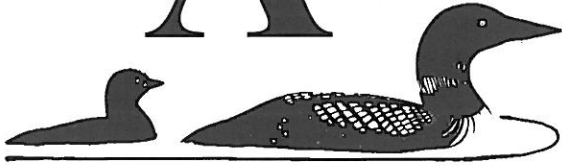
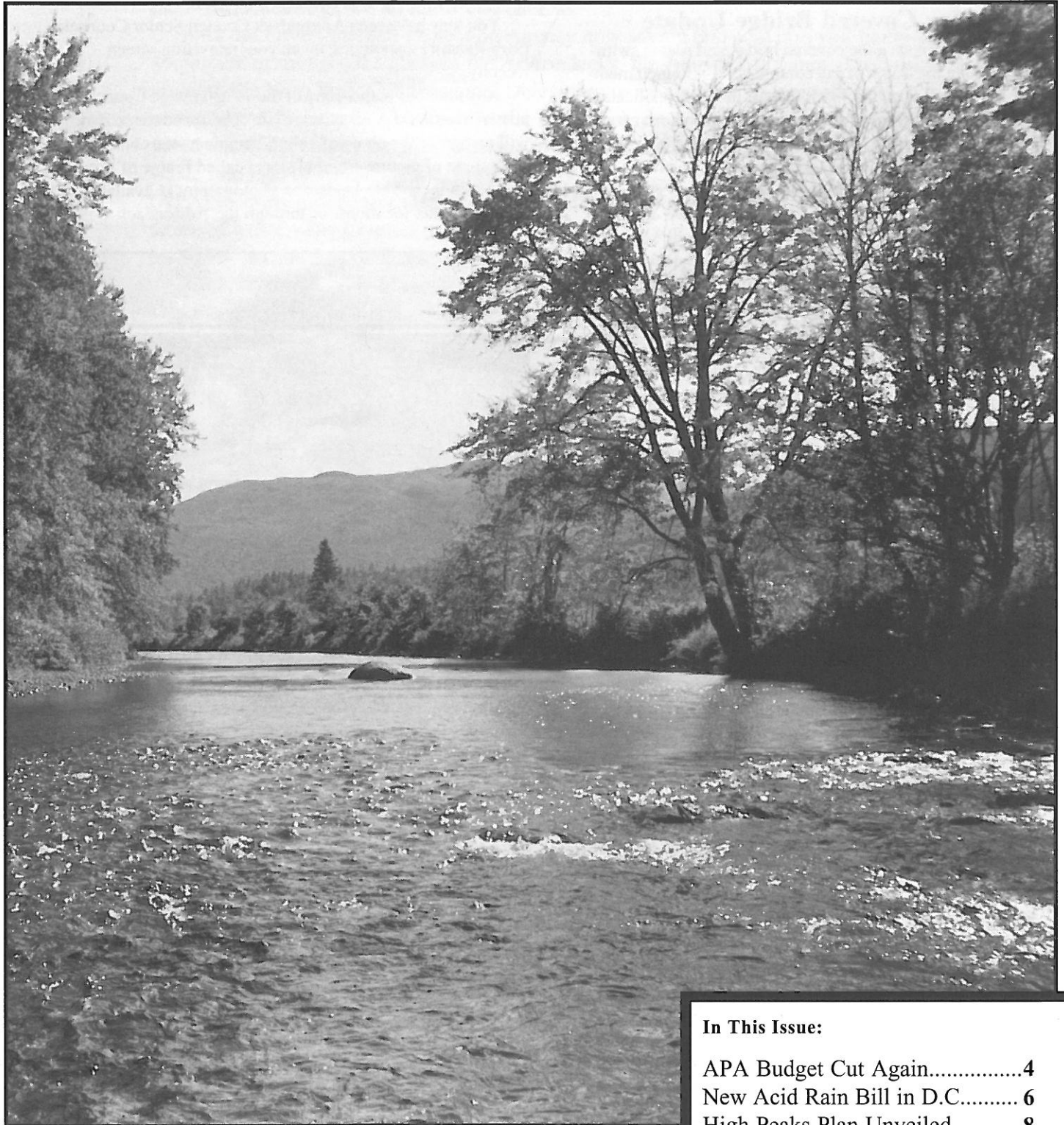


ADIRONDACK COUNCIL



NEWSLETTER/WINTER 1996

Member Organizations: Association for the Protection of the Adirondacks, National Audubon Society, National Parks and Conservation Association, Natural Resources Defense Council and The Wilderness Society.



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News Briefs from Around the Park

Thank You Members!

The Adirondack Council wishes to express its sincere thanks to all of our generous members who responded to the special telephone appeal this Fall. Council supporters pledged \$137,811, to help us protect private lands in the Park from massive clearcuts and to ensure that public lands remain pristine. The funds will be crucial to our efforts.

Jay Covered Bridge Update

The effort to save the covered bridge and scenic swimming hole in the Town of Jay continues. As Council members may recall from the 1995 State of the Park publication, the fate of the bridge and swimming hole have been a topic of hot debate both on the town and county level.

The one-lane span was built in 1857 and is considered an historic landmark in Jay. It appears on the town's letterhead as well as on hand-carved, wooden signs at town entrances. However, the bridge's current weight capacity is too low for a local lumber company's trucks and for emergency vehicles.

A number of renovation plans have been proposed, all of which require extensive reconstruction of the bridge. One such plan assessed the repairs at \$315,000. While historic preservation officials have agreed to allow a renovation of the structure, the bridge's fate is still unclear.

In the 1980s, DOT officials proposed a completely new concrete and steel span 600 feet upstream from where the wooden bridge crosses the Ausable River.

