

# State of the Park 1996



***Vote on the Clean Water/Clean Air Bond Act on Nov. 5***  
See Page 8 for Details on the Referendum



**The Adirondack Council**

# The Adirondack Park

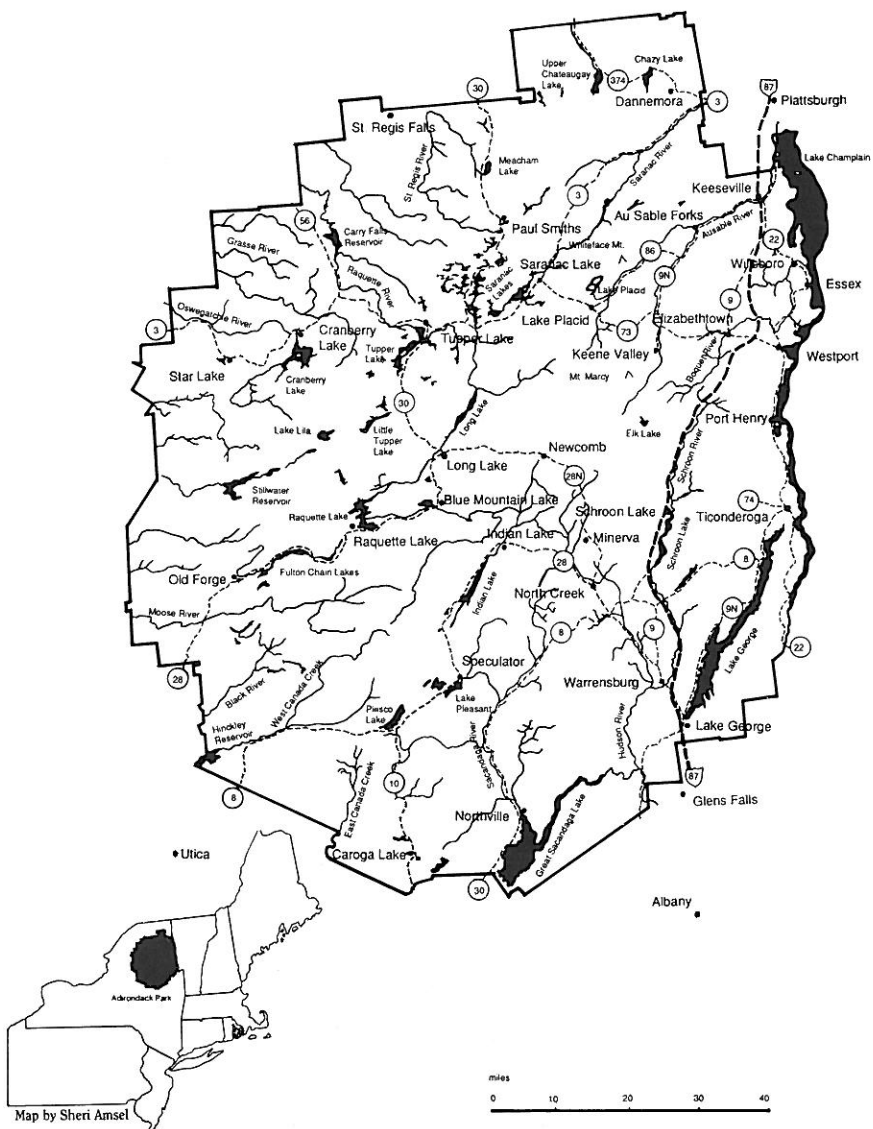
*Six-million-acres of public and private land containing the largest assemblage of Old Growth forests east of the Mississippi River as well as 105 villages and towns...*

The Adirondack Park is the largest park in the contiguous United States. It contains six million acres, covers one-fifth of New York State and is equal in size to neighboring Vermont. Few people realize that the Adirondack Park is nearly three times the size of Yellowstone National Park.

More than half of the Adirondack Park is private land, devoted principally to forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts an estimated nine million visitors each year.

The remaining 45 percent of the Park is publicly owned Forest Preserve, protected as "Forever Wild" by the NYS Constitution since 1895. One million acres of these public lands are designated as Wilderness, where a wide range of non-mechanized recreation may be enjoyed in an incomparable, natural setting. The majority of the public land (more than 1.3 million acres) is classified as Wild Forest, where motorized uses are permitted on designated waters, roads and trails.

Plants and wildlife abound in the Adirondack Park, many of them found nowhere else in New York State. Never-cut ancient forests cover more than 100,000 acres of public land. Ironically, much of the Park is wilder and more natural today than it was a century ago, when irresponsible logging practices and forest fires ravaged much of the yet-unprotected Adirondack region. Someday, all native wildlife species, including those lost in the last century (the wolf, moose, lynx and cougar) may live and breed here.



The western and southern Adirondacks are a gentle landscape of hills, lakes, wetlands, ponds and streams. In the northeast are the High Peaks. Forty-three of them rise above 4,000 feet and 11 have alpine summits that rise above timberline.

Nothing characterizes the Adirondack Park like its waters. The Adirondacks include the headwaters of five major drainage basins. Lake Champlain and the Hudson, Black, St. Lawrence and Mohawk rivers all draw water from the Adirondack Park. Within the Park are more than 2,800 lakes and ponds, and more than 1,500 miles of rivers, fed by an estimated 30,000 miles of brooks and streams.

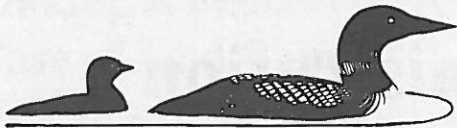
Embodied in this and other Adirondack Council reports is a vision of the Adirondack Park that will serve as a

global model for integrated land use and conservation.

In the next century and beyond, the Adirondack Park must continue to offer vast areas of undisturbed open space as a sanctuary for native plant and animal species, and as a natural haven for human beings in need of spiritual and physical refreshment. It must also provide for sustainable, resource-based local economies and for the protection of community values in a Park setting.

This publication is but one step in the Park-protection process. Through continuing public education and advocacy for the protection of the Park's natural character, the Adirondack Council hopes to advise public and private policy-makers on ways to safeguard this last remaining great expanse of open space.

**On the Cover:** Lake Champlain (shot from just outside Westport) would benefit from a \$15 million appropriation in the Governor's proposed bond act, aimed at cleaning up phosphorus pollution from sewage systems and runoff. This would help the state meet its obligation to Vermont and Quebec, which agreed to a lake clean-up plan with New York in 1993.



## *The Adirondack Council*

Dear Members and Friends:

As you will see from this year's State of the Park Report, the state's public officials did a great deal to defend the natural character and Constitutional protection of the Adirondack Park in late 1995 and 1996. But this was also a great year for the Adirondack Council. In achieving the following, the Council worked with state government, other environmental organizations and local communities.

In each case the Council:

### **Environmental Protection Fund**

- \* Worked to obtain an additional \$7.5 million for land acquisition (up to \$31.5 million).
- \* Convinced the Governor to allow the state to purchase small parcels (200 acres or less and \$250,000 or less) for addition to the Forest Preserve without going through the multi-year process of adding them to the Open Space Conservation Plan, which has resulted in lost opportunities.
- \* Helped to defeat a proposal that would have emptied all unspent EPF money back into the budget's General Fund at the end of the year, rather than carry it over to the following year as intended in the original legislation.

### **Clean Water/Clean Air Bond Act**

- \* Negotiated an additional \$50 million for land acquisition (bringing the total to \$150 million).
- \* Convinced the Governor to ensure that working forest conservation easements on commercial forest lands will be eligible for bond act funding.
- \* Worked to obtain \$15 million for phosphorus clean-up in Lake Champlain by insisting that the state live up to its 1993 phosphorus-reduction agreement with Vermont and Quebec.
- \* Alerted the Governor to an ill-conceived plan on the part of Essex County that would have resulted in the importation of 500 tons-per-day of urban garbage into its landfill by a private hauler. The Governor responded by adding money to his bond act to help Essex County out of its fiscal mess.
- \* Worked to obtain \$50 million to assist with the closure of out-of-compliance municipal landfills in the Adirondack Park and in other rural areas, through grants and zero-interest loans.
- \* Helped to gain approval for a \$790-million program to help communities build safe drinking water facilities and sewage treatment programs.

### **Blowdown**

- \* Put together a legal team that was prepared to defend the Forest Preserve from salvage logging following the July 1995 wind storm, convincing the state to keep the lands Forever Wild.
- \* Improved a poorly designed Adirondack Park Agency general permit to allow private landowners to clearcut areas heavily damaged by the storm, protecting steep slopes, wetlands and water quality.

