

State of the Park 2002



The Adirondack Council

The Adirondack Park

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. 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 hamlets, forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts ten million visitors yearly.

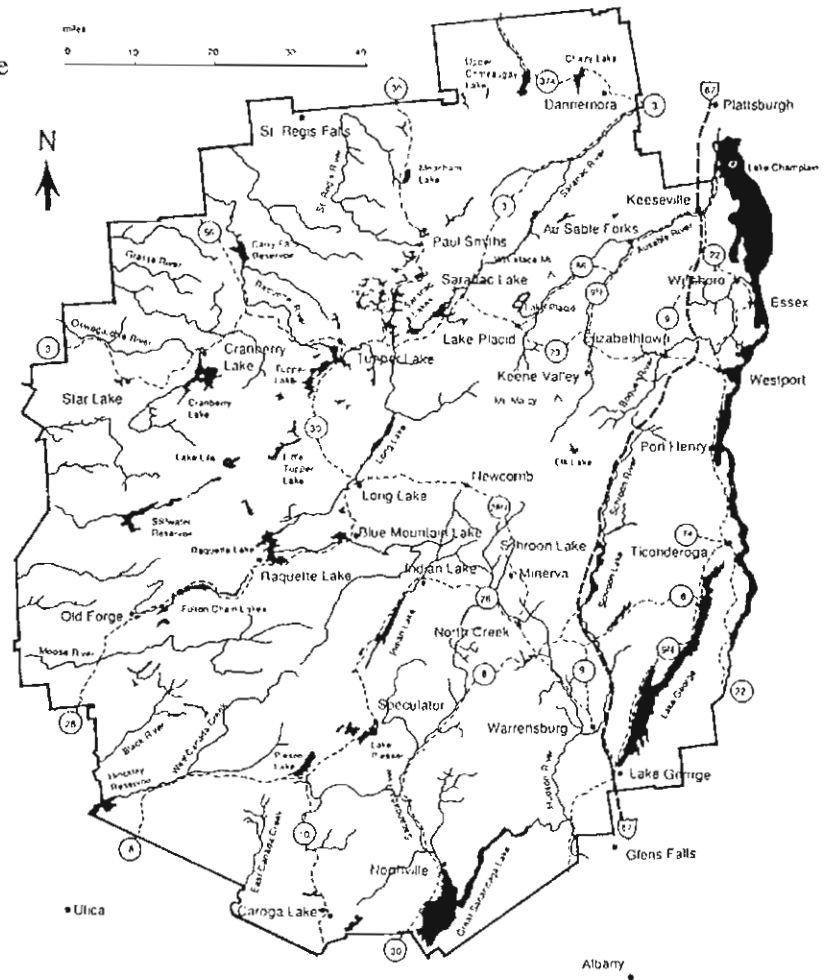
The remaining 45 percent of the Park is publicly owned Forest Preserve, protected as "Forever Wild" by the NYS Constitution since 1894. One million acres of these public lands are protected as Wilderness, where non-mechanized recreation may be enjoyed. The majority of the public land (more than 1.3 million acres) is Wild Forest, where motorized uses are permitted on designated waters, roads and trails.

Plants and wildlife abound in the Park. Old growth forests cover more than 100,000 acres of public land. The western and southern Adirondacks are gentle landscapes 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 the timberline.



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.

Through continuing public education and advocacy for the protection of the Park's natural character, the Adirondack Council works to advise public and private policy makers on ways to safeguard this last remaining great expanse of open space.



Cover Art

Photo by Carl Heilman. High Peaks Wilderness from Mt. Van Hoevenberg.

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State of the Park 2002

Dear Members and Friends:

The past 12 months were a remarkable period in the Adirondack Park's history. An April earthquake, a summer-long dry spell, numerous wild fires and a sagging state economy combined to place enormous pressure on the Park's natural resources. And yet, there is still much to celebrate.

The Environmental Protection Fund, from which the money is drawn for major state land purchases, has been restored to full funding after a year of sitting idle. Apprehension over air travel and weeks of uninterrupted sunny weather pushed the Park's tourism revenues even higher than last year's record numbers.

The fight against acid rain got a boost from visits to the Adirondacks by President George W. Bush and Sen. Hillary Clinton, and from the introduction of new legislation. Action on acid rain is expected to pick up again in January 2003, now that both houses of Congress have viable bills to debate. Federal officials did a great deal to help the Adirondacks through community enhancement projects and new open space protection initiatives.

State and federal courts helped to protect the Forest Preserve from logging and helped a local school district thwart an attempt by a corporate landowner to control its budget. And for the third year in a row, local governments earned far more praise than criticism. Attorney General Eliot Spitzer won his first entirely "thumbs up" rating. Gov. George Pataki recorded his eighth highly positive review in as many years.

Reflecting on a trend in the Adirondacks, we have added a new section to the report this year called "A Tip of the Hat," which is aimed at recognizing the work of small, grassroots organizations that have made a positive impact on their own corner of the Park. Some opposed a mining plan or new industrial plant that threatened their quality of life, because they endangered water quality and wildlife habitat. Others helped private landowners take better care of their forests. Still others worked with state agencies to ensure that a major public works project didn't spoil their community's charm.

In the year ahead, the Council will work toward the goals of our Pure Waters Initiative, including legislation to halt pollution and protect shoreline habitat. We will carefully monitor and participate in the state's effort to establish new management plans for dozens of distinct areas of the Forest Preserve. We will work to ensure that the state's plans for new snowmobile routes through the Park remain compatible with its wild forest character. We will move forcefully to help the state gain control over abusive all-terrain vehicle riders, and we will push for additional protections for lands located in the Council's proposed Bob Marshall Great Wilderness and proposed Boreal Wilderness, in the western and northern Adirondacks respectively.