A local preservation group known as Bridge and Beyond later convinced DOT to renovate the covered bridge, arguing that a new bridge would doom the swimming hole below it and permanently degrade the scenic view of the river rapids and the bridge.

In an effort to convince county and state officials to construct the new bridge, Agnes Ward agreed to donate the property for the new bridge site, on the village side of the river. She is a member of the family that owns Ward Lumber Co. in Jay.

Unsure of which course to take, the Essex County board last year agreed to both renovate the old bridge and build the new one. Later, it decided to simply build the new span and abandon the old one. It may be offered to the town, which would then have to find the money for its own renovation plan.

The DOT's final decision has not yet been made. DOT officials plan to hold another meeting with the county early in 1996.

For more information on the effort to save the bridge and swimming hole, contact: Kathy Recchia and Fred Balzac, Bridge and Beyond, PO Box 164, Jay, NY 12941.

Cyber Park

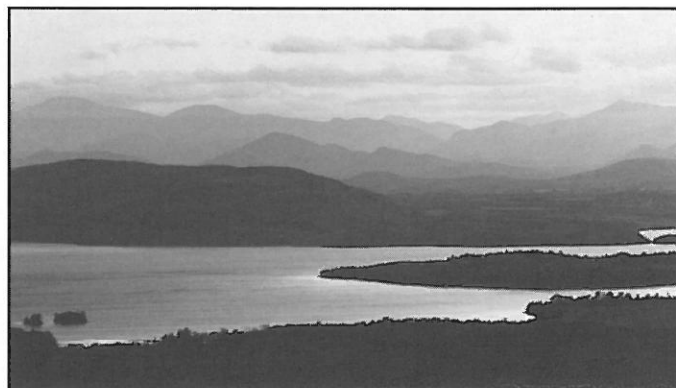
The Adirondack Council has gone on-line.

Those members with a home computer, modem and access to an Internet server can communicate with the Adirondack Council by electronic mail. The Council's e-mail address is: adkcouncil@aol.com.

Familiar Image

You may have seen Adirondack Council Senior Counselor Gary Randorf's photography on your television screen recently.

Any member with a copy of the 1992-vintage Council poster "Our Wild Adirondacks," or "The Adirondack Park" will recognize the photo of Lake Champlain on a commercial for a chain of picture-framing stores called Frame of Mind. Randorf's incredible landscape photography is available at the chain's six locations, or through the Adirondack Council.



Special Request

Your support keeps us going — particularly now. At a time of rapid political change and threats to environmental protections, it is more important than ever to have a watchdog in the Park. The Council is the premier citizen-advocacy organization located in the Park that monitors the APA, the DEC and all significant public and private actions that affect the Adirondacks. We also have a second office in Albany, where a staff of four works on behalf of the Park on a range of issues. Formed in 1975 to be the APA's "best friend and severest critic," the Council has been on the front-lines defending the Park's special places and unique protective statutes for the past two decades, countering those who would roll back Park-protection regulations.

All of these actions need your support and your commitment. Please use the attached envelope (located in the centerspread), either to renew your dues, make a special gift or increase your support. Thank you!

On the Cover: Here's one of the newest pieces of state Forest Preserve, acquired through the November 1995 Statewide Ballot Proposition Number 4. Voters agreed to accept this 144-acre parcel along the Ausable River in Keene in exchange for 12 acres of isolated state land the town needed for a cemetery. Photo by Gary Randorf.



The Adirondack Council

Winter 1996

PO BOX D-2 2 CHURCH STREET ELIZABETHTOWN, NY 12932 (518) 873-2240

Dear Members and Friends,

We've got trouble ... right here in the Adirondacks. Actions being taken or not being taken at the federal, state and local government levels threaten the character of the Adirondacks that we all know and cherish.

With the Environmental Protection Agency now saying that acid rain will likely kill 40 percent or more of the lakes in the Adirondacks, the Adirondack Council is working with the New York Congressional Delegation to amend federal law to better protect the Adirondacks. Meanwhile, the Essex County Board of Supervisors has voted to sell the county landfill, ushering in the first large-scale importation of solid waste into the Adirondack Park, from the City of Troy. The Adirondack Park Agency (APA) recently moved to exempt this landfill from its policy discouraging the importation of waste. The Council is working with local citizens and the Residents Committee to Protect the Adirondacks to keep the area free of out-of-Park waste.

A major assault on wild lands protection recently came in the form of a revised Department of Environmental Conservation policy on motorized access by the disabled to the Forest Preserve. The proposed policy allows an unlimited number of "companions," each with their own separate motor vehicle, to accompany a disabled person to any Forest Preserve area deemed appropriate by the regional land manager. The Adirondack Council strongly supports the legitimate rights of people with disabilities to enjoy the Forest Preserve, but we have joined with other environmental groups to insist that any new policy also protects the Forest Preserve's unique and sensitive resources.

While snow has begun to bury the trees blown down last July in the western Adirondacks, the Adirondack Council has been working to prevent timber salvage and other violations of Article XIV on the Forest Preserve and to scale-back proposals for widespread clearcutting in blowdown areas on private lands. And a new era of diminished communication has begun at the APA. The Council is increasing its efforts to secure important information which we need to ensure that the Park Agency lives up to its responsibilities.

These times of trouble also present opportunities. The Council has worked closely with the Pataki Administration and Congress to combat acid rain. And recently Senate Majority Leader Joseph Bruno introduced sweeping legislation to reform property taxes. The Council recognizes enormous benefits for Adirondack communities and the environment in this bill and is committed to working with Senator Bruno to make it a reality.

Over the past few months, we have called upon our members to be more active than ever. Your enthusiastic responses and sustained support are deeply appreciated as we work to maintain longstanding protections for the Park and to enhance the environment and communities of the Adirondacks.