### **Adirondack Park Agency**

- \* Pushed for months to reverse a cost-cutting plan to eliminate 14 of the 62 staff positions at the APA, ultimately eliminating the need for layoffs (\$400,000 of \$530,000 cut was restored).

### **Acid Rain**

- \* Worked with the media to gain awareness of, and quickly reverse, federal funding cuts for an acid rain monitoring program that included the Ithaca station operated by world-renowned expert Dr. Gene Likens. Our protest gained the attention of U.S. Senators Daniel Patrick Moynihan and Alfonse D'Amato, who blasted EPA and forced the reallocation of funds for the research project. EPA agreed to keep the station open and also agreed to work with Adirondack Lakes Survey Corp. through 2002 to monitor the effects of acid rain on lakes and ponds in the Adirondack Park.

**Continued, Inside Back Cover**



# Pataki Administration

*In July, the Adirondack Council named Gov. George E. Pataki Conservationist of the Year for 1996. That honor indicates that the Governor did more in the past 12 months to help the Park's environment than any other person. But not everything was perfect within his administration for the year.*

## Uncommon Bond



Governor Pataki surprised the entire state this summer when he proposed a \$1.75-billion Clean Water/Clean Air Bond Act, which will be on the November ballot. The Governor noted that he had encountered environmental problems around the state that would require capital expenditures not accounted for in the context of the state budget. He explained that the problems would only worsen without immediate attention.

The bond act contains several excellent programs for the Adirondack Park. The bond act fits very well with the Adirondack Council's "Adirondack Pure Waters Campaign," in which the Council is fighting against air pollution that causes acid rain, development-related runoff and erosion, dumping of inadequately treated sewage in lakes and rivers, and leaky landfills. The Council also seeks to prevent pollution through state acquisition of important lands. (See Pages 8 & 9 for details.)

## Finding a Path Through Blowdown



The wind storm that ripped through the Adirondack Park on July 15, 1995 toppled trees, damaged private property and claimed several lives. But because of two key decisions made by Governor Pataki, the storm

was not a disaster for the environmental health or Constitutional protection of the Adirondack Park.

On the Forest Preserve, the



Governor's team included Department of Environmental Conservation Commissioner Michael Zagata and Director of Lands and Forests Robert Bathrick. DEC led a series of discussions between diverse interest groups and individuals, aimed at determining the best course of action.

After the discussions, the Governor and DEC decided to leave the fallen Forest Preserve trees right where they fell. Only those trees blocking roads and trails or creating fire hazards next to private homes were dropped to the ground. None were removed from the Forest Preserve, despite pressure from some loggers and special interest groups to allow salvage logging on "Forever Wild" lands. The decision reversed the precedent set by Gov. Thomas E. Dewey in the early 1950s, when he allowed commercial logging following a hurricane.

On private land, the Governor prevented the Adirondack Park Agency from issuing a faulty general permit for use by any large landowner seeking to clearcut areas damaged by the storm. His intervention protected both wetlands and water quality.

## Small Parcels, Big Rewards



The Governor's Environmental Protection Fund proposal also included the purchase of small parcels of land that provide access to landlocked portions of the Forest Preserve, rivers, lakes and ponds, or other areas where recreation can be improved.

Now, any parcel less than 200 acres, with a price of \$250,000 or less, can be purchased without prior Legislative approval. In the past, such approval caused delays of a year or more, allowing private buyers to purchase important parcels before the state could make a bid.

More than half of the parcels still in need of protection in the Adirondack Council's 2020 VISION Volume III ("Realizing the Recreational Potential of Adirondack Wild Forests") contain less than 200 acres.

## Working Plan for Working Forests



Governor Pataki's original plan for the Environmental Protection Fund (EPF) included provisions for purchasing conservation easements on commercial timberlands to ensure that the communities of the Adirondacks had a stable supply of jobs private forests provide.

Conservation easements allow the state to buy development rights from the landowners, protecting the landscape and wildlife. Landowners receive cash payments plus tax breaks. However, the Assembly refused to support the initiative.

*See Inside Back Cover for other 1996 Adirondack Council Award Winners*

## Making A Federal Case of Acid Rain



In March, Governor Pataki filed suit with the 7th Circuit Court of Appeals in Chicago in an effort to prevent the U.S. Environmental Protection Agency from granting pollution regulation waivers to Midwestern states whose smokestacks and automobiles are causing smog and acid rain in New York. EPA has been granting waivers to states that prove they don't have air-quality problems at home.

Under EPA's reasoning, the fact that much of the air pollution created in the Midwest drifts into New York on prevailing winds is irrelevant. New York must comply with the nitrogen-oxide pollution limits, while the states causing most of New York's pollution do not. Pataki sued when EPA granted waivers to Illinois, Indiana, Michigan and Wisconsin. The suit is being pressed by Attorney General Dennis Vacco.

## Healthy Precaution



The NYS Health Department helped to educate the public on the dangers of acid rain this year when it issued public warnings about the mercury contamination levels it found in popular game fish in Cranberry Lake and Stillwater Reservoir.

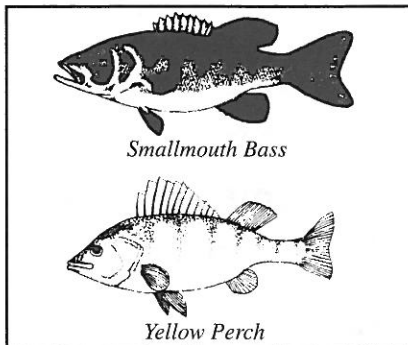
Smallmouth bass and yellow perch caught from these two huge, remote water bodies are so high in mercury that women of child-bearing age and children are advised not to eat them at all; men are advised to eat no more than one meal per month. Mercury poisoning can damage people's nerve cells and internal organs.

Some of the mercury is coming into the area from the same smoke that causes acid rain. The rest is being leached out of the soil and rock when acid rain depletes the watershed's buffering capacity. Acid rain kills fish when it leeches aluminum out of the soil, harming gills.

## A Capital Concern



The Governor's original proposal for the \$100-million Environmental Protection Fund portion of the budget would have allowed the salaries of state employees to be paid from the fund. State Comptroller H. Carl McCall ruled that only capital projects, not day-to-day expenses, can be funded through the EPF. Pataki's



*Acid rain has killed aquatic life in hundreds of Adirondack lakes and rivers. Now, it is poisoning sport- and food-fish, rendering them unfit for human consumption.*

plan also called for all of the money left unspent in the EPF at the end of the year to be swept back into the budget's general fund, where it could be used for any government expense. This provision was dropped in negotiations with the Legislature.

## Parking the Park Agency's Staff



It appeared to take months for the Governor's Albany staff to see the folly of attempting to cut 14 of the 62 staff positions that existed at the Adirondack Park Agency at the beginning of the year. From December until July, the Governor refused to indicate that he had any intention of restoring most of the money cut from the APA's budget. The delay caused a morale problem at the Park Agency as staff anxiously awaited news of who would be fired and when.

## Barging Into Canal Land Trouble



The NYS Thruway Authority disgraced itself repeatedly over the past year in its handling of Barge Canal System land it oversees in Herkimer County, just inside the Adirondack Park boundary.

After completing a survey of its lands ordered by the Legislature, the Authority was forced to admit that dozens of summer homes had been built on its lands since the 1800s. Despite a NYS Court of Appeals ruling in 1908 that required the lands to receive the same protection as the "Forever Wild" Forest Preserve, the Authority has refused to acknowledge that it must now remove those structures or work with their owners to amend the state Constitution so they could stay.

Aside from ignoring the Court of Appeals and the Constitution, the Authority appears to have ignored the Legislature. Laws were created in 1994 banning the lease of any of

the Authority's land inside the Adirondack Park. When faced with proof that dozens of illegal structures were built on its lands, the Authority told the owners they could stay, as long as they obtain a "Temporary Revokable Permit," which was also banned by the Legislature. Attorney General Dennis Vacco has said Temporary Revokable Permits could not be used to allow permanent structures on lands protected by the Constitution's "Forever Wild" clause.

In addition, the Authority attempted to sneak a bill through the Legislature that would have given those who built homes on public land two more years of tax-free living before the Authority was obliged to deal with them. While the Adirondack Council stopped the bill, the Authority has refused to remove, or even review the status of, the illegal structures.



# State Legislature

*At 104 days past the April 1 deadline, the NYS Legislature presented the public with the latest budget in the history of state government this year. The bitter political battling that marked nearly every day of the session left little chance for progress on many important environmental issues. But along with the disappointments came a few unexpected successes.*

## Both Houses

### Bonding Together



The Legislature managed to reach a compromise on Gov. George E. Pataki's Clean Water/Clean Air Bond Act more quickly than almost any other major piece of legislation it considered this year. While the Senate and Assembly added \$250 million for additional environmental priorities, the bond act remains affordable and presents some extraordinary opportunities for environmental clean-up and economic growth.