Through it all, we will continue to defend and protect the wild lands of the Park, while helping local communities benefit from the proximity of the Northeast's largest, wildest and best-protected Forest Preserve. As always, we can't do any of this without the support and assistance of our loyal members. Thank you for your support.



Sincerely,

Brian L. Houseal
Executive Director

The Governor



👍 Action on Acid Rain

Gov. George E. Pataki issued regulations in February for power plants to clean up their emissions of sulfur dioxide and nitrogen oxides, the two main causes of acid rain. The rules call for New York plants to reduce their sulfur dioxide 50 percent below federal standards and to cut nitrogen oxide emissions by 75 percent. If similar cuts were made nationwide, acid rain damage in the Adirondacks would end. The rules are due to be finalized by the end of the year.

👍 Reversal of Fortunes

This spring, the Governor reversed a “thumbs down” he received in State of the Park 2001 by negotiating a spending plan for the Environmental Protection Fund. Last year, the Governor and Legislature did not reach an agreement on how to spend the funds available for capital projects (open space, recycling, landfill closure). Each year, the fund receives approximately \$125 million in new revenue from dedicated sources. Unspent interest remains in the fund. The 2002-03 budget plan contains \$250 million for EPF projects, with \$76 million dedicated to land protection. While the three budget leaders also agreed to “borrow” \$235 million from the EPF to help close a budget gap that appeared after September 11. They said they would return the money to the fund as soon as possible. They also set up a short-term plan to make money available in case a major priority appears that drives the cost of land protection beyond the current balance of the fund.

👍 Wake-Up, Clean-Up Call

In January, the Governor instructed Attorney General Eliot Spitzer to file lawsuits against two western-New York-based coal-fired power plants suspected of violating the federal Clean Air Act. The suits were filed against former plant owner Niagara Mohawk Power Corp., of Syracuse, and current owner NRG Energy Corp., of Minneapolis. The suits, filed in US District Court in Buffalo, allege more than 50 violations of the CAA’s “new

source review” provision between 1982 and 1999. NRG’s plants in Tonawanda and Dunkirk account for 20 percent of the nitrogen oxides and 38 percent of sulfur dioxide emitted from all power plants in New York. Both were built in phases during the 1940s and 50s. Both contribute to acid rain in the Adirondacks.

👍 An Appealing Decision

After a US District Court judge threw out New York’s newest acid rain law in April, Governor Pataki instructed Attorney General Eliot Spitzer to appeal the decision. The Governor and Attorney General agreed with the Adirondack Council’s assessment that the judge misinterpreted the new law. The law was designed to discourage in-state power companies from selling leftover federal sulfur dioxide allowances to coal-fired power plants in the Midwest, whose emissions cause acid rain here. (See Courts for an explanation of the case.)

👍 Thanks a Million!

In his State of the State message to the Legislature in January, Governor Pataki announced that he intended to “permanently protect” one million acres of land within a decade. Much of that land would obviously be in the Adirondacks. Since taking office in 1995, the Governor has purchased 50,534 acres of land and waters for the Adirondack Forest Preserve and acquired permanent conservation easements on another 147,596 acres. This 200,000 acres represent two-thirds of all open space protection projects completed by the governor.

👍 Greenbacks Boost Whiteface

The Governor’s grants for new equipment, lifts and ski-related amenities at the Whiteface Mt. Ski Center paid off in Sept. of 2001, when SKI Magazine named Whiteface the top ski and ride resort in the eastern United States. Whiteface is managed by the state-funded Olympic Regional Development Authority.

👍 A Full Slate

In November of 2001, the Governor appointed outgoing Bolton Town Supervisor Deanne Rehm to fill the final vacancy on the Adirondack Park Agency Board of Commissioners. The appointment reverses a “thumbs down” the Governor received last year for leaving the seat vacant. Her appointment helped to increase diversity to the mostly male, 11-member board. It also remedied the long-term lack of APA representation from the southeastern Adirondacks. Bolton’s environmental record under Rehm’s supervision was good. The Governor also reappointed in-park members William Kissel and Frank Mezzano, as well as member James Townsend, of Rochester.

👍 It’s For the Birds

Working with Adirondack Council member organization Audubon New York, Governor Pataki added a new measure of state protection for areas of the High Peaks Wilderness Area by designating every peak above 3,000 feet as a Bird Conservation Area. Red spruce and balsam fir forests at and near the summits of the peaks provide critical habitat for Swainson’s Thrush, the Blackpoll Warbler and Bicknell’s Thrush (a “species of special concern”). The plan calls for the state to study the effects of human visitation and intrusion, as well as other influences, such as acid rain, on the region’s nesting birds.





Pataki's John Hancock

The Governor quickly and enthusiastically signed two pieces of legislation this year that will improve the Park's environment and cultural amenities. In May, he signed a bill that bans the sale of lead fishing sinkers of one-half ounce or less, starting in May 2004. Such sinkers are ingested by loons and other water birds, who die of lead poisoning. In July, the Governor signed a bill designed to allow the NYS Dormitory Authority to assist the soon-to-be-built Natural History Museum of the Adirondacks in constructing its museum building in Tupper Lake.



I Signed What?