Sincerely,

Timothy J. Burke
Executive Director

New APA Administrator Appointed

Trash Importation, Wal-Mart, Gag Order Highlight Recent Actions

Nearly five months after firing long-time Executive Director Robert C. Glennon, the Adirondack Park Agency Board of Commissioners has hired two new top administrators.

Replacing Glennon as E.D. will be Daniel Fitts, long-time assistant to Glennon and former staff member for NYS Sen. Ronald Stafford, R-Plattsburgh.

Also in the running for the top slot was NYS Dept. of Environmental Conservation Natural Resource Planner Karyn Richards. Richards had the support of several top Pataki Administration officials.

In response, the APA board created a new position so she could serve as Fitts's assistant. At the same time, Governor Pataki's new budget proposal calls for eliminating 10 mid-level and rank-and-file staff jobs at the 62-person agency.

Essex Landfill

In a stampede to prevent any item from being added to local tax rolls, the Essex County Board of Supervisors rejected requests from a number of citizens to hold a public hearing on the proposed sale of the county landfill. It instead voted to sell the asset to a company with no track record of running solid waste facilities.

The supervisors voted to sell the recently appraised \$7-million solid waste system for \$5,025,000 to Serkil of Castleton, NY in exchange for a guaranteed tipping fee of \$35 per ton for county residents over the life of the landfill and a \$1.50-per-ton "host community" fee. The sale is contingent upon Serkil obtaining a 500 ton-per-day permit — an amount roughly 50 times that which is currently deposited in the landfill each day. At that rate, the landfill would be filled with compacted bales of solid waste from the City of Troy and other out-of-Park points of origin in as little as 10 years.

The Adirondack Council has been working with local residents, who have expressed concerns about the resultant increase in traffic, safety issues and the potential for environmental degradation. The county, however, has declared that the sale of the landfill and its new 500 ton-per-day permit, will have no undue adverse environmental impact.

The new tonnage permit, which the county has taken the lead in obtaining, must be approved by the Dept. of Environmental Conservation. The Town of Lewis, which hosts the landfill, opposes the proposed tonnage increase.

The Council will continue to work with local citizens and the APA and DEC to prevent environmental pitfalls at the landfill and encourage a sustainable waste disposal plan for the county that does not involve importation of trash from outside the Adirondack Park.

Wal-Marts

A dispute has developed in the struggle over the fate of a proposed Wal-Mart super store in Lake Placid. Members of the North Elba Town Planning Board have agreed to disagree and include two vastly differing versions of the "Community Character" section in the Final Environmental Impact Statement (FEIS) for the proposed project.

One version paints the picture of a town that has always welcomed large national chains while the other counters that national franchises are locally owned and operated and that the town planners have always carefully guarded the area's "small town" atmosphere.

According to the State Environmental Quality Review Act, a planning board decision to approve, approve with conditions, or deny the project must occur within 30 days of the board's acceptance of the FEIS. A denial by the planning board would kill the project.

In a related decision, the Town of Ticonderoga Planning Board recently voted 4 to 3 to issue a "negative declaration" for a proposed Wal-Mart, which in effect claims that the 100,000-plus-square-foot retail store, parking lot and associated traffic would have no undue adverse impact on the area. The board then reconsidered and is requesting additional studies of these impacts.

The Council has opposed plans to locate giant retail stores within the boundaries of the Adirondack Park because of the adverse effects they would have on both the environment and small town economies of the Adirondacks.

Silence Not Golden

Some recent statements in newspaper articles and editorials attributed to Adirondack Park Agency officials claim there is a "new accessibility and new responsiveness" from the Agency to those who have to deal with it. Unfortunately, some are finding the opposite to be true. Here's the text of an Oct. 19 internal memorandum:

TO: All Staff
FROM: Dan Fitts

"Absolutely no one is to have contacts with parties having matters before the Agency, or parties with an interest in these matters, without clearing it through me. This includes both written and verbal communications."

This "gag order" calls into serious question the Agency's commitment to truly involve all stakeholders and deal openly with parties having interests in matters that come before it. The Adirondack Council is finding it necessary to file Freedom of Information Law requests to obtain information that, in the past, has been freely available to the public. In addition, the Agency appears to have reduced the amount of information it sends to its commissioners prior to monthly deliberations.

Pataki Cuts Park Agency Budget

But Environmental Fund Contains Adirondack-Oriented Assistance

Governor George Pataki unveiled his proposed budget on December 15, 1995 — thirty days earlier than normal. As expected, there was both good news and bad news for the Adirondack Park. Here are some highlights:

Environmental Protection Fund

Governor Pataki proposed funding the Environmental Protection Fund (EPF) at almost \$96 million. This is a dramatic shift from his multi-million-dollar raid of the EPF in the Governor's proposed 1995 spending plan, which was only partially restored by the Legislature.

By adding the \$21 million not spent from last year's EPF appropriation, there is roughly \$117 million in the EPF kitty for large and long-term environmental projects. Out of the \$117 million proposed in the Fund, \$24.7 million is set aside for land acquisition.

In addition, three new sections were added to the list of priorities on which the EPF can be spent. All will aid the Adirondacks.

The first section allows the purchase of land or easements in "northern flow river corridors," including the Grass, St. Regis, Oswegatchie and others. This will allow the purchase of shoreline tracts and shoreline access on rivers that have been posted against public use for as long as a century or more.

The second new section would allow the purchase of small parcels of land that have strategic importance. For example, the state often had to watch helplessly when private buyers snapped up small, private parcels located inside existing Forest Preserve areas. Because the state was limited in its purchases to lands listed in the Open Space Conservation Plan, it could not act quickly enough when these "in-holdings" were offered for sale.