### EPF Exceeds \$100 Million



The Legislature and Governor agreed to keep their promises with regard to the Environmental Protection Fund this year, pushing the total amount available for environmental capital projects to more than \$100 million in this year's budget.

### A Bad Sign



Neither house passed a bill that would allow the placement of informational kiosks at Adirondack Northway (I-87) interchanges and rest areas to show the public where to find local businesses, public lands, trailheads and

other recreational and educational opportunities. The kiosks would also allow the state to provide historical and environmental information to Adirondack visitors. The bill was sponsored by Sen. Ronald Stafford, R-Plattsburgh, and Assemblyman G. Christian Ortloff, R-Plattsburgh.

## Senate

### Cheering the New Chairman



Freshman Senator Carl L. Marcellino, R-Oyster Bay, was named chairman of the Environmental Conservation Committee this year and took the job immediately to heart.

When the Adirondack Council pursued conservation easement funding for working forests in the Environmental Protection Fund (EPF), Marcellino issued a press statement endorsing the idea



When Governor Pataki proposed using the EPF to pay the salaries of state employees and proposed that any money remaining in the EPF at the end of the year go back into the budget's general fund, Marcellino said he strongly disagreed. His political courage helped bring about an agreement to delete those proposals from the EPF.

### No Permit? No Problem



Sen. Ronald Stafford, R-Plattsburgh, introduced a bill that would place a 10-year statute of limitations on viola-

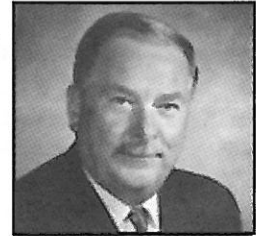
tions of the Adirondack Park Agency Act. Any land-use violation, regardless of magnitude, would be wiped clean after one decade, preventing the APA from prosecuting or even taking the violation into consideration when presented with subsequent development plans. The proposal died before reaching the full Senate.

### Wrestling Rustlers



Senator Michael Tully, R-Roslyn Heights, worked with Attorney General

Dennis Vacco and Assembly Environmental Conservation Chairman Richard Brodsky, D-Scarsdale, on a bill aimed at discouraging timber theft on state lands.



The current \$10-per-tree fine has been in place since 1910. Any mature, healthy tree is worth many times that amount. Unfortunately, Tully received no help from his own house.

### Wrest in Peace



This year, the Senate Republicans ignored their own Senator Tully, Republican Attorney General Vacco and mounting evidence of major timber theft from state lands. The Senate refused to take action on a bill, drafted by Vacco and sponsored by Tully, that would have increased the penalties for cutting trees on state land. Vacco has just prosecuted two individuals for theft of more than 1,000 trees on the Adirondack Forest Preserve. The bill would not only increase the fines, but provide other penalties and prosecution tools not available to local and state officials.

## Standing Alone



Assemblyman Alexander "Pete" Grannis, D-Manhattan, sponsored the only

piece of Adirondack legislation to pass either house of the Legislature this year. His bill to create a

tourism commission to help spur environmentally compatible economic development died in the Senate.



## Cutting Down on Timber Theft



For the third consecutive year, Assemblyman Brodsky proposed a bill to

### Senate, continued

## Downhill Trend



The Senate approved a Constitutional Amendment that would have allowed the expansion of the Hunter Mountain Ski Center on to Wilderness lands in the Catskill Park. The proposal failed all three of the Adirondack Council's criteria for Constitutional Amendments affecting the "Forever Wild" Forest Preserve. First, there are superior alternatives to the plan. Second, the overwhelming benefit of the proposed land swap would go to the private landowners seeking the deal, not to the Forest Preserve. And third, the deal could set a dangerous precedent by allowing Wilderness to be usurped for a private, commercial operation. In addition, there is little available land left in the Catskills that would be appropriate for the creation of a new Wilderness area. Hunter is the second-highest mountain in the Catskill Park.

increase the penalties for cutting trees and stealing timber from state land. His bill passed the Assembly but died in the Senate.

## A'mending Fences Offends



At the end of the 1994 Legislative Session, Assembly Environmental Conservation Chairman Brodsky was criticized by some environmental organizations for allegedly rushing two Constitutional Amendments through his committee without adequately



assessing their impact. Despite the fact that many other environmental organizations supported the amendments, Brodsky promised to give a full hearing to any new proposals before acting.

This year, Brodsky kept his promise and refused to rush to a position on a proposal to expand the Hunter Mountain Ski Center onto Forest Preserve land in the Catskill Park.

Although he eventually opposed and killed the ill-conceived amendment, Brodsky's go-slow attitude drew grief from the same organizations who had criticized him for acting too quickly in 1994.

## Peppering Salty Roads



For the second year in a row, the Adirondack Council joined Assemblyman G. Christian Ortloff, R-Plattsburgh, in recommending legislation that would lead to reductions in the state's use of corrosive salts to de-ice roadways. Recent research by the Adirondack Aquatic Institute, of Paul Smiths, showed that aquatic life in several Adirondack

lakes was suffering from the ill effects of salination because they are adjacent to state highways. Once again, because Ortloff is a Republican, his bill was not reported out of committee, despite a commitment by EnCon Committee Chairman Brodsky to pass a road salt bill in 1996.

## Mine Boggling



Assemblyman Robert Prentiss, R-Ballston Lake, actually sponsored a bill that would have prevented the Department of Environmental Conservation from issuing a mining permit for any project that does not have local government approval. Ironically, Prentiss is a board member of the Stony Creek-based Property Rights Foundation of America, an anti-environmental organization opposed to government land-use controls in the Park.

## Maybe Later ...



Although it was once a leader on Adirondack environmental issues, the Democratically controlled Assembly failed for the second year in a row to pass or even consider any legislation to protect Adirondack Park resources.

## No. That'll Work



The Assembly refused to set aside money from the \$100-million Environmental Protection Fund (EPF) to protect commercial timberland from development. The plan proposed by the Adirondack Council was supported by several other environmental organizations, as well as timber companies and other large landowners. The plan included the use of conservation easements that allow the state to buy development rights from landowners in exchange for cash and tax breaks. Ironically, the Assembly objected to the thought that some of the money would go to timber companies that supported the Governor's election.



# Local Governments

*There are 92 towns and 13 villages inside the Adirondack Park, which is comprised of all or part of 12 different counties. Each governmental unit has its own agenda that affects the Park's future. Overall, local governments seem to be gaining interest in combining economic development with environmental protections in their communities, although there are some obvious exceptions.*

## Who Would Have Guessed?



Realizing that deep cuts in staffing at the Adirondack Park Agency would harm both the environment and economy of the Park, the Local Government Review Board, Intercounty Legislative Committee, the Warren County Board of Supervisors and Chestertown Town Supervisor Fred Monroe, among others, all publicly opposed the cuts.

The long-time Park Agency critics joined the Adirondack Council in calling on Gov. George E. Pataki and the Legislature to restore funding for existing staff positions. Enough money was replaced to avoid any layoffs.

## Sky Coaster Plan Shot Down



In March, the Warren County Planning Board opposed a proposal by the former owner of the Great Escape Fun Park in Queensbury to build an 18-story "Sky Coaster" thrill ride on the shore of Lake George. While the county board did not have the authority to stop the project, its concern over the fate of the lake's shoreline and viewshed were enough to discourage the potential developer.

## Cabin Idea All Wet



The Town of Queensbury (Warren County) has thrice rejected a plan by Dunham's Bay Lodge owner John Salvador Jr. to build a cabin 125 feet from shore, over the surface of Lake George.

Salvador attempted to exploit a loophole in the Adirondack Park Agency Act that allows hunting cabins of less than 500 square feet to be built anywhere on private land without an APA review.

He asserted that the proposal meets the local 75-foot setback requirement, but the town ruled that the setback had to be "away from the lake." Salvador claims that the land under the lake belongs to him and can be developed despite the fact that it was flooded when dams were built more than a century ago to control the lake level.

## A Vision of Tomorrow



In May, the Town of Indian Lake (Hamilton County) became the first Adirondack community to host a three-day Rocky Mountain Institute/Adirondack Council-sponsored workshop on sustainable economic development.

The goal of the multi-day workshop was to help the town create plans for economic growth that preserve its quiet, safe, small-town character as well as a healthy natural environment.

More than 90 local residents participated in the initial meetings. The Wilderness Society also pitched-in by hosting an economic assessment workshop for Indian Lake.

Local committees are now pursuing several community-betterment and economic renewal projects.

