new data showing that the cap-and-trade approach has worked for both acid-rain-causing emissions. In 2009 sulfur dioxide decreased by 1.8 million tons from the previous year to a level of 5.75 million tons. Nitrogen oxides also diminished by 1 million tons since 2008 to a level of 2 million tons.

Road Salt Continues to Threaten the Park's Ecology

Reports confirm findings in Council's 2009 *Low Sodium Diet* report

In late February, two new studies issued by academic institutions supported the Adirondack Council's position that road salt continues to damage the environment of places like the Adirondack Park. The first report was published by the Margaret Chase Smith Policy Center at the University of Maine. This study focused on the use of de-icing materials in New England and the eastern Canadian provinces.

The second study was conducted by the Adirondack Watershed Institute at Paul Smith's College. AdkAction.org commissioned the report which echoed the Council's call for the state to invest in a Road Weather Information System. The technology determines the right amount of de-icing material to apply to the roads. One recommendation of the Paul Smith's study, that the Council endorses, is the need for the state to create a salt sensitivity map. This would show exactly where salt alternatives should be used to prevent further damage to the most sensitive areas.

The Adirondack Council has recently been invited to participate in a Department of Transportation working group to look at the issue of road salt in the Adirondack Park.

SUPPORT THE ADIRONDACK COUNCIL



Adirondack Legacy Society

Estate gifts protect the Park for future generations

By becoming part of the Adirondack Legacy Society with an estate gift to the Adirondack Council, you can ensure the natural heritage of the Adirondacks will be protected for future generations. By naming the Adirondack Council in your will or as a beneficiary of life insurance or unused retirement assets, your generosity will create a lasting legacy for Adirondack Park protection. An estate gift of any amount is greatly appreciated. All estate gifts are pooled in our Forever Wild Fund and used only for special projects with approval from the Board of Directors. Your financial or legal advisor can guide you through the various options in order to make arrangements that consider your individual circumstances, your family needs and your charitable goals. For more information, contact Diane Fish, Director of Fund Development, 877.873.2240 Ext. 106.

The North Face and Black Diamond Equipment Raffle

To benefit Adirondack Park conservation

On Friday, July 23, 2010, the Adirondack Council will raffle off outdoor gear generously donated by The North Face and Black Diamond Equipment. Raffle tickets are \$5 each or 5 for \$20.

The drawing will be held at the Council's office in Elizabethtown, NY at 12:30 pm (EST). *(Ticket holders need not be present to win.)*

Each ticket will provide opportunities to win one of the following:



- Roadrunner 23 Tent
- Primero 60 Backpack
- Chrysalis Sleeping Bag



Black Diamond

- Trail Ergo Cork Trekking Poles
- Apollo Lighting
- Spot Head Lamp

You can find out more information about these items and purchase tickets on our website at www.AdirondackCouncil.org. (Or call us toll-free 877.873.2240) Thank you!



CARBON REDUCTION CERTIFICATE

Help reduce your carbon footprint!

For a \$25 contribution to the Council's Cool Park/Healthy Planet program, we will permanently retire three tons of carbon dioxide from the Regional Greenhouse Gas Initiative (RGGI), the nation's first multi-state effort to reduce carbon emissions.

The Adirondack Council offers a small collection of products to help raise the funds needed to advocate for the Adirondack Park every day.



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WITH WATERCOLOR ILLUSTRATIONS (35" X 43")
LAMINATED MAP: \$40
UNLAMINATED MAP: \$25

You can place an order by calling us at
877.873.2240 (toll-free) or order online at
www.AdirondackCouncil.org

Proceeds from sales benefit Adirondack Park conservation.

Additional items are available on our website.



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Come join us at Hohmeyer's Lake Clear Lodge in Lake Clear, NY on July 10, 2010 for the Adirondack Council's annual Forever Wild Day.



- Enjoy a 100-mile lunch of locally grown foods prepared by Chef Cathy Hohmeyer
- Celebrate Adirondack Harvest as the Adirondack Council's Conservationist of the Year and help us recognize their efforts to increase opportunities for profitable, sustainable production and sale of high quality food and agricultural products, and to expand consumer choices for locally produced healthy food.
- Meet special guest speaker award-winning filmmaker Aaron Woolf, creator of *King Corn*, and advocate for sustainable agriculture and rural infrastructure to support local economies.
- Explore the St. Regis Canoe Area or join one of our guided walks or a tour of historic White Pine Camp.



Go to www.AdirondackCouncil.org for details about activities and lodging.

As we head to press with this Spring newsletter, plans are in high gear for our annual Forever Wild Day on July 10, 2010.

The Adirondack Council gratefully acknowledges the following businesses, organizations and individuals who are generously sponsoring the Forever Wild Day.

- Finch Paper LLC
- Champlain Valley Conservation Partnership & Champlain Area Trails
- Eastwood Litho, Inc.
- Integrated Marketing Services, Inc.
- Lyme Timber Company
- Pearsall Financial Group at UBS
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- International Paper
- Access Computer Technologies
- Adirondack Creamery
- Adirondack Museum
- Champlain National Bank
- Elk Lake Lodge
- Law Office of Marc S. Gerstman
- Martindale Keyser & Co.
- Open Space Institute
- Adirondack Dreams-Split Rock Memories
- Alpine Club of Canada - Montreal Section
- Lost Pond Press
- The North Face
- Black Diamond Equipment
- Lakeside Office Products
- Depot Theatre
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- Hannaford Bros. Co.
- Dr. Robert H. Poe

(list incomplete)