Now, the state's land buyers are authorized to use the EPF for lands 200 acres and smaller, with price tags of \$250,000 or less, whether they are listed in the Open Space Plan or not.

The third new section that would help the Adirondacks is the new "working forest" category. This section specifically authorizes the purchase of conservation easements (development rights and sometimes access) from timber companies and other major landowners who need to increase their income and reduce their taxes without subdividing and selling their lands. Thus, landowners will be able to continue cutting trees and employing Adirondack residents and the lands will not be lost to development.

On the downside, Gov. Pataki repeated last year's folly of including state agency salaries in the EPF, which was set aside for capital projects and large purchases, not day-to-day operations. The Governor's plan includes 58 agency salaries, at a cost of \$3 million annually.

Worst of all, the Governor's plan calls for an end-of-the-year raid on the EPF, by allowing any unspent money to be swallowed by the black hole of the state's General Fund. Consequently, the Fund would have to start from scratch again in 1997.

When it was created, the Fund was set up as a trust fund in which unspent money would accumulate so it could be used

to avoid bonding (borrowing) for large or unexpected projects.

As a result of the fiscal gimmicks, it is impossible to predict how much of the \$117 million in available EPF money the Governor actually intends to spend on the environment.

The Council will work with the Legislature to ensure that full funding is available for land acquisition and other environmental priorities.



Governor George E. Pataki

Adirondack Park Agency

The Adirondack Park Agency did not fare as well as the Protection Fund. As he did last year, the Governor proposed sweeping cuts for the Adirondack Park Agency — one of the smallest and most overworked agencies in New York.

In addition, the Governor recently told reporters he would not restore the cuts on his own, as he did in 1995.

The governor's proposed budget calls for the elimination of 10 staff members from the APA's meager 62-person staff. The plan directly contradicts the recommendations made two years ago by an independent task force studying the workings of the APA.

The task force noted that APA needed up to 11 new staff people to properly serve the public. The task force was made up of local government officials, landowners and attorneys who practice before the agency. In other words, they were the regulated, not the regulators.

In 1994, the APA added three staff people in response to the initial findings of the task force. Response time for applications and jurisdictional inquiries was cut from months to days.

The Council reacted immediately to the Governor's budget proposal by pledging to fight for restoration of the needed positions.

Adirondack Congressman Introduces Legislation Council Kicks Off Adirondack Pure Waters Campaign

As most Adirondack Council members are keenly aware, the U.S. Environmental Protection Agency's acid rain program will not reduce Midwestern pollution enough to protect the Adirondack Park from continued acid rain damage.

However, the Council is working on several fronts to improve the federal program and bring more attention to the problem. In fact, acid rain's destruction in the Adirondacks could begin to be reversed by the year 2000 if a new federal bill becomes law.



U.S. Rep. Solomon

This summer, after receiving a copy of the EPA's draft study predicting continued damage to Adirondack waters and forests, Rep. Gerald Solomon, R-Glens Falls, circulated a letter to EPA among his colleagues in the New York State Congressional delegation. The EPA study had made it clear that 43 percent of the lakes EPA was studying in the

Adirondacks (all 10 acres or larger) could be devoid of life by the year 2040 without additional pollution controls. Since almost half of all water bodies in the Park are smaller than 10 acres and often less able to withstand pollution than larger lakes, EPA's prediction of a 43-percent mortality rate seemed low.

In his letter to the EPA, Solomon demanded that the EPA complete the draft study and find a way to better protect the Adirondacks. The letter also asked EPA for advice on specific legislation to curb air pollution from the Ohio River Valley and other significant polluters of the Adirondacks.

The Council's staff worked to garner co-signers for the letter, helping to convince all but one member of the 33-person New York delegation to sign on to Solomon's letter. Only Bill Paxon, R-Williamsville, refused.

Bolstered by the strong support from the rest of the delegation and from groups such as the Council, Congressman Solomon introduced a bill in November that would require substantial new cuts in emissions from Midwestern utility companies still causing heavy pollution in the Adirondacks.

The bill, HR 2682, would cut sulfur dioxide pollution to a level that would allow the lakes and forests of the Park to begin recovering from 50 years of airborne damage. It would also require many Midwestern electric companies to install pollution control devices to curb nitrogen-oxides, which also contribute to acidity in Adirondack watersheds. All pollution reductions and equipment installations would have to occur by

New Media Campaign, Hotline



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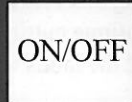
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January 1, 2000.

Shortly after the bill was introduced, the Council worked with New York Gov. George Pataki and Solomon to gain greater attention for the problem through a joint press statement. The statement called for broad support for the legislation in Congress. News of the bill's introduction appeared in major newspapers throughout the Northeast.

In December, the Council worked with the Northern Forest Alliance to gain even broader support for the legislation. The Council brought a resolution of support for the bill to the

ation to Curb Continued Acid Rain in Park

gn with TV, Radio Ads, Toll-Free Acid Rain Hotline

line Hit Airwaves This Month

Adirondack Council has embarked on a public awareness campaign. The result is several ads per day on local television stations for the toll-free Acid Rain Hotline.

Starting this month (January 1996), radio and television public service announcements will begin airing on 240 stations throughout New York State. These announcements are ads for not-for-profit organizations and do not benefit the public, which are run free of charge by radio and TV.

As they are aimed at raising awareness of acid rain and the fact that it is destroying ecosystems in the Adirondack Park.

Each radio spot couples the familiar voice of singer/songwriter Bonnie Raitt with rural folk music and an important message. Ms. Raitt explains: *Acid rain has already killed nearly 500 lakes and ponds in the Adirondack Park, and more trees than anyone can count. The Adirondack Council needs your help to stop acid rain's destruction. Call the Adirondack Council and see how you can help. Call 1-800-842-*

Each television spot contains the same soundtrack, plus unforgettable scenes from the Adirondacks. The piece opens with loons swimming on a lake, followed by rain hitting the surface of a lake. The spot cuts to a sweeping view of the western slopes of the High Peaks near Mount Marcy, where so many spruce and fir trees have been killed they appear brown in the summer.

