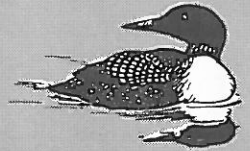




The Adirondack Council SPECIAL REPORT



to keep supporters informed of our activities

June 1981

AN EVALUATION OF THE ADIRONDACK PARK AGENCY BY THE ADIRONDACK COUNCIL

The Adirondack Park Agency was created ten years ago by the New York State Legislature to plan for and regulate land use in the Adirondack Park.

How well is the Agency doing its job?

In this report, The Adirondack Council, a citizen group dedicated to protecting the natural character of the Park, offers some answers.

INTRODUCTION

The *Adirondack Park Agency* was created by the State Legislature in 1971 to regulate land use and development in the six-million-acre Adirondack Park and, basic to this process, to plan for the future of the Park. Since 1973, the Agency has administered the Adirondack Park Agency Act. Through a parkwide zoning system, the APA Act limits the intensity of development, and establishes a permit system for development projects, on 2.3 million acres of private lands.

The *Adirondack Council* is a coalition of four conservation organizations (National Audubon Society, Natural Resources Defense Council, Wilderness Society, Association for the Protection of the Adirondacks) and 1,500 individual members, dedicated to preserving the natural character of the Adirondack Park for present and future generations. The purposes of the Council include supporting programs that enhance the harmonious relationship of man and nature in the Adirondack Park; defending Article XIV (the "Forever Wild" provisions) of the State Constitution; upholding and strengthening the Adirondack Park Agency Act; fostering a healthy Adirondack economy compatible with the natural resources of the Park; informing and educating the public about the special qualities of the Adirondack Park; and monitoring, influencing and assisting government agencies whose activities affect the environment of the Park.

This is the first periodic evaluation by the Council of significant actions taken or not taken by the Agency. Some "pluses" and "minuses" in the Agency's performance to date, with an emphasis on the last few years, are set forth in this report.

THE ADIRONDACK PARK AGENCY AT THE AGE OF TEN

The Adirondack Park Agency has accomplished much in its first decade of existence.

The Agency has created a land use and development plan that stands as a national model for enlightened protection, through comprehensive planning and zoning, of a large, diversified natural area. The Agency has established a project review and permit system, unprecedented in scope and sensitivity, for the Park's private lands. The Agency has inventoried some 1,500 miles of Adirondack rivers, most of which now enjoy special protection as Wild, Scenic and Recreational Rivers under a state regulatory system devised and promoted by the Agency and its founders.

These have been singular achievements.

The Agency's most conspicuous failure in recent years has been an inability to look beyond its day-to-day operations and focus on long-range park planning. Many necessary measures are yet to be adopted to preserve and enhance the Park for future generations. These measures have been called for repeatedly--in the Temporary Study Commission Report on the Future of the Adirondacks in 1971, in the Agency's own Comprehensive Report to the Legislature in 1976, and in the Open Space Task Force Report, commissioned by the Agency, in 1980.

These reports advocate additional state land acquisition and tax reform, added protection for scenic roadside vistas and pristine private lakes, improved recreation opportunities, and better interpretation of the Park's natural and cultural resources.

The Agency's overall inadequacy in this regard may be ascribed to insufficient funds and staff, to political timidity and the urge to avoid controversy, and to the tendency of too many private citizens who care about the Adirondack Park to sit back and relax--incorrectly assuming that the Battle of the Adirondacks has been won and that the Park Agency will, without continued public surveillance and public insistence, always do what it was created to do.

Pluses indicate Agency actions conducive to a beautiful, naturally harmonious, well-protected Park a hundred years from now. Minuses indicate an erosion (or potential for erosion) of the Park's natural character from actions or inactions of the Agency.

PARK PLANNING

Pluses

● *Intensive Timber Harvesting Study* initiated by the Agency in 1980. Clearcutting has been a critical problem in the Adirondacks in the past, and the seeds for future problems are present today as new markets for "whole tree" use and new clearcutting technology offer a quicker, more profitable way to harvest trees. The purpose of the Agency-sponsored study was to assess the potential for erosion, damage to wildlife habitat, aesthetic blight, and other possible problems before they developed. This study was a commendable Agency initiative. It now remains to be seen what follow-up action the Agency takes.

● *Open Space Study* initiated by the Agency in 1979. In recognition that "open space is the Adirondack Park" and that present laws and management policies are not adequate to

safeguard the Park, the Agency appointed a citizen task force of Adirondack residents to determine what should be done to better protect this great resource. In 1980 the task force issued a report containing many recommendations, including a call for greater protection of Adirondack lakes and roadways. The task force urged the Agency to promote a state policy permitting less-than-fee acquisition of private lands (i.e., the purchase of development rights or "conservation easements") and to provide compensation to localities for any tax loss resulting from the lowered value of these lands due to the sales or gift of easements to the state. Again, this study was an important Agency initiative, but its value depends on what the Agency does about it. Little activity to date in this regard, is not encouraging.