The Adirondack Council was forced to ask an administrative law judge to issue a subpoena for a high ranking state official in June, after the official refused to appear voluntarily at an Adirondack Park Agency hearing. The hearing centers on the fate of an experimental plan to use a chemical herbicide in Lake George. William Mark Bush, deputy commissioner at the Office of General Services, had signed on as a co-applicant for the APA permit. This had led the judge to rule in the fall of 2001 that OGS had granted its permission to kill rare, native plants -- normally protected from harm by state law -- when it sought to use the herbicide fluridone (brand name Sonar) to curb the growth of Eurasian watermilfoil. The judge said OGS controls the bottom of Lake George, and therefore can speak as its "owner." A quirk in state law allows landowners to give permission to kill or remove protected plants. Once on the witness stand, however, Bush conceded that he had no idea that the project involved the destruction of protected plants when he signed the application. If the experimental use of the herbicide is approved, the Council will work to ensure that damage to non-target species is minimized, that drinking water intakes are avoided and that the experiment conforms to scientific principles. Eurasian milfoil covers less than 3 percent of Lake George's bottom. It has been eradicated from dozens of sites using non-chemical controls.



What's Next, Gore-Tex Mountain?

With the tens of millions of dollars in new revenues given to the Olympic Regional Development Authority by state government for capital improvements at its facilities, did it really need to jump back on the corporate renaming bandwagon? Kodak already has its name on the ski jump facility at Intervale, just south of the village of Lake Placid. But did ORDA really need to rename the famous Mt. Van Hoevenberg bobsled and luge tracks the Verizon Sports Complex? State taxpayers recently invested close to \$25 million to rebuild the facility. According to media accounts, Verizon bought the name plate for a mere \$550,000 over two years. Worse, Verizon has its name not just on

the bob and luge runs, but the entire complex. That includes the biathlon track, which is located on Forest Preserve. Kodak Sports Park is on private land leased to the Town of North Elba.



Lights Out on Pollution Bill

In February, the Governor vetoed a bill designed to curb light pollution throughout the state that would have required outdoor lighting to be directed downward and only toward the area requiring illumination for safety and security purposes. It also would have prevented private individuals from directing unwanted lights on to their neighbors' property. The Governor said he agreed with the idea, but felt the bill was poorly constructed and would cause unintended consequences. However, he offered no bill of his own as a replacement.



Local Governments



Nextel Hung Up

In March, the Fort Ann Town Board rejected an application from Nextel, Inc. to install a 110-foot cell phone tower on Pilot Knob, a wooded, residential knoll overlooking the eastern shore of Lake George's south basin. Nextel had asked for a variance, since commercial structures are prohibited in the residential zone. Nextel said it would file a lawsuit seeking to overturn the rejection. At the same time, the town board drafted a resolution to extend its current six-month moratorium on new cell towers for another six months. The town is drafting a cell tower plan and policy.

One Dollar Park

In January, the Town of Hadley completed the purchase of 24 acres of private land along the Sacandaga River for use as a community park. The Dean Mountain Road parcel contains 3,000 feet of river shoreline and was purchased from Orion Power Corp. for \$1. Lands located just west of the town park are expected to

become Forest Preserve. Hadley has also submitted a land-use master plan to county officials for their approval. Hadley officials also intend to seek approval from the Adirondack Park Agency for the town to take over the review of minor subdivisions and construction projects.

Local Connections Pay Off

The Essex County Board of Supervisors and Keene Town Supervisor Tom Both worked together last fall and winter to create Adirondack Healthy Harvest. The program links local farmers with restaurants and other large-quantity produce buyers throughout the Park. Buyers noted that they would rather obtain fruits and vegetables locally than from national or Canadian wholesalers, but had trouble finding reliable sources. The county will provide funds for a coordinator and the program will make available a truck to pick up the produce and deliver it to customers. The group is surveying

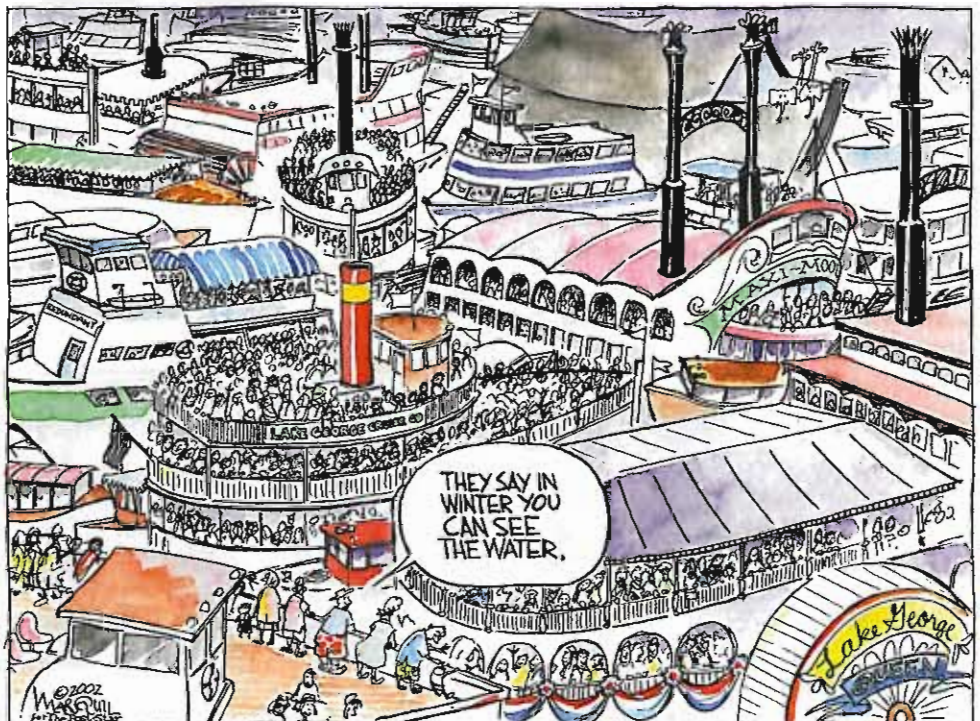
restaurant owners and working with Cornell University to determine which crops would be most desirable locally.