The final image begins at the forest floor and sweeps upward along the trunk of a dead, barkless spruce tree and into the blue sky. The Council's logo number appears at the bottom of the screen. Each viewer will receive information on how to help the Council fight acid rain, as well as on how to contact lawmakers and other government leaders who can help recover.



The Council's Steering Committee meeting in Bethel, Maine, and asked all members of the Alliance to approve it. All 29 local, regional, statewide and national organizations making up the Alliance approved the resolution. Many of those same organizations, as well as others, sent letters to Senators D'Amato and Moynihan asking them to sponsor similar legislation in the Senate.

Just before Christmas, NYS Attorney General Dennis Vacco noted that he would be taking a resolution to a national convention of state attorneys general, asking for support in

finding legal solutions to acid rain-related problems.

In January, the Council's "Adirondack Pure Waters Campaign" will kick-off with the release of a new television and radio Acid Rain Public Service Announcement featuring singer/songwriter Bonnie Raitt. The spots will appear on at least 40 television stations and 200 radio stations throughout the state and should run through 1996. The Council has activated an Acid Rain Hotline to deal with information requests. (See center article.)

The Pure Waters Campaign will entail much more than acid rain protection, but acid rain will be the focus of the early part of the campaign to protect water quality throughout the Park. Look for more details in upcoming newsletters.

Also in January, newspapers throughout the state will be carrying an Op/Ed piece penned by Adirondack Council Executive Director Timothy J. Burke. Burke's opinion article calls on members of the Congressional delegation to co-sponsor Solomon's bill and for members of the Senate to draft and sponsor a similar bill in the upper house.

In the near future, New York and other states may be changing the ways in which industries buy electric power. Some plans include provisions that would allow soft-coal-burning power plants in the Midwest (which cause heavy pollution in the Adirondacks) to sell their relatively cheap power to industries in other states. Since this could result in increased pollution here, the Council is working with the Natural Resources Defense Council and others to create safeguards for New York's environment.

At the same time, the producers of cleaner fuels could be enlisted as allies in the Council's quest to place better controls on soft-coal-fired power plant emissions. New pollution control could cause slight increases in the cost of coal-fired power production, thus making the other, cleaner industries more competitive.

The Council will do its best in the coming months to broaden the base of support for better acid rain controls. We need better tools to protect the Adirondacks. Solomon's bill is an excellent beginning.

'The Pure Waters Campaign will entail much more than acid rain protection, but acid rain will be the focus of the early part of the campaign to protect water quality throughout the Park. Look for more details in upcoming newsletters.'

High Peaks Protection Plan Presented

Twenty-three years ago, the Department of Environmental Conservation (DEC) was directed to develop management plans for each of the individual Wilderness, Wild Forest, and other Forest Preserve units in the Adirondack Park.

For many years, progress on developing those plans was agonizingly slow. And one of the most frustrating aspects of this problem was the lack of a comprehensive plan for the management of the High Peaks Wilderness, which receives more visitors than any other wilderness in New York State, and ranks as one of the most popular in the Northeast.

At long last, it appears as though this situation is about to change.

Last winter, DEC released a draft Unit Management Plan (UMP) for review and comment by a twenty-five member High Peaks Citizens Advisory Committee (CAC), including an Adirondack Council representative. The Committee had worked from 1990 through 1992 to develop a report and recommendations that subsequently formed the framework for the draft UMP.

PR Onslaught Ensues

Unfortunately, the draft plan was then circulated among some special-interest recreationists who mounted a public attack based on misinformation and fear tactics. Their aim was focused on scuttling provisions they felt would limit their freedom to hike, camp, and use the Wilderness without any meaningful restrictions, as they were accustomed to doing.

The resulting hullabaloo reverberated through the newly-appointed leadership at DEC, who hunkered down during the ensuing barrage of letters-to-the-editor and the associated "damage control" by CAC members eager to maintain the hard-won momentum to deliver a final plan. Meanwhile, the misuse and abuse of sensitive resources continued unabated, and actually accelerated, in the ever-more-popular High Peaks Wilderness.

When all the rhetoric is stripped away, the debate over managing human use of the High Peaks — and of other designated Wilderness areas — boils down to a question of philosophy. Members of the "anthropocentric" camp believe that all public lands, regardless of their classification, should be valued primarily for their ability to support human uses. To them, Wilderness is nothing more than a forest without motorized access.

Trail Erosion, Water Pollution

They bristle at the hint of instituting restraints on their desires to use the Wilderness as a playground. Traditionally, DEC has been reluctant to face the wrath of these folks, and this has in turn led to an ever-tightening spiral of resource degradation in the High Peaks Wilderness.

This degradation takes the form of over-crowded trails and peaks, and campsite slums featuring noise, litter, and barren ground, where the skeletons of defaced trees are reflected in the flames of raging bonfires throughout many evenings in spring, summer, and fall.

It also takes the form of trampled, rare alpine vegetation,

and of streams polluted with waste and sediments.

According to the law, a wilderness area, "in contrast with those areas where man and his own works dominate the landscape, is an area where the earth and its community of life are untrammelled by man — where man himself is a visitor who does not remain." It is an area, "having a primeval character, without significant improvements or permanent human habitation, which is protected and managed so as to preserve, enhance and restore where necessary, its natural conditions." This definition reflects a "biocentric" philosophy of management. And this is the philosophical underpinning of the approach favored by the Adirondack Council in dealing with the management of Wilderness in the Forest Preserve.