## Trashing the Local Taxpayers



The Essex County Board of Supervisors has agreed to "lease" its landfill in the Town of Lewis to a private, limited-liability corporation from Castleton (Serkil, LLC) and seek a permit to allow the company to import 500 tons-per-day of trash into the county facility. The county is also considering selling the landfill to the private company. Meanwhile, the county must pay the debt service on the landfill, but has inexplicably turned over all tipping fees, recycling revenue and landfill equipment to Serkil, free of charge. This left the county with no revenue stream to tap for the multi-million-dollar bond payments or for capping cells.

Governor Pataki has made strong public statements against the tonnage increase as it pertains to Essex County's plan to sell the facility to Serkil and allow the company to import trash from outside the Adirondack Park. The Governor also provided landfill funding to Essex County in his bond act proposal, giving the county an opportunity to get out of its agreement with Serkil if the bond act is approved by the voters in November. Meanwhile, neither the APA nor DEC has issued a permit for the county's importation plan.

## County Trashing the Town of Lewis



The Essex County Board of Supervisors has done nothing to prevent the private trash hauling firm that "leases" its landfill from accepting more than the 95-tons-per-day allowed under the state operating permit, according to local media.



## Trashing the Law



Rather than submit an application to the Adirondack Park Agency for permission to increase the daily tonnage limit at its facility in the Town of Lewis from 95 tons-per-day to 500 tons-per-day the Essex County Board of Supervisors has filed suit against the APA and Department of Environmental Conservation. County Attorney Richard Meyer claimed that the county's application to the DEC was good enough for the APA and refused to submit another to the APA. Meanwhile, DEC has refused to act until after the APA rules.

## Psst. Are the Cops Gone Yet?



The Adirondack Association of Towns and Villages has approved a resolution calling on the state to impose a 10-year statute of limitations on violations of the APA's land-use laws. With only three enforcement personnel to cover the six-million-acre Adirondack Park, the APA is often

unaware of blatant, intentional violations of land-use laws until a landowner or a neighbor comes to the APA for permission to do something else. The APA's three enforcement staff have a current backlog of hundreds of cases.

## Ducking the Dock Permit Issue



Town of Queensbury (Warren County) Supervisor Fred L. Champagne has proposed that the town and county stop regulating docks proposed for the shoreline of Lake George. Currently, the town requires a site plan review, which in turn triggers a review by the county planning board.

## Scenic Billboards?



Town of Altamont (Franklin County) officials in June said they opposed the state's Scenic Byways program, which brings federal transportation money to communities and encourages tourist travel through towns such as Altamont. Officials objected to

Scenic Byways rules prohibiting large, off-premises signs and billboards advertising businesses. Local officials, who allowed the signs to be erected in the first place, did not seem prepared to return the transportation funds associated with the program. Outside of hamlets and villages, such signs are banned in the Adirondack Park. DOT is still negotiating with the town.

## Exotic Weed-Eaters



The Town of Indian Lake has decided to introduce 2,000 sterile, triploid grass carp into Lake Adirondack in an attempt to control weed growth. The 198-acre artificial lake was created around 1910 for recreation by flooding wetlands and meadows. Roughly 100 camps and homes, as well as a town park, now surround the shallow lake. The lake has an outlet leading to the Upper Hudson River. While local leaders intend to build a fence near the spillway to keep the carp in the lake, there is no guarantee that every fish will be sterile and unable to escape downstream.



# NYS Attorney General

## Powerful Opinion



In February, the DEC asked Attorney General Dennis Vacco if it could issue Temporary Revokable Permits to private citizens who want to place new, permanent electric power lines on Forest Preserve lake bottoms. Vacco deemed the long-running DEC practice to be unconstitutional. Vacco correctly insisted that the Constitution's "Forever Wild" clause prohibited the use of temporary permits for the construction of permanent facilities on Forest Preserve lands for private purposes. The case involved the installation of electric cables

across the Forest Preserve to a newly constructed home on Raquette Lake and several cottages. Vacco said private citizens could legally tap into power lines that are installed for a public purpose, such as a nearby state campground.

## Punishing Poachers



Aside from pressing civil and criminal charges against a pair of Saratoga-area residents suspected of cutting thousands of trees on the "Forever Wild" Adirondack Forest Preserve, the attorney general is attempting to increase the penalties for timber

rustling anywhere on state land.

With the help of Sen. Michael Tully, R-Port Washington, and Assembly Environmental Conservation Committee Chairman Richard Brodsky, D-Scarsdale, Vacco introduced legislation to increase the fine for illegal tree-cutting on public land from \$10 per-tree to \$250 each, plus the market value, plus restoration of the site, plus any civil penalty deemed appropriate by local judges.

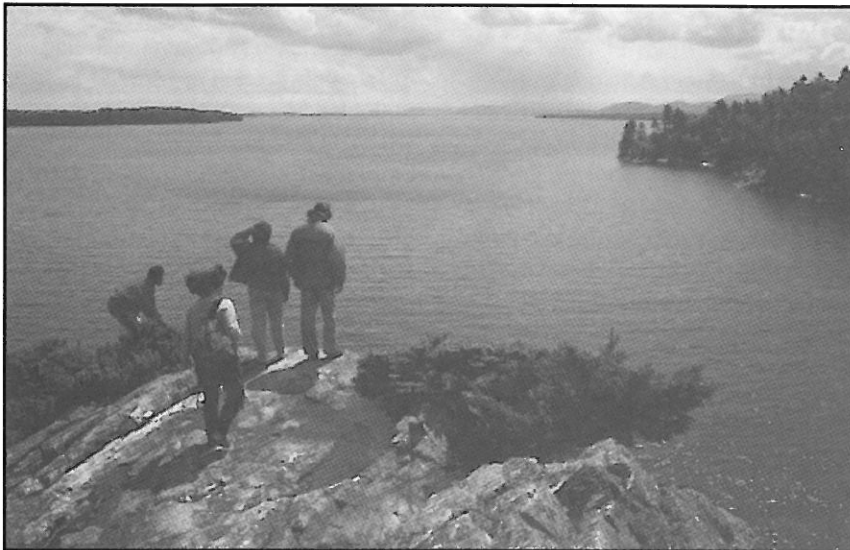
The current \$10-per-tree fine is practically an invitation to steal, since the market value of mature trees is often exponentially higher. Vacco extracted a \$105,000-settlement from the pair he prosecuted.

# Cast Your Vote on November 5 on t

## A Wide Variety of Adirondack Environmental



*Essex County Landfill: As part of a \$175-million solid waste program, Essex County could receive assistance in solving its continuing financial problems at its landfill in the Town of Lewis and, at the same time, avoid importing trash into the Adirondack Park. The Governor had issued a statement saying he took a "dim view" of the trash importation plan and followed up with special funding for this problem. (Photo by Gary Randorf)*

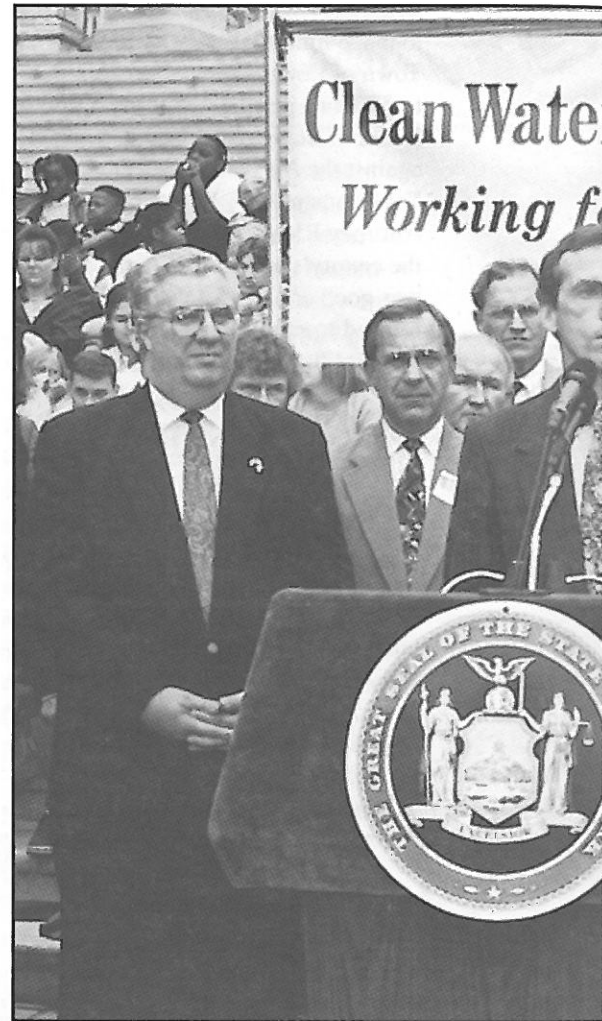


*Lake Champlain: The view above is Barn Rock Bay. The bond act would provide \$15 million to reduce phosphorus pollution entering the lake from sewage treatment facilities and from erosion and runoff. More than a third of the Adirondack Park is within the Lake Champlain basin. The eastern half of the lake, adjacent to Washington, Warren, Essex and Clinton counties, is within the Adirondack Park. Certain areas of the lake are as polluted today as Lake Erie was in the mid-1970s, when it was considered dead. For more information, see the Adirondack Council's 1995 publication "Lake Champlain: Mirror of the Mountains." (Photo by Gary Randorf)*

**Other Adirondack and Rural Landfills:** The bond act sets aside \$50 million to reinvigorate the 75 percent grant/25 percent zero-interest loan program for the small communities of the Adirondack Park and the rest of the state that are faced with closing out-of-compliance landfills.