●*State Energy Master Plan.* Large, destructive dams have always posed a threat to the wild character of the Adirondack Park. In 1979, acting in its proper role as advocate for Adirondack protection, the Agency assisted in the preparation of the NYS Energy Master Plan and thereby assured that the Plan endorsed *only* the rehabilitation of small existing hydropower facilities and the development of new facilities that are compatible with the natural character of the Park. The Agency emphasized that intensive timber harvesting to fuel large-scale electric power generation would be detrimental to both the economy and environment of the Park. The Agency also called for the installation of stack-gas scrubbers on all coal-fired power plants and requested that massive transmission lines be kept out of the Park.

Minuses

●*Density Bonus Bill.* The Adirondack Park Agency is seeking to modify the APA Act to provide "density bonuses" to developers to encourage them to develop sensitively. This extra density allowance would permit a developer to build 20% more houses near shorelines and highways. Yet the Agency already has the authority and responsibility to require sound development practices, including sensitive siting, retention of trees and other natural screening, and reserving land for open space uses.

●*Scenic Vistas.* The Agency has failed to take initiatives to protect 40 scenic vistas designated by the Agency in 1973 that are visible from Adirondack highways. Without further delay, the Agency should submit recommendations to the Department of Environmental Conservation for the purchase of conservation easements on private lands where development could degrade these unique scenic qualities.

●*Bikeways.* The Agency has failed to promote development of a Parkwide bikeway system, after a promising start in 1975 when bicycle lanes were incorporated by the Department of Transportation (DOT) into a 10-mile stretch of highway between Blue Mountain and Indian Lakes. The Agency, through its participation in the Adirondack Highway Council and by working closely with DOT, should insure that road construction plans throughout the park include special lanes for bicycling—a form of outdoor recreation that could someday take its place with canoeing, hiking and skiing as a major public use of the region.

PROJECT REVIEW

Pluses

●*Warren County Sewer System Proposal.* A large regional sewer project, costing \$100 million, has been proposed for the southern Lake George Basin. However, the need for such a system has not been established. Less costly alternatives have not been properly examined. Some observers feel that the proposed interceptor sewers have been "over-designed", that the system would stimulate excessive growth of the region, and that the runoff from new development around Lake George could cause more problems than the system would solve. The

Agency voiced these concerns in 1979, asserted jurisdiction over the project, and insisted that a proper environmental impact statement be prepared. The U.S. Environmental Protection Agency agreed, reversing its earlier position.

●*Crammond Sawmill, Ticonderoga.* Mr. Crammond applied for an Agency permit in 1975 to begin a modest sawmill operation. The Agency approved the permit, noting that such approval was contingent on very limited expansion because neighbors living close by could be seriously affected by excessive noise and other disturbances. Mr. Crammond soon went way beyond what the permit allowed, annoying his neighbors and disrupting a residential neighborhood. Despite pressures from the local chamber of commerce, the Agency has required compliance, while showing flexibility in its willingness to help Mr. Crammond relocate his operation.

●*Whiteface Inn.* Fairly intensive development of the Whiteface Inn property near Lake Placid Village was approved by the Agency, but with conditions protecting the shoreline of Lake Placid, limiting expansion of docks and the attendant user impacts on the lake, controlling visibility of structures, rejecting a proposal to transform a wooded gully into a waste area, etc. This is an example of the carefully guided growth envisioned by the Adirondack Park Agency Act.

●*Mundy Oil Storage Project in Riparius.* Mr. Mundy applied for a permit to convert an oil storage and supply facility to propane storage and supply, in the hamlet of Riparius beside the Hudson River and Route 8. The Agency conditioned its permit on the removal of the existing oil tanks and the planting of vegetation to screen the project. Mr. Mundy reneged on meeting the conditions. The Agency secured compliance by working through the State Attorney General and the courts.

●*Niagara Mohawk 115 KV Power Line.* This proposed power line would cross the Hudson River just upstream of the bridge at Riparius. Regulations of the New York State Wild, Scenic and Recreational Rivers Act require that support structures, lines, cables, pipes, and associated equipment be "substantially invisible" from the river. As a party to the Public Service Commission hearings on the project, the Agency helped build a case for attaching the lines to the bridge or placing them underground to avoid an overhead eyesore.