Looking Down the Road

Town of Chestertown officials are embarking on a revitalization project in the hamlet of Chester that will not only attract more visitors, but also will improve the quality of life for residents. The plan includes imposing a common landscaping scheme; planting trees along US Route 9 (Main Street); pushing structures closer to the road and moving parking areas to the rear of buildings; creating a village green near Town Hall on a lot now used for grocery store parking; and, connecting Main Street with the town's Dynamite Hill Recreation Area. Town Supervisor Fred Monroe told the media it may take 20 years to complete the project, but that it was better to plan for the long-term future than to let development occur haphazardly.

Where'd the Lake Go?

Since 14 of the 24 commercial lakefront properties in the Village of Lake George are currently operating as marinas, the village board in March approved a moratorium on new marina operations and on the expansion of current marinas. Those businesses, according to media accounts, operate 10 large tour boats, 46 rental boats and 34 personal watercraft (jet ski) rentals in the lake's busy south basin. Mayor Robert Blais said five of the 14 marinas were for sale. Ownership changes often come with requests for expansion, he told the Post-Star of Glens Falls. The village is expected to draft a new waterfront development plan during the moratorium. The Lake George Park Commission also expressed its support for the moratorium.



Great Northeast Cooperation

Local government and tourism officials from Saratoga, Warren, Washington, Essex and Clinton counties worked together last fall to establish a 175-mile scenic byway through the Adirondack Park's eastern edge, linking isolated communities to a single corridor that emphasized the region's role in early American and colonial history. "The Great Northeast Passage," stretches from the confluence of the Mohawk and Hudson rivers at Waterford north to the Canadian border at Rouses Point. Plans include emphasizing the region's rich history and cultural attractions, while promoting the trail to Amtrak passengers, motorists, hikers, bikers and boaters.

Riding the Wave

In June, the North Elba Town Board voted to ban personal watercraft (jet skis) from its portion of the waters of Lake Placid. At a subsequent meeting, the board rejected an amendment offered by residents who wanted to continue using their own jet skis for three more years. Only the northernmost bay of Lake Placid (in the Town of St. Armand, where no ban has yet been enacted) will be excluded from the ban. The towns of Brighton, Franklin County; Chester and Johnsburg, Warren County; and, Webb, Herkimer County, have all severely restricted or banned the use of jet skis. In June, Chester hired a constable to enforce jet ski regulations and other navigation laws. Lake Placid already has a constable, who spoke in favor of a ban. In March, year-round residents presented the Lake George Town Board with petitions containing 700 signatures of lakefront homeowners seeking to ban jet skis from the entire lake.

Trolley Gets Green Light

The Lake Placid Village Board voted in March to purchase a \$70,000 trolley and use it as a means of providing public transportation to village visitors. The move will inexpensively relieve congestion on the Olympic Village's busy, narrow streets. The trolley project follows the success of a public transportation project

What's That Smell?

Responding to concerns from residents, the Northville Village Board called upon the Adirondack Park Agency in March to hold formal public hearings on a proposal to build an asphalt plant across State Route 30 from the village. The APA cannot deny a permit without first holding a public hearing. The plant would be created on a 106-acre parcel between the Sacandaga River and Great Sacandaga Lake, at an existing gravel mine. Plans discussed in March called for the plant to produce 110 tons of asphalt per hour, five days per week, 30 weeks per year.

Northville and neighboring Sacandaga Park are both downwind of the proposed plant. Residents of both communities have expressed concerns over the potential disturbance to their homes and businesses from odors, air pollution, noise, traffic and water pollution from the plant.



in Keene, which provides remote parking and transport for hikers who want to enter the High Peaks Wilderness at a congested trailhead known as "the Garden."

make Coreys Road safer." DEC has the sole authority to issue permits for the removal of roadside Forest Preserve trees that may pose a danger to the public.

More Than a Weed-Whacking

The Harrietstown Town Board in April announced it was refusing to pay a modest \$3,500 civil penalty imposed by the Department of Environmental Conservation after town crews cut down 1,042 trees at the edge of the Adirondack Forest Preserve along Coreys Road. DEC ruled that the cutting was a violation of the "Forever Wild" clause of the NYS Constitution, which bans the destruction or removal of trees from the Forest Preserve. The Franklin County town sought neither a DEC permit nor DEC's advice before embarking on what Town Attorney James Maher called "efforts ... to

Weed Rather Not Hear It

The Local Government Review Board, a statutory watchdog of the Adirondack Park Agency, passed a resolution in January asking the APA to drop its public hearing on the controversial use of a chemical herbicide in Lake George. The LGRB instead wanted the APA to approve the project without further public debate. If approved by the APA and Department of Environmental Conservation, the Lake George herbicide project (aimed at invasive Eurasian watermilfoil) would be the first use of chemicals in the Adirondack Park to kill aquatic plants. Aside from several plant species that are so rare

they are protected by state law, the herbicide is expected to kill nitella, a nutrient-consuming plant thought to be responsible for the lake's outstanding water clarity and purity. The Adirondack Council will work to ensure that any precedents set in the Lake George decision are not harmful to the lake or any of the Park's other 2,800 lakes and ponds.

Fee? Fie!

In another matter, the LGRB objected to the proposed imposition of application fees for developers seeking permits from the APA. In a time of financial strain for the state, the Council had suggested that the Legislature impose a modest, sliding-scale fee for major projects in the Park. The APA receives an average of 300 permit applications per year, with 120 of those per year considered major projects (Class A in APA

terminology, with an impact far beyond the local community). The APA is the only regional land-use authority in the nation that does not charge application fees.