State law requires municipalities to cap old, unlined landfills in order to prevent the contamination of streams and drinking water supplies.

The grant/loan program would save individual taxpayers from crushing, state-mandated financial burdens in many small towns.



On June 6, 1996, Governor George E. Pataki signed the Water/Clean Air Bond Act to help clean up a variety of environmental problems across the state.

After more than a month of negotiations with environmental groups, the Governor signed the bond act legislation on the steps of the Albany State Capitol. Lawmakers had revealed an additional \$250 million in funding. The Governor agreed to include in the final proposal, but the Governor's office declined to comment.

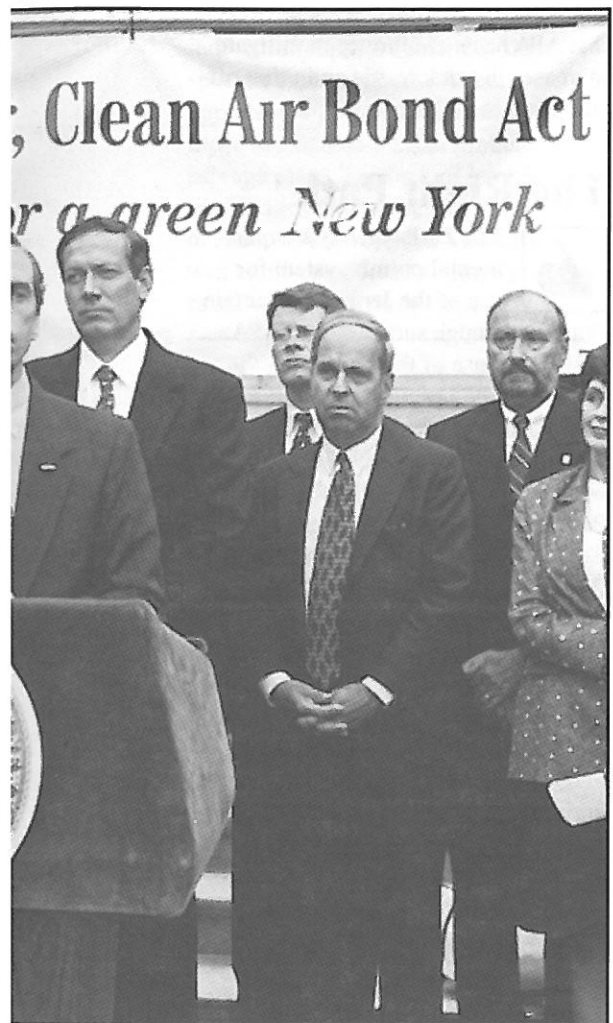
Before the Governor signed the legislation, the Adirondack Council Executive Director Timothy J. Burke was at the podium with a group of people gathered near the podium (see photo above).

Burke noted that the plan holds great promise for the Adirondack Park. Several of its proposals include protecting open space and relieving tax burdens on local communities.

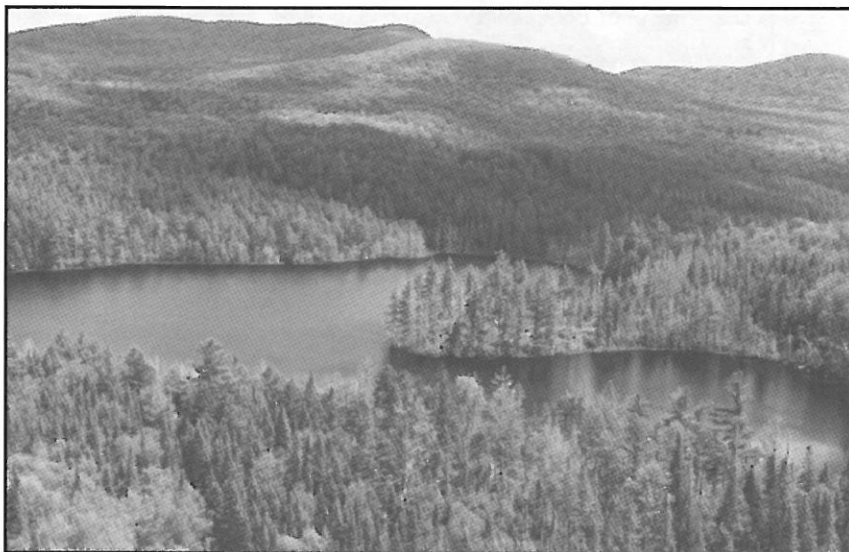
The bond act must be approved at the polls on November 5. Any of these projects can commence.

# The Clean Water/Clean Air Bond Act

*Priorities Depend on the Bond Act's Funding*



**Clean Water:** As part of a \$790-million Clean Water Program statewide, communities now discharging sewage effluent into Adirondack lakes and rivers can qualify for grants to build or upgrade sewage treatment facilities. The facility at right belongs to the Village of Lake Placid. (Photo by Gary Randorf)



**Open Space:** The bond act contains \$150 million for land acquisition and conservation easements aimed at protecting the quality of surface waters throughout the state. Outright purchases of land within the Park would result in additions to the "Forever Wild" Adirondack Forest Preserve. Conservation easements are legal agreements in which the state agrees to acquire the development rights to a parcel of land. In exchange for giving up some or all of the development potential of the property, the landowner receives compensation for the development rights and the state pays a portion of the property taxes. The land is protected from development, but the owner can continue to harvest trees and provide jobs to local communities. In many cases, the public gains access to lands previously posted against trespass. Both outright purchases and conservation easements protect water quality by preventing development-related erosion and runoff. The lands shown above belong to Domtar Inc., an Adirondack timber company.

unveiled his proposal for a \$1.5-billion Clean  
riety of costly, lingering environmental

the Senate and Assembly, the Governor  
e State Capitol in Albany. Discussions with  
lion in environmental priorities that the Gov-  
nging the total to \$1.75 billion.

the morning of August 1, Adirondack Coun-  
ked to address the crowd of several hundred  
ve).

for both the environment and the economy of  
re aimed at reducing pollution, increasing  
esidents, specifically in the Adirondacks.  
uring the November general election before

**Safe Drinking Water:** As part of a \$355-million Safe Drinking Water Program, communities that are required for the first time to filter drinking water coming from lakes, rivers and reservoirs will be able to obtain grants to meet the new standards set by the U.S. Environmental Protection Agency. Funding can be used to drill new wells or build/upgrade filtration systems for surface-water supplies.



# Adirondack Park Agency

*The past 12 months were an uneasy time for the Adirondack Park Agency, with proposed layoffs hanging like a dark cloud over the staff. At the same time, Chairman Gregory Campbell took actions that damaged the agency and its ability to protect the Park's environment (see Special Mention section on page 16). However, the staff performed admirably under uncertain conditions.*

## There Oughta Be a Law ...



Department of Economic Development representative Sandra Sloane and several other APA commissioners spoke out twice at recent Park Agency meetings against the practice by some developers of drawing waterfront subdivision lot lines so that shorefront wetlands are connected to in-land parcels. Under current law, this loophole allows developers to avoid APA jurisdiction. This shortcoming in the APA Act must be changed through legislation to protect water quality and wildlife habitat.

## New Rules, Same Intent



Although it scheduled very few public meetings outside the Park, the APA is currently attempting a long-overdue revision and simplification of its rules and regulations for developers. The revisions could streamline the Agency's procedures without harming environmental protection, but development interests will undoubtedly work to relax current standards. The process is expected to take three years or more. The Adirondack Council is monitoring the APA's progress and will work to strengthen environmental protections.

## Bucking the System



Park Agency department heads exhibited courage this summer when they refuted Chairman Campbell's claim that the layoffs of a dozen or more staff members would have little or no impact on the APA's ability to perform its duties. The department heads compiled information showing that enforcement, project reviews, public relations, planning, educational programs and vital research would all be harmed. The information helped to convince Gov. George E. Pataki and the Legislature to restore funding for all existing staff.