Minuses

●*Failure to Follow Through.* The Agency has permit-granting authority over "regional projects" as defined by the APA Act. Since 1973 the Agency has reviewed thousands of proposals for regional projects and has issued permits for most of them, often with conditions attached. Yet the Agency has never systematically followed-up with these projects to be sure the permit conditions were met and to assess the cumulative impact of permitted projects on the Adirondack Park.

●*Olympic Ski Jumps.* The most dramatic failures of the Agency to protect the Adirondack Park relate to the 1980 Winter Olympics. Succumbing to intense local and gubernatorial pressures, the Agency in 1977 approved construction of the 90 and 70 meter ski jumps on a hilltop south of Lake Placid without the required consideration of alternative sites and without allowing full participation of its own staff during the hearing process.

●*Athlete's Housing.* This project was a dramatic example of an incompatible use of the Adirondack Park. It involved the leveling of a hill and the stripping of all vegetation, including a magnificent stand of white pines, from an 80-acre site for the construction of an "Olympic Village", later to become a federal prison. The Agency did not assert jurisdiction, claiming it to be a federal project and thus outside state authority. But the Agency did review the project plans and fully realized the environmental implications. To avoid controversy, the Agency did nothing to alert the public to the planned destruction of this wooded area between McKenzie and Scarface Mountains.

●*ETV Tower.* In 1975 the Agency approved placement of a 400-foot television tower on an undisturbed, privately-owned mountain (Lyon Mt.) without calling a public hearing. Many urged that Whiteface Mountain, already compromised by a

road to its summit and structures on top, was a more appropriate location for the ETV tower.

MAP AMENDMENTS

The APA zoning map is subject to continuing revision and refinement by the Agency in response to requests for changes, based on new or more detailed data, by individuals and communities in the Park.

Pluses

●*Last Chance Ranch Map Amendment Request.* The owner of this 1300-acre parcel bordering the High Peaks Wilderness applied for an amendment that would increase the permissible number of buildings from 30 to over 300. Such a map change would have allowed a large-scale residential development in one of the most sensitive and scenic areas of the northern Adirondacks. Despite intense local pressure to grant the amendment, the Agency acted responsibly and denied approval.

●*Town of North Elba Map Amendment Request.* Based primarily on the interests of a single party, the Town of North Elba requested an APA map amendment permitting greater building densities on Lake Placid. The Agency clearly identified the risks in attracting too much development to shorelines, to the detriment of both natural beauty and water quality, and determined that the changes should not be made.

Minuses

●*Doling Out Map Amendments to Encourage Local Planning.* The APA Act requires the Agency to encourage local land use planning. Map amendment approvals to local communities, permitting different development densities, have often served as an incentive to attract local cooperation. At times the Agency, in its eagerness to forge a local regional planning partnership, has compromised its standards in granting map amendments. For example, in approving amendments for the Towns of Willsboro, Hague and Caroga, the Agency sanctioned an unwarranted increase in development potential and set the stage for destructive strip development along scenic Adirondack roads.

RIVER PROTECTION

River protection is of utmost importance in the Adirondack Park, which contains the headwaters of five of the state's major drainage basins. Preserving the Park's rivers and river corridors in a natural state provides for a wide variety of recreational opportunities and a quality and quantity of flow essential to downstream uses.

Pluses

●*Hydroelectric Development.* In response to pressure from electric utility companies to dam and thereby destroy the wild character of many Adirondack rivers, the Agency issued a policy statement reaffirming its commitment to protect free-flowing Adirondack rivers and to uphold the laws that prohibit their impoundment.

The Agency stated: "Reactivation of small, existing power dams in the Park is feasible and may well be compatible with preservation of the Park's natural character." But "new, large-scale hydroelectric generation would cause irreparable harm to the Park's environment at a cost far beyond benefits to be derived from the increase in available power (an estimated 500 megawatts)."

The Agency concluded: "Present environmental restrictions within the Park--notably Article 14 of the State Constitution and the Wild, Scenic and Recreational Rivers Act--should not be weakened."

Minuses

●*Rivers Bill.* To its credit, the Agency in 1979, 1980 and 1981 submitted legislation to include an additional 104 miles of nine Adirondack rivers in the state's River System to protect these waterways against damming and other damaging development. To its discredit however, the APA has shied away from any concerted effort to inform the legislature, the press, and the general public of the need for such legislation.

The Agency's tendency to "keep a low profile" is a carry-over from its earlier days when almost everything the Agency did brought criticism from anti-Agency elements in the Park. However, the Agency has long since weathered that storm. It should now get on with the job of promoting additional safeguards needed to protect the natural qualities of the Adirondack Park--including the Agency's own proposed additions to the River System.