Look Both Ways -- Everywhere

The village board in Speculator bowed to pressure from a local snowmobile club in October of 2001 and decided not to ban snowmobiles from the sidewalks on State Route 30, the village's main street. Potential collisions with pedestrians and nighttime noise were cited by residents who sought the ban. The village has no public snowmobile trails. Village officials said they were not in the habit of clearing the sidewalks in the winter, so snowmobilers started using them. The walker/rider conflict came to a head last

winter when snowmobile enthusiasts used a trail groomer on the sidewalks, according to local media. In September the village voted to clear sidewalks this winter.

Open Season

The Town of Horicon, Warren County, passed a local law this summer that opened all town roads to all-terrain vehicle riders -- even those that cross the Forest Preserve. Dept. of Environmental Conservation Regional Director Stuart Buchanan has responsibly banned the use of ATVs on Forest Preserve lands in the eastern two-thirds of the Adirondack Park he oversees. The Horicon plan violates that ban. The state is pursuing legal action against the town, seeking to modify or nullify the local law.

Attorney General



Hearings Are Nice, But...

In July, the Attorney General testified before a US Senate committee holding hearings on Clean Air legislation, telling Senators to stop talking and take action. Spitzer was responding to questions on the fate of his lawsuits against Midwest power plants that appear to have violated the Clean Air Act. Spitzer said it was unclear how his lawsuits would be affected by Bush Administration plans to change a section of the Clean Air Act known as New Source Review. However, Spitzer admonished the Senators to stop worrying about his litigation and pass a bill that would solve the Northeast's air pollution problems by curbing emissions from Midwest power plants. He noted that it takes years to resolve federal lawsuits, while Congress could take immediate action to curb emissions. Spitzer also

urged the Senate to fight any weakening of air quality standards by passing specific legislation to block the proposed rule changes.

New Path Through the Forest

This summer, Attorney General Eliot Spitzer reversed a "thumbs down" he received last year when his staff worked out its differences with the Assembly, Senate and the Dept. of Environmental Conservation, and came to an agreement on new penalties for the theft of timber from the

Forest Preserve. The Senate passed the bill. It is still awaiting action in the Assembly. The bill would increase the current \$10-per-tree penalty for timber theft from the Forest Preserve (set in 1909) to \$250 per tree, or triple the market value, or both. It would also criminalize timber rustling by changing it from a violation to a misdemeanor, and would require the offender to restore the damaged site.



Attorney General
Eliot Spitzer



Other Agencies...



Comptroller

👍 Come Back & Fix It

In October of 2001, State Comptroller H. Carl McCall issued a public statement chastising the Legislature and Governor for failing to come to an agreement on how to spend the Environmental Protection Fund. Their indecision halted progress on all open space acquisition projects statewide, making the FY2001-02 budget the first since 1992-93 to



State Comptroller
H. Carl McCall

contain no EPF money for environmental capital projects. He reminded the three budget leaders that the EPF was a dedicated fund and urged them to return to Albany to negotiate a spending plan. The Legislature and Governor failed to act until May of 2002, when they appropriated \$250 million, or roughly twice the amount collected by the fund each year.

Department of Transportation

👍 Let's Split the Difference

The Department of Transportation calmed a controversy on the Great Sacandaga Lake when it agreed in March to reduce the height of its proposed replacement bridge over the lake to 42 feet rather than 55. A citizens group had pushed for a maximum height of 37 feet to reduce the visual impact for nearby landowners. A much smaller group of large sailboat enthusiasts pushed for the 55-foot version to make it easier to pass under the bridge during high water periods on the flood-control reservoir. The current bridge is

restricted to vehicles of 15 tons or less and is deteriorating. The bridge is the largest in the Park at more than half a mile long.

👍 Welcome Centers Welcome

DOT worked well with the Adirondack Park Agency and Department of Environmental Conservation last fall and winter to complete two new visitor information centers at brand new rest areas on the Adirondack Northway (I-87). They are located on both sides of the highway, between exits 29 and 30. The \$11 million project will accommodate a total of 88 cars and 47 tractor trailers.

State Police

👍 State Cops Hear Plea

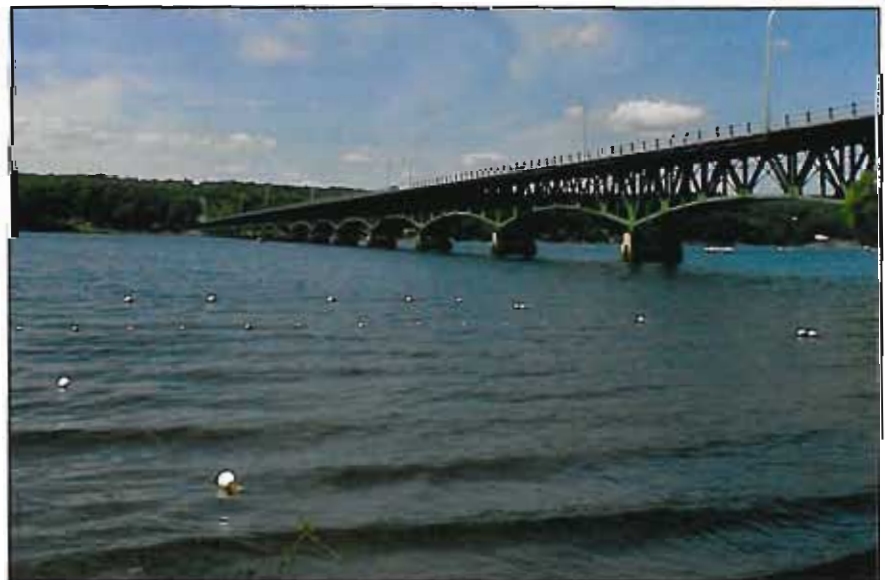
Representatives of the NYS Police redesigned their proposal for replacing roadside emergency telephones along the loneliest stretch of the Adirondack Northway (I-87), cutting in half the number of camouflaged towers it wants to install. The decision will minimize the

visual impact of the towers, while still providing more reliable service than the current solar-powered radiophones. The project calls for 33 brown poles, of less than 40 feet in height, from Exits 26 through 35. The original plan called for 66 towers.