## Bucks for System



In March, APA Executive Director Daniel Fitts and APA board member Barbara Sweet of Newcomb (Essex County) met with the Intercounty Legislative Committee of the Adirondacks and convinced the local officials who comprise the committee to oppose layoffs at the APA. Other APA commissioners also spoke out publicly against the cuts. The committee's decision prompted similar actions around the Park and helped convince the Governor to restore the funds.

## Dumping Trash Importation



After initially looking the other way, the Park Agency this spring claimed jurisdiction over Essex County's plan to increase dumping at its landfill from 95- to 500-tons-per-day and to allow out-of-Park trash to be imported into the facility. The county has refused to submit the application, contending

that APA has no authority to mitigate increases in truck traffic and other off-site impacts of the landfill plan.

## The Right Path



The Park Agency's experimental permit system for use of the Jenkins Mountain Trail was a huge success. The APA limited the use of the trail to 20 permit-holding groups and individuals each day. It reserved half for those who called ahead and half for those who simply showed up at the APA's Paul Smiths Visitor Interpretive Center, where the trail begins. Hikers filled out questionnaires and 83 percent said the permit system had no impact, or a positive impact, on their trip. Seven percent said it had a negative impact. Ten percent left the question blank.

Those who liked the permits praised the solitude, trail conditions and increased wildlife observation. Opponents didn't want to plan ahead.

## Clear-Cut Mistake



Following the July 15, 1995 windstorm, APA drafted a General Permit that would have allowed vast areas of timberland to be clearcut although they were only partially damaged by the storm. The permit would have allowed considerable damage to wetlands, steep slopes and water quality. Despite the Council's efforts to work with Chairman Campbell to improve the permit, Campbell announced that he would issue it as it was written. When the Adirondack Council brought the issue to Governor Pataki's attention, he seized it and directed his Albany staff to improve environmental protections.

To date, only International Paper Co. and Whitney Industries have

taken advantage of the General Permit, calling into question whether it was ever needed. Both companies, whose lands were hard-hit, employ professional foresters who could have worked with the APA to obtain individual permits tailored to their specific salvage needs. There were 12 applicants for the permit, and 10 of those decided on a more limited salvage plan. The lack of interest further proves that the chairman's decision to suspend the APA's rules was an ill-considered attempt to curry favor with some timber interests.

## Why Plan Ahead?



When the Whitney family proposed a six-lot subdivision of its 50,000-acre estate near Long Lake in 1992, the family withdrew four of the proposed new lots to avoid submitting a master plan for its entire holdings. When the APA issued the permit for the 1992 plan, it included a provision that reserved the APA's right to require a master plan in the future. A master plan would allow the APA to assess the cumulative impact of both short-term and long-term goals for the property.

When the Whitneys returned for another subdivision approval in 1996, the APA again refused to require a master plan. Ironically, the Adirondack Mountain Club and the Niagara Mohawk Power Corp. have already submitted master plans under similar circumstances.

In fact, APA Chairman Campbell made it clear that the Whitneys could continue to subdivide the estate's existing residential buildings and compounds (there are several more on the estate) away from the rest of the property without submitting a comprehensive development plan to the APA. The Whitney Estate is the center of the proposed Bob Marshall Great Wilderness, where the moose, wolf and cougar would have enough roadless terrain to return to their native habitat in the Park. The estate is also listed as a high priority for

## Same Rules, New Intent



In the first half of 1996, the Park Agency approved four local zoning plans for towns inside the Adirondack Park, giving those towns the authority to oversee small-scale subdivision and development projects within their borders and avoid an APA review. While working with local towns to create new zoning plans is a good idea, there were some cases in which the APA did far less than it could have done to protect

water quality and wildlife habitat in specific areas of those towns. Instead, the Agency simply rubber-stamped the minimum requirements for any local plan. For example, in the Town of Edinburg, which straddles the Great Sacandaga Lake in Saratoga County, the APA failed to tighten requirements for septic systems on poor soils or near water bodies, despite having clear authority to do so. The APA must remember that the Adirondack Park was created to protect water quality and wildlife habitat.



Gary Randorf

*The northeastern portion of the 50,000-acre Whitney Estate in Hamilton County, in winter. The shore of Little Tupper Lake, stretching across the top right, will be subdivided for the first time without the benefit of a master plan for the entire estate.*

acquisition in the state's Open Space Conservation Plan, should it come up for sale.

The recently approved subdivision carves up the shoreline of Little Tupper Lake for the first time. Little Tupper had been the largest private lake in one ownership in the Park. The Whitneys' application to the APA noted that the lake's heritage-strain trout fishery was overfished already and noted that the estate's forests had been logged so heavily that a sustainable yield of valuable hardwoods

would not be available again for several decades.

Despite these facts, several APA commissioners repeatedly commented that they felt there was no reason to question the Whitney family's plans to subdivide lots away from the estate because they have been such good stewards of their property. It is clear that the APA made an exception to its master plan guidelines for the Whitney family. But it is unclear how the APA intends to apply them to other applicants.



# NYS Department of Environmental Conservation

*The staff of the NYS Department of Environmental Conservation did an admirable job in dealing with the problems associated with windthrown trees on the Adirondack Forest Preserve. The department finally issued a plan for the High Peaks Wilderness, which would have earned a "thumbs up" if not for the fact that some of the provisions do not comply with the State Land Master Plan. The Open Space Conservation Plan would have scored a positive mark as well, had it not been amended to exclude the Hudson River Gorge.*

## More Green, Less Black



DEC Region 5 Director Stuart Buchanan carefully reviewed a request by the Niagara Mohawk Power Corp. and the Village of Tupper Lake to allow the cutting of several hundred Forest Preserve trees along the Department of Transportation's highway right-of-way that were adjacent to a blowdown-plagued power line that serves the community. In the process, DEC reduced the number of trees that were cut by more than 50 percent while soothing fears of power outages. (However, DOT's lax supervision of its right-of-way allowed the Niagara Mohawk Power Corp. to erroneously cut trees and place dozens of power line poles on the Forest Preserve rather than the right-of-way.)

## Windfall of Support



Following the July 1995 windstorm that flattened thousands of acres of trees in the Park, DEC Commissioner Michael Zagata and Director of Lands and Forests Robert Bathrick brought

together a diverse group of citizens and organizations to decide what actions to take next. The group led DEC to the decision not to remove any trees from the Forest Preserve and to limit the extent of cutting of damaged trees and brush cleared from trails and campsites and areas near communities. DEC's hard work resulted in a plan that helps to promote safety and reestablish access, while complying with the mandates of the state Constitution's "Forever Wild" clause.

## Forbearance on Bear Problem



In June, DEC worked with the Hamilton County Cooperative Extension office to host a forum in Indian Lake to help homeowners avoid conflicts with the native black bear population. Last summer's drought dried up natural food sources in many areas of the Park and Indian Lake experienced a number of problems with bears breaking into homes and toppling trash bins to obtain food. DEC reminded residents not to feed pets outdoors, not to leave suet out for birds in the summer and generally to avoid leaving food and waste where bears can smell them.

Late last summer, DEC resisted pressure from those who called for bounties to be placed on bears in Hamilton County, correctly choosing public education over bear eradication. This year's wet weather brought a bumper crop of berries and fewer problems with bears.

## Just Fine



In June, DEC imposed \$150,000 in fines on Essex County and Serkil, LLC of Castleton (the company leasing the county's landfill) for exceeding the

95-ton-per-day limits on trash entering the landfill.

## mudseason@dec.com



In April, DEC issued an advisory to hikers, via its World Wide Web Home Page, asking that they voluntarily stay off trails above 3,500 feet until Memorial Day in an effort to combat trail erosion and loss of rare, high-elevation vegetation. DEC also used its web page to warn campers about overcrowding in the High Peaks Wilderness.

## Dumping on the Park



Last fall, DEC's representative on the Adirondack Park Agency, Richard Wild, shocked everyone when he proposed abolishing the APA's long-standing policy discouraging the importation of trash into the Adirondack Park. When that failed, Wild and APA Chairman Gregory Campbell convinced other commissioners that the policy did not apply to the Essex County landfill. The move allowed a lease agreement to move forward between the county and a private hauler from the Albany area. The hauler said it intended to buy the landfill and increase limits on the amount of trash allowed to enter the facility five-fold (95 to 500 tons-per-day) by importing trash from Troy and other cities.

Upon learning of the action, Gov. George E. Pataki publicly expressed disapproval of importation and directed DEC to perform a thorough review before allowing any increase in tonnage. Governor Pataki also provided funding in his proposed Clean Water/Clean Air Bond Act to assist Essex County in solving its problem without importing trash.