BUDGETARY NEEDS

The Adirondack Park Agency has been short-changed in the state budgeting process. The Agency today is short-staffed and underfunded. The staff currently numbers 36; six positions have been frozen and two abolished. That experts on forestry, water quality and economics have been eliminated from the staff is an example of false, short-sighted government economizing.

The Adirondack Council urges the Governor and Legislature to recognize the importance and complexity of the job that the Agency has been given and, at a minimum, restore the Agency to its former "skeleton staff" level of 44 positions.

UNFINISHED BUSINESS

Lakes

Many privately-owned Adirondack lakeshores are still in a natural, undisturbed condition; many others remain relatively undeveloped. However, under existing regulations, the Agency estimates that 60,000 new residences could be built on private shorelines. Such intensive development would do much to compromise the natural character of the Park.

The Agency acknowledged this threat in its five-year progress report to the Governor and Legislature in 1976, but since then the Agency has taken no steps to counteract the threat.

The Adirondack Park Open Space Task Force Report of 1980 stated: "The Agency should *immediately* undertake a lake study to determine how the quality of lakes and lakeshores can best be protected."

The Adirondack Council strongly supports that recommendation.

Acid Precipitation

In recent years, the Agency took a leadership role in identifying and publicizing the growing menace of acid precipitation to the Adirondacks--the biological destruction of hundreds of Adirondack lakes that has already occurred due to air pollution originating in the Midwest, and the certainty of ever wider destruction if this pollution is not curbed.

The Adirondack Council urges the Agency, as the state-created guardian of the Adirondack Park, to continue to advise the public, industry, law makers and government agencies of the effects of acid rain and the need for federal actions--in strengthening the Clean Air Act--to help solve the problem while solutions are still possible.

Additional Legislation

Conspicuously absent from the Agency's legislative program have been measures to better protect lakes and ponds and their shorelines (noted above) and for better protection of Adirondack roadsides and scenic vistas which could easily be

diminished or destroyed through inappropriate development. The Agency should also continue to pursue easement legislation and work closely with the State Division of Equalization and Assessment for real property tax reform, particularly for lands in forest products production.

Morale

It is readily apparent that the morale of several of the Agency's Commission Members and staff is at a low ebb. In discussions earlier in the year, Council representatives and Agency leadership openly discussed communication problems within and among the Agency leadership, staff and Commissioners. The Council had concern then that the Agency was too often not making decisions by consensus, as envisioned in the Adirondack Park Agency Act. That concern has grown.

The Adirondack Council calls upon the Agency leadership to recognize that it is time to pull the staff and Commission back together. This can be done by soliciting the help of the professional staff and Agency Members to a greater extent in making key decisions and formulating policy. Internal communications must improve and mutual trust should be reestablished at all levels of the Agency.

The Agency has made considerable progress in improving its public image in recent years. It must not allow internal strife to impede further progress in improving its relations with the general public. Additionally, the Agency needs to function as efficiently as possible to adequately handle its work load and to expand its park planning efforts.

Park Planning

The Agency must concern itself more with long-term planning in the Adirondacks--that is, planning for a Park 20, 50 or 100 years from now that will provide future generations with a natural sanctuary (a sanctuary in which residents and visitors exist in harmony with nature) in our increasingly populated and developed society. As it looks ahead, the Agency should envision how the Park will evolve in the years to come and develop a range of planning and management programs and policies to shape that evolution to the benefit of residents and visitors alike, and to preserve and enhance the natural character of the Park. The Agency needs to articulate and pursue such a vision through strong and action-oriented leadership. Individual actions and policies should *not* be undertaken out of context--as they often are today--but in consideration of the kind of Adirondack Park the people of New York State want for their

children and grandchildren.

The Agency has announced plans for more intensive long-range planning in 1981. The Adirondack Council urges the Agency to address some of the important Park planning issues identified by the Temporary Study Commission on the Future of the Adirondacks, the recent Open Space Task Force, and by the Agency itself in its comprehensive report of 1976. *The Council recommends that the Agency appoint a citizens advisory committee on long-range planning to work closely with the Agency in this effort.*

The great hope for the Adirondack Park is a strong, effective Adirondack Park Agency. More than most government agencies, the APA needs to be guided by a vision.

The vision of the Adirondacks as a park is a central thread that connects the actions of our forefathers in the 1800's with our decisions today. It is a vision that the state's leaders, both public and private, must strive to maintain. It is a vision to which the Adirondack Park Agency must constantly adhere if it is to fulfill its obligations to all the people of New York State.

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The Adirondack Council

Box D-2, Elizabethtown, NY 12932

A coalition of the National Audubon Society; The Wilderness Society; The Natural Resources Defense Council; The Association for the Protection of the Adirondacks; and other concerned organizations.

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