Balanced Approach

With the exception of its proposal to build a new parking lot at the edge of the Wilderness, the Draft High Peaks Wilderness UMP takes a balanced, holistic approach to achieving the overall goal of preserving, enhancing, and restoring wilderness conditions to the High Peaks. Although the plan encourages appropriate human uses and enjoyment of the area, it seeks to channel and limit such uses in ways that will leave the area unimpaired for future generations to enjoy. Most important, the plan seeks to restore the integrity of the High Peaks ecosystem as a crown jewel of New York's natural heritage.

Features of Plan

Some notable features of the draft High Peaks Plan include:

- Establishing a maximum group size of 10 for day-use or overnight users of the area, with a special permit for a group of up to 30 for educational institutions and day-use activities only.
- Exploring the use of overnight camping permits, possibly at a fee, for visitors in the eastern High Peaks zone during high-use periods.
- Developing visitor service facilities adjacent to the High Peaks to provide public information, bases for search-and-rescue operations, and for issuing camping permits.
- Constructing a 100-car parking facility near the intersection of Adirondack Loj Road and South Meadows Road, just inside the Wilderness boundary. (The Council opposes this action.)
- Developing a designated campsite plan for the Marcy Dam and South Meadows areas.
- Closing the Marcy Dam/Lake Colden corridor to all open fires.

The draft High Peaks Wilderness Unit Management Plan deserves the support of everyone concerned about the condition of the High Peaks region and the integrity of the Adirondack Wilderness system. Above all, DEC should be encouraged to move ahead with the phased implementation of this bold, long-awaited, and sorely-needed plan. For it would be a real tragedy if the internecine bickering between Wilderness advocates and recreationists causes the Department to draw back from making the hard management decisions it now faces. We cannot afford to wait another twenty years.

State Taking Slow Track to Blowdown Decision

Governor Intervenes on Private Land, DEC Mulls Forest Preserve Options



Gary Randorf

Further complicating decisions on what, if anything, to do about trees that fell during the July 15 storm is the lack of reliable information on where the storm hit hardest. This area was identified on state maps as having between 60 and 100 percent of its trees blown down.

Private Lands

Forty-eight hours after Adirondack Park Agency Chairman Gregory Campbell announced that the APA would issue a general permit to authorize clearcutting on tens of thousands of acres of private land inside the Adirondack Park, Governor George Pataki issued a terse statement to the press that the permit would not be issued until a review by his office was completed.

The Governor's actions were taken less than twenty-four hours after a lengthy news article appeared in the New York Times, quoting the Adirondack Council and other groups on the shortcomings of the proposed permit. It is possible that the Governor's personal intervention will lead to significant modifications in the permit, allowing better protection of the Park's natural resources.

The Agency announced that the clearcutting permit would be issued in November despite overwhelming criticism from the public about several of its provisions. The Council had been following closely the development of the permit and was unhappy with several of the proposals.

For example, the Council had asked the Park Agency to mandate site visits of the lands to be clearcut. This would verify existing damage and highlight special site-specific concerns that should be addressed to protect water quality and wildlife habitat.

The Council was also critical of the agency's decisions to allow clearcutting over unlimited acreage if the landowner judged that only one out of every three trees was "down, damaged or not wind-firm."

The proposed permit has been under review by the Governor's office since November. The Council has played a critical role in publicizing the draft permit, negotiating with stakeholders and doing legal research to challenge the permit, if necessary.

We anticipate a decision in January.

The Adirondack Council

Public Lands

Five Adirondack advocacy groups have agreed to coordinate their efforts in monitoring the State's response to the July windstorm that damaged thousands of acres of Forest Preserve in the northwest quadrant of the Adirondack Park.

To his credit, DEC Commissioner Michael Zagata has put into motion a comprehensive public consultation process on this issue. A special working group representing a great diversity of individuals, corporations and organizations has met with DEC staff regarding the state's assessment of existing conditions and possible future actions in the Forest Preserve. DEC prepared a Draft Assessment Report of the storm's impacts and the state's response for review by the full group on January 3, 1996.

The Adirondack Council participated in both these public meetings, as well as private meetings with key officials. The Council has consistently demanded that the department act in full compliance with Article 14, Section 1 of the State Constitution (the "Forever Wild" clause). The Council has also urged the Commissioner to observe the detailed provisions of both the State Land Master Plan, which governs state actions on public lands in the Park, and the Unit Management Plan for the Five Ponds Wilderness area and surrounding Forest Preserve Units. They were the most heavily hit public land areas.

The Forever Wild Clause and the management plans all prohibit the destruction or removal of trees, living or dead, on state Forest Preserve.

Representatives of the five organizations met several times over the summer and fall to cement an agreement to jointly review the state's plans and to take whatever actions may be necessary to protect the integrity of the Five Ponds Wilderness Area and other affected public land. Joining with the Adirondack Council are The Association For the Protection of the Adirondacks, The National Audubon Society, Natural Resources Defense Council and The Wilderness Society.

DEC to Change Motorized Access Policy

Challenge: Reconciling Forever Wild Clause, Rights of Disabled

The issue of motorized access to the "Forever Wild" Adirondack Forest Preserve has been contentious and hotly debated for decades. This has led to the development of an elaborate management system to balance demands for such access with the need to protect sensitive environmental resources and avoid various recreational conflicts. Unfortunately, that delicate, hard-won balance is now threatened.

The Dept. of Environmental Conservation (DEC) has proposed a major policy change that could open the Preserve to an armada of ATVs, vans, pick-up trucks and trail bikes. Ostensibly, this change is an attempt to provide people with disabilities access to state lands as required by the Americans with Disabilities Act (ADA). While this is a commendable goal, DEC's policies were in substantial compliance already and needed only a minor fine-tuning. However, the new policy goes far beyond the requirements of the ADA, leading many observers to question the real motives behind the proposal.