*OK Slip Falls is part of the Hudson River Gorge property owned by Finch, Pruyn & Co., which the Department of Environmental Conservation erased from the state's Open Space Conservation Plan. See story at right. (Photo by Gary Randorf)*



## Disgorging the Open Space Plan



Last fall, DEC crumbled under pressure from the Finch, Pruyn & Co. paper company to remove the land it owns in and around the magnificent Hudson River Gorge from the state's Open Space Conservation Plan. DEC claimed that the parcel was removed because it is not for sale.

However, the Open Space Plan was created to identify important natural resources anywhere in the state, so that the state can be prepared to act if and when they are offered for sale. Many of the parcels listed are not for sale yet.

Aside from recreational opportunities, the Hudson River Gorge property includes OK Slip Falls, the highest waterfall in the Adirondack Park. Finch, Pruyn is a frequent critic of state land purchases and conservation easements on timber lands. It is the second largest landowner in the Adirondack Park.

## High Piques Plan



After 24 years of delays, DEC has finally released a final draft of its High Peaks Wilderness Unit Management Plan. The plan would ban camping above 4,000 feet; ban campfires in the eastern High Peaks, where firewood has been picked bare; and, eliminate some lean-to clusters in overused areas. However, it does not comply with significant areas of the State Land Master Plan, which bans roads in Wilderness areas, requires the removal of existing utility poles and requires recreation to take a back seat to wildlife habitat preservation. In addition, group size limits are still too large (12 people per campsite). The plan also fails to address the total number of people using the Wilderness, which exceeded 130,000 people in 1995. While much of the plan is an improvement over the current situation, additional revisions are needed before it can comply with state law.

## The DEC Motel



More than seven months after moving in "temporarily," APA Deputy Director Karyn Richards was still living in a state-owned cabin on the shore of Lower Saranac Lake. The Department of Environmental Conservation created the cabin as a home for the supervisor of DEC's island campsites on Lower Saranac. The campsite supervisor retired in April 1995. From May until November of 1995, newly appointed DEC Region 5 Director Stuart Buchanan rented the then-vacant cabin. DEC then agreed to rent the cabin to Richards starting in January, 1996.

Although a new campsite supervisor for Lower Saranac Lake had been appointed by DEC for the 1996 summer camping season, that person was unable to move into the cabin due to Richards's continued presence.

The cabin's presence on "Forever Wild" Forest Preserve has been tolerated by the public because DEC claimed it was one of the administrative buildings needed to operate the campsites.

However, it was never intended to be used as rental housing for a state official whose duties have nothing to do with those campsites.

If the cabin is needed to properly supervise the campsites, the current supervisor should have moved in as soon as he was hired. If it is not needed, it should be removed from public land.

## Chemical Warfare in Lake George



Ignoring the fact that the weed-killing chemical SONAR (floridone) is toxic in drinking water and is unlikely to work in eliminating eurasian milfoil in the deep, constantly moving waters of Lake George, DEC has designated the lake as one of two SONAR demonstration projects sites in the Adirondack Park. There is no evidence that milfoil growth has increased significantly in Lake George over the past decade. Hand-harvesting and benthic mats have already proved effective in reducing or eliminating weeds in several areas of the lake.



# Washington, D.C.

*The New York Congressional delegation had an excellent year in 1996, proposing measures to curb acid rain and to assist both the environment and the economies of small towns in the Adirondacks and beyond. However, some Congressional representatives were not quite as responsible when it came to the environment.*

## Newtralizing the Gingrich Crowd



U.S. Rep. Sherwood Boehlert, R-Utica, once again exhibited enormous

courage by publicly scuffling with House Speaker Newt Gingrich, R-Georgia, over the House leadership's attack on the environment. Boehlert's arguments that the attacks were hurting the GOP were so irrefutable, Gingrich made him co-chairman of the party's environmental task force. Boehlert used the opportunity to press for the passage of the Safe Drinking Water Act, the Northern Forest Stewardship Act and other important legislation. The League of Conservation Voters' annual scorecard for legislators called him a "hero." He has already succeeded in moderating the House leadership's position on the environment from its low point in 1995.

## Can't Fight What You Don't Know



Last fall, U.S. Rep. Gerald Solomon, R-Glens Falls, used his influence as chairman of the powerful Rules Committee to gain support from other Congressional reps in his bid to compel the U.S. Environmental Protection Agency (EPA) to issue a report showing whether the EPA's new acid rain program is working the

way it was intended.

The report showed that the program is insufficient to protect the Adirondack Park's ecosystems, projecting that 43 percent of all Adirondack water bodies could be too acidic to support fish and other aquatic life within 45 years. It also projected that 100 percent of all Adirondack surface waters could be acidified each spring, when the winter snowpack melts. Scientists estimate these episodes of high acidification are enough to kill the young of many fish species and other aquatic life, as well as many adults.

## Acid Rain Action



Upon studying the EPA's projections for the Adirondack Park (noted above), Solomon drafted legislation that would require a 70- to 80-percent reduction in acid rain-causing emissions in Midwestern states that produce the most acid rain in New York. The EPA plan calls for an average of a 50-percent reduction in those emissions nationwide, which could allow some regions to clean up much less.

Solomon's targeted approach (HR 2682) would reduce pollution enough to give the Adirondack Park a chance to recover from the damage inflicted by decades of acid rain from the Midwest.

## Criticism Brings EPA Reversal



In March, when a reporter responding to an Adirondack Council press release told U.S. Sen. Daniel Patrick Moynihan that EPA had just closed a vital acid rain monitoring station that Moynihan helped establish in the 1980s, the senator's normally calm

demeanor exploded into rage. Moynihan, D-NY, stormed on to the Senate floor and railed against EPA's decision. The Ithaca station was the only New York site measuring dry acidic particles falling on the Adirondacks from the smoke produced by coal-fired power plants in the Midwest. Moynihan called EPA's cost-cutting decision "insolent, arrogant and stupid." He and Sen. Alfonse D'Amato, R-NY, issued a statement demanding that EPA reopen the station. In response, EPA reopened Ithaca and dozens of similar stations around the country within weeks.

## EPA Opens Purse



Also in March, the Adirondack Council learned that the state Department of Environmental Conservation had been trying for months to change the minds of a group of utility companies that had decided to stop funding the acid rain research done by the Adirondack Lakes Survey Corp. The ALSIC performs the only month-to-month chemical analysis of Adirondack lakes and has been instrumental in uncovering evidence of acid rain damage throughout the Adirondack Park. After the Adirondack Council's media campaign convinced the utilities to restore the funding, EPA vowed to continue offering matching funds for the work through the year 2002.

This spring, EPA came through with the second \$2 million in a three-year, six-million grant to Rensselaer Polytechnic Institute (RPI) to study the effects of acid rain on Adirondack ecosystems.

RPI runs the Freshwater Institute on the shore of Lake George. Its research is separate from, but complementary to, the Adirondack Lakes Survey Corporation's work.



## All Aboard! Where's Al?



This summer, the U.S. Senate unanimously passed the Northern Forest Stewardship Act. The act was created to help protect and improve wild lands, commercial forests and the economies of small communities over a 26-million-acre area stretching from Tug Hill eastward through the Adirondack Park, Vermont and New Hampshire to the Atlantic coast of Maine. Senator Moynihan co-sponsored the legislation. Sen. D'Amato did not.

In July, the bill was poised to pass as part of the House Agriculture appropriations bill. However, all policy-oriented riders were struck from the budget bill before the end-of-summer recess. It is slated for further action after Labor Day.

## Not Enough Dead Lakes Yet?



Senators Moynihan and D'Amato have not yet sponsored companion legislation to a House bill that would further curtail acid rain-causing emissions coming from the Midwest,

despite support for such legislation from nearly every other member of the New York Congressional delegation, Gov. George E. Pataki, Attorney General Dennis Vacco, DEC Commissioner Michael Zagata, the Adirondack Park Agency, local officials in the Park and more than 30 environmental organizations from the Northeast and Midwest.



Senator D'Amato

## Close Your Eyes. It'll Go Away



When faced with budget cuts this year, the EPA decided to eliminate dozens of acid rain-related research stations across the country. In the process, EPA closed the only station in New York designed to measure dry acidic particles falling from clouds of smoke created by Midwestern power plants on to the Adirondack Park. While

EPA reversed this decision after complaints from New York's Senators, it would not commit to keeping the stations open beyond 1996.

## Delay Tactics



House Majority Whip Tom Delay, R-Texas, told Walter Cronkite in a September 1995 interview on The Discovery Channel that the federal acid rain program was a waste of money. Delay happily explained that recent federal studies showed acid rain was not much of a problem and any of the damage done in the Adirondack Park could be solved with "a few hundred thousand dollars-worth of lime." Delay, a former pesticide applicator, also complained during the interview that DDT had been unfairly banned.