Public Service Commission

👍 A Merging Opportunity

The NYS Public Service Commission approved a merger in November of 2001, between Niagara Mohawk Power Corp. and the British electric company National Grid that will result in the protection of 3,600 acres of Adirondack wild lands as Forest Preserve. Located in the Town of Lyonsdale, Lewis County, the parcel contains five miles of shoreline on the main branch of the Moose River. As part of the merger, the power companies agreed to sell these surplus lands to the state at fair market value. The lands were originally purchased for a hydropower project that was never approved.



Adirondack Park Agency



Heard, Not Seen

APA Commissioners approved a new policy on commercial telecommunications towers on the Park's private lands, which included an admonition that towers should be "substantially invisible." APA officials said they intended to discourage towers with open sky behind them. The APA has approved the construction of 59 towers for cell phones, microwave communications, media broadcasts and emergency services radio since 1977. Forty-nine have been built to date.

Captured Strife

In February, APA Commissioners approved a plan by 16-year-old Saranac Lake High School sophomore and Eagle Scout candidate Ian Freeburg to rid the school's 2.9-acre pond of invasive purple loosestrife plants. Freeburg, considered to be the youngest permit recipient in Park history, received an APA wetlands permit (and DEC permission to eradicate a species) so he could introduce a natural predator beetle to the pond and wetland. Purple loosestrife is a European/Asian plant that was introduced accidentally by gardeners who valued its bright flowers. The plant reproduces abundantly, provides little or no food value to native wildlife and crowds out native plant species that are vital to wetland health (including cattails, whose roots are edible by humans). The beetles are native to Europe and Asia. While they can feed on other plants, they require loosestrife to reproduce.

No Longer Bedammed

APA Commissioners in May approved removal of an aging dam on the Black Creek Reservoir, Town of Norway, Herkimer County, allowing the wetland complex to return to a more stable water level and provide more suitable habitat for local wildlife.

Rare Views, Natural Materials

The APA's Visitors Interpretive Center at Paul Smiths, Franklin County, completed a 1.1-mile Boreal Life Trail in September of 2001, exhibiting the rare and unusual plants and wildlife found in these mossy, conifer forests. The bright spot is a 1,600-foot wooden boardwalk that carries visitors above the floor of the peatlands and over Barnum Brook, protecting sensitive habitat from trampling, while still blending well with the natural environment of the visitor center's trail systems.



Let's Get Back to That Later

After considerable debate emerged during a discussion of relaxing regulations for the addition of garages to homes along the Park's shorelines, the APA wisely dropped the idea of a fast-track change in the rules. Instead, it will consider the merits of the idea during its comprehensive review of all rules and regulations -- the proper forum for such a major change.

An Outlet for Inlet's Questions

APA staff held public information sessions in towns around the Park last fall, to answer questions and explain APA's land-use regulations. A session in Inlet, Hamilton County, elicited extremely positive feedback from Town Supervisor John Risley and local residents. Inlet

residents are currently working on a comprehensive development plan for the town, which they intend to submit for APA approval. The APA held similar get-to-know-you sessions around the Park, which Chairman and former teacher Richard LeFebvre dubbed APA 101.

If You Insist

In reviewing plans for the development of the Diamond Sportsmen's Club -- a 3,300-acre parcel on which temporary, private cabins will be built, but the land will remain in common ownership -- the APA agreed to changes in the project that required ecological protections beyond those required by APA regulations. The Council had been meeting with the applicant to assist in protecting water quality, open space and wildlife habitat. APA's cooperation eliminated the need for a costly adjudicatory hearing.

Resource Non-management

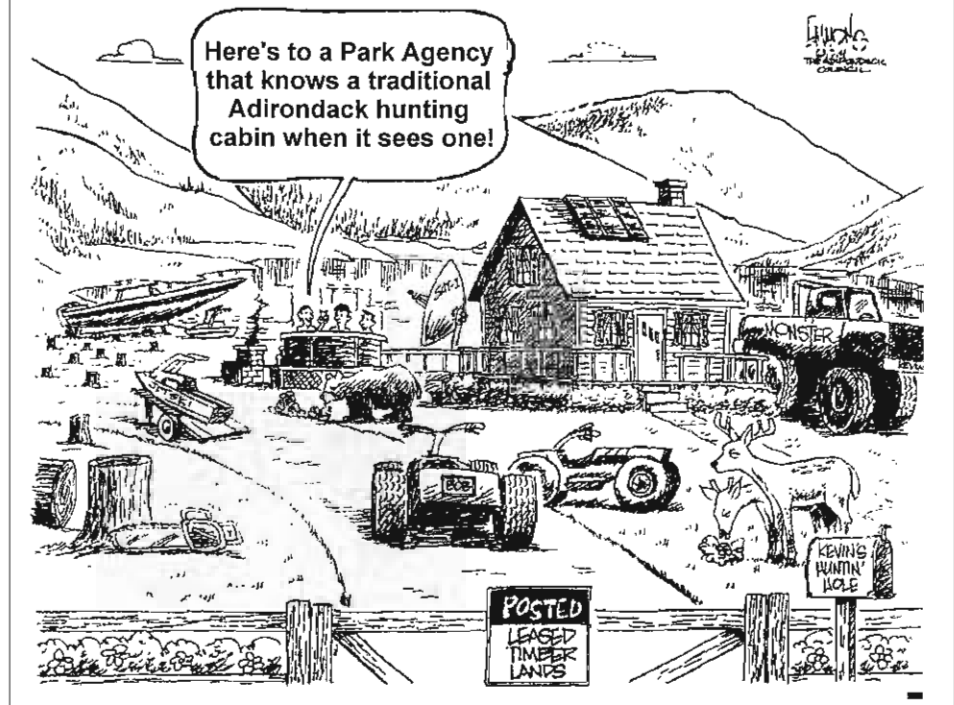
APA Commissioners erred in March when they dropped the requirement that those who wish to convert homes in the Park's backcountry into bed and breakfast operations first obtain an APA permit. Commissioners seemed to forget that the APA Act considers tourist accommodations to be inherently incompatible with the large, unbroken open spaces far outside the Park's villages and hamlets. By dropping the requirement for a permit, APA abdicated part of its responsibility to protect lands classified as "resource management" under the Park land-use plan. The APA has also failed to enforce this requirement adjacent to rivers classified as "wild, scenic and recreational."