Equal Access

The basic thrust of the ADA promotes equal opportunities for access to public facilities by all Americans. For example, mobility-impaired persons should be given reasonable access to restrooms, parking facilities, and picnic areas in state-run campgrounds. And people who depend upon motorized wheel chairs cannot be denied access to any public trails.

But the Act does not require fundamental changes in land-use policies to accommodate disabled persons, especially when the term "disabled" is so loosely defined as to include anyone who has a temporary or permanent physical or mental limitation which substantially restricts one or more of the person's major life activities.

Policy Too Loose

According to an officer in DEC's Division of Law Enforcement, the proposed policy would allow motorized access to the Forest Preserve by anyone who is obese, deaf, mute, or who is addicted to drugs.

"Personally," he said, "I think (the policy) is too loose. It seems as though we are trying to give the world away ... We may eventually find it easier and more efficient to issue permits (for access to state land) to any and all who apply to avoid becoming involved in litigation over who does or does not qualify."

Under the provisions of the Adirondack Park State Land Master Plan, motorized vehicles are prohibited on roughly one-half of the Forest Preserve, including lands classified as Wilderness, Primitive, or Canoe. Motor vehicles are allowed on designated roads throughout 1.3 million acres of the preserve classified as Wild Forest. The public cannot use motor vehicles, including ATVs, on any trails in the Preserve.

Snowmobiles, which are distinguished in the law from motor vehicles, are restricted to designated trails. Unfortunately, the new policy flies in the face of these provisions. Conflicts with the general public would be unavoidable and the health and safety of disabled permittees would be threatened.

Potential for Abuse Discounted

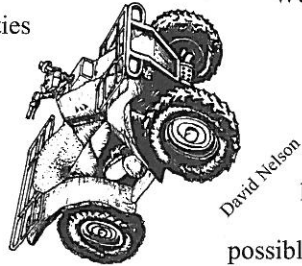
Proponents of the new access policy pooh-pooh the idea that significant numbers of disabled people will apply for permits to motor throughout the Preserve. But an experienced DEC law enforcement officer feels otherwise.

"Based upon our experience with the non-ambulatory hunter permit applications," he said, "I would expect a flood of applications for these temporary revokable permits. I hope we are prepared for the conflicts between the holders of the permits and the remaining public who will be on foot, horseback, skis, etc."

A Forest Ranger who reviewed the policy noted that, "The permittee is allowed to go wherever he wants as long as he is handicapped. I feel that the (proposed) permit process could very well be doing the handicapped a great disservice through not providing them safe limitations on where their motor

vehicles may be used and in doing so we have opened up the taxpayers to increased liability.

We are creating a situation where people who are not mobile can find themselves deep in the woods and have an accident or mechanical failure, then due to their acknowledged handicap cannot get themselves out of their predicament."



The drafters of the new policy foresaw the possible need for "companions" to accompany disabled permittees. But the policy goes beyond the bounds of reason to grant an unspecified number of able-bodied companions the right to drive separate motor vehicles into the woods to assist the disabled, if necessary.

Backwoods Parade?

This conjures up an image of a phalanx of one permittee and several companions on their ATVs or 4x4s, blasting through the woods to their favorite hunting spot or fishing hole. However, legal experts have noted that the policy as written does not comply with the requirements of the State Land Master Plan or with DEC's own regulations, so this scenario is not likely to take place until the Plan and the regulations are amended.

And such amendments are sure to be opposed by the Adirondack Council and other concerned individuals and organizations.

Faced with mounting opposition from Forest Preserve managers and environmental advocates alike, DEC has taken its access policy proposal off the fast track, at least temporarily. The Department has expanded the membership of an access policy advisory group, previously restricted to a few "insiders," and the Adirondack Council has joined the team of advisors.

We will continue to monitor this process very closely and will work hard to protect the legitimate rights of the disabled, while ensuring that the sensitive resources of the Adirondack Forest Preserve do not suffer the consequences of ill-conceived policy or rule changes.

Community Conservation Focus on Taxes

It might seem unusual for an environmental organization to take a public position on school funding and property taxes. But the Adirondack Council is doing so, because the stability of local communities and their economies plays an important role in the protection of open spaces and pristine resources throughout the Adirondack Park.

As part of its Community Conservation Initiative, the Council commissioned a year-long study of land-use and property taxes in the Adirondack Park. The study confirms that Senate Majority Leader Joseph Bruno's call to reform local property-tax programs and school district financing has identified a substantial need in Adirondack communities.

"Senator Bruno hit the nail on the head," said Adirondack Council Executive Director Timothy J. Burke. "The problems he seeks to address are particularly acute in the Adirondacks. Residents of the Adirondack Park don't have higher property-tax bills than people in the rest of the state, but they do have less income to pay those bills.

"People are paying too much of their personal income in property taxes. School tax bills are a large portion of that burden. And local governments need help from the state to close the gap. While our recommendations on remedies may not be identical to the Senate's, there are two major areas where we agree," Burke said. "First, it is clear we need to reform school district funding. Second, we need to reinvigorate the Property Tax Circuit Breaker Program."

Such a program would provide a personal income tax credit

to people whose school tax bills exceed a certain percentage of their income. While New York already has a personal income tax credit for low-income households, the amounts are not high enough to provide reasonable relief. Further, the program has not kept pace with changes in the cost of living and in real estate.

The Adirondack Council will continue working on other community issues that affect natural resources and long-term community viability. In October, Tim Burke led a group of Adirondack Park local government and economic development officials to Jackson Hole, Wyoming, where they participated in the Heartland Center's program "Helping Small Towns Survive."