Cronkite debunked Delay's assessment of DDT as well as federal reports on acid rain. He contacted the Adirondack Council to find film footage of acid rain-damage done to spruce forests on the western slopes of the Adirondack High Peaks. The footage of scorched mountainsides was shot by WCFE-TV (Plattsburgh's public station) and again used in the Council's acid rain public service announcements.



## The Courts

### Judge: Review Cumulative Impact



State Supreme Court Justice Lawrence E. Kahn recently threw out the environmental review for the Queensbury portion of the Warren County sewer project, refusing to allow the four-town plan to be broken up and reviewed in separate pieces. Kahn ruled that the environmental impact of the sewage systems planned for the towns of Hague, Lake George, Bolton and Queensbury must be considered

together, as part of a single plan, so the cumulative impact on the entire Lake George basin can be judged.

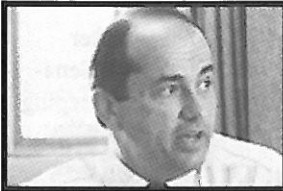
### Retailer Dismissed



State Supreme Court Justice James P. Dawson dismissed two lawsuits brought by Wal-Mart Stores Inc. against the Adirondack Park Agency and the Town of North Elba this spring. The judge ruled that Wal-Mart was not affected by the town's new law requiring all commercial projects larger than 40,000 square feet that are

approved by the town planning board to be sent to the Adirondack Park Agency for review. Since the planning board rejected the proposal itself the law does not apply to Wal-Mart, Dawson ruled.

In a separate case, Wal-Mart had sued the APA over its calculation of the height of its proposed 90,000-square-foot mega-store. APA can claim jurisdiction over buildings within hamlets if they are taller than 40 feet. However, Wal-Mart had already submitted plans for a modified, lower building.



# Special Mention

Adirondack Park Agency Chairman Gregory Campbell was appointed in July 1995 by Gov. George E. Pataki. As Republican Committee Chairman for Clinton County, the Plattsburgh investment advisor had been one of the first GOP leaders to endorse Pataki in 1994. When he was confirmed by the NYS Senate, he admitted having voted in favor of a resolution seeking to abolish the APA while serving as a board member for the Adirondack Conservation Council. While he claimed he didn't agree with the resolution (he said he voted for it because it was part of a package of other resolutions), he has done little to calm fears that his ultimate goal may be to dismantle the agency from within.



## Trashing the Park



In 1992, the residents of Johnsburg (Warren County) and Saranac Lake (Franklin and Essex counties) beseeched the APA to ban the importation of trash into the Adirondack Park. Both communities were facing schemes to make them the dumping ground for urban waste. The APA responded by passing a resolution stating that the APA would be extremely unlikely to approve any such plan.

Last fall, Essex County officials said they wanted to sell their dump rather than work with other communities on a regional trash solution. In response, Campbell and Department of Environmental Conservation representative Richard Wild convinced other APA commissioners to declare that the 1992 resolution did not apply to Essex County's dump. This opened the door to the prospective buyer's plan to import trash from cities near Albany into the Park. Upon learning of the decision, Governor Pataki admonished both APA and DEC. He later put enough money in his bond act proposal to get

Essex County out of its financial bind without importing trash.

## What's the Password?



APA and DEC officials have been holding secret meetings since the fall of 1995 to discuss which agency will issue permits for certain types of development in the Adirondack Park. Campbell said publicly that the discussions involved wetlands, mining, commercial septic systems and the destruction of beaver dams. Neither DEC officials nor Campbell would reveal details about the meetings. They said they would present their recommendations to APA Commissioners and DEC Commissioner Michael Zagata before telling the public what they had discussed.

## Floating Bad Ideas



Last fall, Chairman Campbell invited the operators of floating-airplane (seaplane) charter businesses to tell the Adirondack Park Agency's

Board why it should allow seaplanes to operate on lakes in Wilderness areas. Every form of mechanized travel is banned in Wilderness under state law. Campbell did not bother to explain to the largely new board that the Park Agency had spent thousands of the taxpayers' dollars preventing seaplane use in Wilderness areas when the APA was repeatedly sued by some of the same people who made the presentation. The APA has used its authority over the Adirondack Park State Land Master Plan to maintain the ban on mechanized travel in the Park's 16 Wilderness Areas.

## Vacant Leadership



After announcing that APA Asst. Director of Planning Edward J. Hood would be laid off in a month, Campbell issued a press release indicating that Campbell had assigned Hood to coordinate the multi-year revision of the APA's rules and regulations for developers. When confronted with this contradiction, Campbell said he still intended to eliminate Hood's position. Campbell

**Continued, next page**



# 1996 Award Winners

On July 19, the Adirondack Council presented its 1996 Conservationist of the Year Award to Gov. George E. Pataki at its annual awards ceremony, held at Fort Ticonderoga.

In presenting the award, Adirondack Council Chairman John Ernst noted that the Governor had shown outstanding leadership on Adirondack environmental issues in 1996. Ernst said that he could think of no one more deserving of praise for his work in protecting the health and well-being of the Adirondack Park this year. For more information on the Governor's accomplishments, see

Pages 2 and 3.

*Other award winners honored at the ceremony included:*

**Park Communicator:** Fred LeBrun of the Albany *Times-Union*

**Land Stewardship Award:** Lake George Basin Land Conservancy

**Park Heritage Award:** North Creek Railway Depot Preservation Association

**Community Conservation Award:** Adirondack Economic Development Corporation

**Community Action Award:** Residents for Responsible Growth (Lake Placid)



Gary Randorf

*Secretary of State Alexander Treadwell accepts the Conservationist of the Year Award on behalf of Gov. Pataki, who was dealing with the TWA Flight 800 disaster.*

## Special Mention continued ...

said he had already assigned another staff person to the task, although a local newspaper noted he failed to mention this to Executive Director Dan Fitts, who supervises the staff's work. Hood's job eventually was saved when Governor Pataki and the Legislature restored most of the funding cut from the APA's budget.

## Crippling Cuts



When faced with a \$530,000 budget cut from the Governor's budget office, Campbell chose to hack away at key staff positions rather than find other ways of saving money. He did nothing to defend the agency from the cuts. He decided which positions to cut without assessing the impact on the APA's ability to function. In the process, he jeopardized the agency's most critical functions, including project review, enforcement, legal affairs, wetlands research, acid rain research, mapping and planning.

Local governments and long-time critics of the APA from around the Park joined environmental organizations in calling on the Governor to restore the APA's budget.

## Executive Director's Letter, continued from Page 1

\* Helped to reverse the decision when the electric utilities who fund the Adirondack Lakes Survey Corporation's month-by-month study of Adirondack lakes decided to cut the funding. After state officials had tried for months to get them to change their minds, the Council worked with the media to bring public pressure on the utilities to keep this program going. The utilities agreed to provide funding through the end of 1997, keeping this vital research alive.

\* Encouraged Congressman Solomon to create legislation that would require an additional 50 percent reduction in acid-rain-causing smokestack emissions at Midwest utility plants.

\* Embarked on a public service announcement campaign featuring Bonnie Raitt, bringing our message on acid rain to radio listeners and television viewers in every part of New York and beyond.

### Community Conservation

\* Sponsored the Rocky Mountain Institute's Economic Renewal Workshops in Indian Lake and worked with the town on its Community Choices initiative.

\* Helped to found the Adirondack Community Development Loan Fund.

\* Sponsored leadership training for Tri-Lakes community leaders.

In conclusion, I want to remind our members and friends that none of the Council's accomplishments would have been possible without your support. Just as we all share in the monumental responsibility of protecting the Adirondack Park for future generations, we also share in the pride that comes from a job well done.

Sincerely,

*Jim Burke*

# The Adirondack Council

Founded in 1975, the Adirondack Council is a private, not-for-profit organization dedicated to enhancing the natural and human communities of the Park through research, education, advocacy and legal action.

The Council receives moral and financial support from its more than 18,000 members and from private foundations. The Council's national and regional member organizations include the Association for the Protection of the Adirondacks, Citizens Campaign for the Environment, National Audubon Society, National Parks and Conservation Association, Natural Resources Defense Council and The Wilderness Society, with a combined membership of more than 1.4 million people.

Adirondack Council memberships begin at \$25. Membership benefits include regular newsletters, special reports such as this one, action alerts and the opportunity to play an active role in protecting the Park's future.

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Barbara L. Glaser  
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George R. Lamb

Ernest LaPrairie  
Clarence A. Petty  
Katharine M. Preston  
John K. Ryder, Jr.  
Ellen Marshall Scholle  
Vice-Chair, David Skovron  
Constance A. Tate  
Vice-Chair, Thomas D. Thacher II  
Chase Twichell  
Treasurer, Curtis R. Welling

### State of the Park 1996

Written and designed by John F. Sheehan  
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