Lax on Septics

The APA should be requiring local governments to follow the same procedures as the APA when they review plans for septic systems. Local governments can gain jurisdiction over small subdivisions and other minor development projects by enacting an APA-approved land-use plan. The agency requires that the natural soils on any construction site be adequate to handle a conventional septic system. It doesn't allow the mounding, or trucking in, of soils to improve percolation of septic overflow. This restriction prevents raw wastewater from reaching rivers, lakes and drinking water. But the APA doesn't require local land-use plans to ban such systems. This spring, the Town of Willsboro decided there was no need for an environmental review of a subdivision (the 17-lot, 37-acre Maple Heights project) where risky mound and fill systems would be installed. In 1989, the APA denied a nearly identical project on the same lot because there was less than two feet between the top of the soil and the beginning of the groundwater table.

Take a Peek, Not Pictures

APA Commissioners attended an industry-guided tour of leased hunting and fishing cabin sites on commercial timber lands in October of 2001, calling the tour a meeting of the agency's legal/enforcement committee. The idea was to provide the committee with a glimpse at some of the camps before the committee decides whether to tighten or loosen leasing regulations as it continues its comprehensive reform of its development rules. The Council has been seeking to tighten enforcement of current regulations, in light of the large numbers of violations discovered recently as some large landowners have sold surplus property. However, while the public was invited to the tour, APA allowed timber company officials to prevent the public from photographing what they saw.



Management Rules Drilled

The APA's staff short-circuited the board of commissioners' review of the Unit Management Plan for a new campground at Scaroon Manor, on the western shore of Schroon Lake. While the idea of a campground on the site is not controversial, the details of where buildings and gathering areas are located must be approved by the APA board before work can begin. Instead, APA staff approved the drilling of water wells before the commissioners had rendered a decision, allowing the DEC to establish construction sites without APA review.



Department of Environmental Conservation

To Protect & Preserve

NYS Environmental Conservation Commissioner Erin Crotty agreed this spring to re-establish her department's Bureau of Forest Preserve Management to oversee all DEC activities on the Adirondack Forest Preserve. Crotty was responding to a series of violations by DEC personnel of the State Constitution's "Forever Wild" clause. Commissioner Michael Zagata had eliminated the bureau in 1995, citing budget constraints. The bureau will consist of DEC lawyers and policy experts. They will be trained in reviewing DEC work plans for compliance with the constitution's mandate that the Preserve "be forever kept as wild forest lands."

Students to the Rescue

DEC officials made wise use of scant resources by recruiting Student Conservation Association/AmeriCorps volunteers to assist the department with research needed to complete Unit Management Plans mandated by an order from Governor George E. Pataki. SCA volunteers used global positioning satellite equipment to pinpoint the location of existing campsites, then assessed recreational amenities, vegetation and soil compaction. The data will be used for the inventory sections of the unit plans for the Hudson Gorge Primitive Area, William C. Whitney Wilderness Area, Sargent Ponds Wild Forest, the entire Northville-Placid Trail, Hurricane Mountain Primitive Area, West Canada Lakes Wilderness Area, and McKenzie Mountain Wilderness Area.

75 Is An Awful Lot

After initially stumbling toward a premature decision to establish a huge, 75-car parking lot and overnight camping facility at the junction of State Route 9N and State Route 73, DEC backed away from the plan and decided to complete a user inventory first to determine the actual need for such a facility. The site is located at the base of Spruce Hill in Keene.

Minding Your Manor

Commissioner Crotty resisted efforts by some residents in the towns of Schroon and Chester to recreate a long-defunct resort at the state-owned former Scaroon Manor, off US Route 9, on the western shore of Schroon Lake. The site was formerly a resort hotel complex, purchased by the state more than 30 years ago, and is now part of the Forest Preserve. As required by the NYS Constitution, the buildings were demolished. But the lands were left vacant, available only for use as primitive shoreline camp sites, owing to local pressure on prior DEC Commissioners to re-establish a commercial operation, to restore the former golf course and/or develop the site for intensive use by large groups. Crotty plans to establish a simple Forest Preserve campground on the site to relieve congestion at other state-run campgrounds in the area.



Put Away Your Zippo

Commissioner Crotty helped protect the Park from a potential wildfire disaster last fall, when she banned open fires on the Forest Preserve during six weeks of hot, dry weather in August and September of 2001. She did so again in the summer of 2002.