The Council has also continued its critical participation in founding an Adirondack Park Community Development Loan Fund. Adirondack banks have committed to providing up to \$1 million, which the Fund will lend to private businesses that are environmentally compatible with the sensitive resources of the Adirondack Park. The Council has been selected as the only environmental representative on the founding board of the Loan Fund.

The Adirondack Council additionally has continued participation in the Lake Placid Club Task Force, which is studying potential sustainable uses of the former Lake Placid Club property. The Council may be able to play a pivotal role in ensuring a future for this important property that is positive for both the environment and the local economy.

Canal Land Surveys Nearing Completion

The NYS Thruway Authority has announced that new survey maps of six Adirondack lakes and the lands around them in Herkimer County will be available for public viewing this month. But they are going to cost you.

The survey was ordered following a 1992 Adirondack Council investigation that revealed systematic annexation of what appeared to be public lands by nearby private landowners. The lands were controlled by the Dept. of Transportation until 1992, when they were turned over to the Thruway Authority so the canals themselves could be commercially developed.

While investigating whether any canal lands were located in the Adirondack Park, the Council learned that the six Herkimer County lakes and lands were added to the canal system to ensure a water supply in the 1800s, but have never been used for that purpose.

As a result, some private upland owners have moved structures to the edge of the water and others may have bought and sold lots that include public land. Some families may have been treating these public lands as their own property for more than a century.

A unanimous 1908 decision of the NYS Court of Appeals ruled that these canal lands are entitled to the same "Forever Wild" protection as all public Forest Preserve in the Adirondacks.

Once the survey is completed, the Thruway Authority

is supposed to meet with officials of the Dept. of Environmental Conservation to determine which of the lands will be included formally in the Forest Preserve and which are still needed for the Canal system.

For most of 1995, the Adirondack Council filed Freedom of Information Law (FOIL) requests and sent letters to the Authority in an attempt to gain access to the data gathered by the survey teams. The Council felt it had a right to the information, since other documents clearly indicated that it had already been shared with one of the adjoining landowners.

After requesting the information in May and repeated inquiries throughout the summer, some of the FOIL request was honored in September. However, only two maps were made available. According to a Dec. 21, 1995, letter from the Authority, the first of the maps developed by the survey team should be available for viewing at the end of January.

In the letter, Authority Project Development Director Lawrence J. O'Connor offers to allow the Council to purchase the maps and reports. Both were paid for not with Thruway funds, but with \$1.4 million in tax money provided by the Legislature.

O'Connor also predicted that public meetings on the surveys would be held in February and March. The Council will continue working to see that these lands are protected, as they should have been for the past 100 years.

Join the Adirondack Council Activist Network

Since the creation of the Adirondack Council's Statewide Activist Network, the number of people the Council can count on to write a letter or meet with a lawmaker to discuss an issue has grown from a few dozen to thousands.

The core group, which responds to nearly every Action Alert or call for support, no matter how small, now numbers in the hundreds.

The Council has kept our activists and members very busy writing letters, attending hearings, lobbying policy makers and participating in other advocacy efforts. Time and time again, no matter what the issue or what needs to be done, our activists have come through.

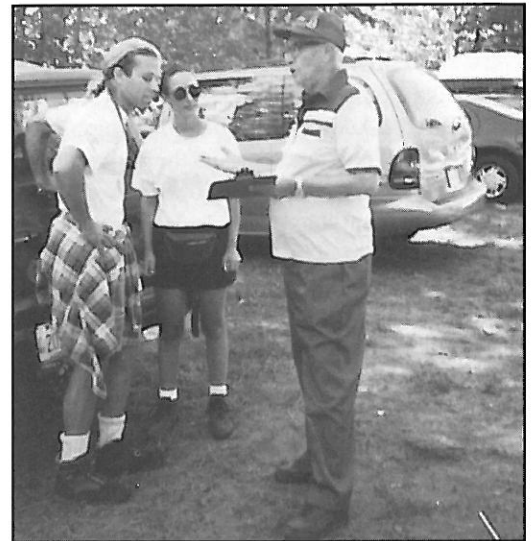
Over the summer, several of our activists took part in the Northern Forest Trailhead Project, educating hikers and Congress about the need to protect the 26-million-acre forest that stretches from the Tug Hill Plateau, eastward across the Adirondack Park, through northern Vermont and New Hampshire to the coast of Maine. Activists staked out popular trailheads and asked hikers and campers to sign a petition calling on Congress to approve legislation to better protect the environment and way of life in the Northern Forest.

Following the severe windstorm of July 15, the Council called on its activists to encourage the Adirondack Park Agency to amend its general permit for clearcutting on private lands to better protect the Park's natural resources. More than 100 of our activists responded to the appeal.

And, because the DEC has refused to rule-out removing downed trees from the Forest Preserve — which would violate the Forever Wild Clause of the State Constitution — the Council asked our members to write to DEC Commissioner Michael Zagata. To date, the commissioner has received more than 250 letters from Council members alone.

This fall, our activists turned out for public meetings and submitted extensive comments on the DEC's draft High Peaks Wilderness Unit Management Plan. And now, Council activists are asking U.S. Senators Moynihan and D'Amato to co-sponsor legislation to better protect the Park from acid rain.

The Adirondack Council's board and staff would like to thank all of our activists and members for all of your hard work and your support. The Council could not be as successful in protecting the Adirondack Park without your help and dedication!



Adirondack Council Activist Bob Kelly, right, collects signatures at the Blue Mountain trailhead.

How to Join

Simply fill out this form and drop it in the mail using the enclosed envelope. We'll keep you informed.

Name _____

Address _____

Phone _____

Activist Network

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