Right on Flights

In September, DEC published new regulations for the use of helicopters by researchers studying acid rain in the Adirondack Forest Preserve. The rules will ensure that requests for helicopter use will be approved only for projects approved by the Adirondack Park Agency. In the past, helicopters had been used in areas such as the High Peaks Wilderness, in the summer, by researchers who were not supervised by state officials. DEC wisely sought to gain control of that situation this spring.



Reining in Illegal Riders

Despite repeated requests by environmental organizations, DEC is still struggling to gain control of illegal motor vehicle use on the Forest Preserve. Problems documented by the Adirondack Council and others include unlawful all-terrain vehicle (ATV) use on the “closed” Mud Creek Trail in the Aldrich Pond Wild Forest; illegal ATV and motor vehicle use in the Silver Lake Wilderness Area, near West River Road which enters the wilderness area illegally out of Wells; illegal ATV use of hiking and horse trails in the Independence River Wild Forest; illegal use of motor vehicles on the Wakely Mountain trail in the Wakely Mountain Primitive Area; and others. This summer, DEC issued a statement indicating it would be more strict in its enforcement of ATV laws.



A Bridge Too Much

DEC bridge designers seem to have forgotten the NYS Constitution’s mandate to preserve the “wild forest” character of the Forest Preserve. Photos taken by the Council on August 13 reveal a hulking construction project underway to install a “snowmobile” bridge across the narrow Cedar River in the Blue Mountain Wild Forest. It includes a lengthy approach ramp made of pressure-treated timbers and crushed stone and an elevated wooden span wide enough to accommodate large trucks. This should not be the prototype for the proposed snowmobile trail system in the Park, given its size and the amount of disturbance to the surrounding area.



Exploratory Drilling

DEC once again put the cart before the horse on its management plans for the Forest Preserve this summer, this time at the Scaroon Manor parcel it owns on the western shore of Schroon Lake. DEC sought and gained permission from the Adirondack Park Agency to drill drinking water wells for a campground before APA had even considered DEC’s proposed management plan. The number and location of wells are aspects of the plan that APA commissioners are supposed to review when approving, or placing conditions on, campground plans.



Federal Government



Bush in the Forest

President George W. Bush accepted the Adirondack Council's invitation to come to the High Peaks region of the Park on Earth Day, April 22. He made history by being the first President to speak about acid rain in the Adirondacks and the first President to propose a comprehensive legislative solution. His visit prompted a flurry of action in Congress, as two GOP House members introduced a version of Bush's Clear Skies Initiative. Meanwhile, Sen. James Jeffords, I-VT, rewrote his Clean Power Act and pushed it through his



President Bush, right, tests Adirondack waters for pH with Governor Pataki, center, and Karen Roy of the Adirondack Lakes Survey Corp., left, in a surprise, four-inch spring snowstorm.

Environment and Public Works Committee. Both bills contain sulfur dioxide and nitrogen oxide cuts deep enough to stop acid rain damage in the Adirondacks by the end of the decade. Both contain strict controls on mercury emissions. The Council will push Congress to consolidate the best ideas in each bill and send the most effective acid rain law possible to the President's desk in 2003.

Testing the Waters

US Environmental Protection Agency Administrator Christie Whitman traveled to Albany in April to hold a press conference on acid rain and to tour the Atmospheric Sciences Research Center at SUNY. Whitman answered questions from the media and from non-media at the event and spoke forcefully on the need to curb sulfur dioxide, nitrogen oxide and mercury

emissions from electric power plants. ASRC performs acid rain and fine particulate matter data collection and research for EPA and the state.



Staff Counsel Bernard C. Melewski presents an Adirondack Council Clean Air Certificate to USEPA Administrator Christine Whitman at a press conference at SUNY Albany.

A Stake in Acid Rain

US Senate Environment and Public Works Committee Chairman James Jeffords, I-VT, invited the Adirondack Council to be the only regional environmental organization to participate in a series of clean air "stakeholder meetings" in Washington, DC. Only 10 environmental organizations



Senator James Jeffords

were invited to the meetings, which began the morning of September 11, 2001, but were interrupted by the tragic events of that day and rescheduled for mid-October. The result of the meetings was Jeffords's Clean Power Act, which passed his committee in June of 2002. The bill would require deep cuts in power plant emissions of pollutants that cause acid rain, smog, food chain contamination and global warming (sulfur dioxide, nitrogen oxides, mercury and carbon dioxide). Sen. Hillary Clinton added a provision to the bill, with

Jeffords's approval, that would require EPA to order even stricter pollution cuts than those prescribed in the bill, if Adirondack lakes and forests have not shown signs of recovery. The bill is still pending in the Senate.

Targeting Tailpipes

In late September, 2001, the EPA issued new pollution rules for snowmobiles, all-terrain vehicles and other small, high-polluting vehicles. The rules encourage manufacturers to switch from inefficient two-stroke engines (where gas and oil are mixed) to cleaner, quieter four-stroke engines that burn only gasoline. Such vehicles would be required to reduce nitrogen oxide emissions by 80 percent.

Proceed With Prosecution

The US Justice Department advised the EPA in January that it can move forward with lawsuits against 51 power plants accused of violating the "new source review" section of the Clean Air Act. Plant owners stand accused of not installing state-of-the-art emissions reductions equipment when they expanded their power production or renovated their plants. In a visit to Albany in April, EPA Administrator Whitman said her agency was pressing ahead with the suits. The announcement helped persuade power companies to participate in new discussions in Congress on legislation to solve the nation's acid rain and smog problems.

Floating a Wild Proposal

Last fall, Sen. Hillary Clinton helped to provide the state with an excellent opportunity to add 3,600 acres of a remote stretch of the Moose River to the Forest Preserve. When rumors began about a



Senator Hillary Clinton

merger between Niagara Mohawk Power Corp. and British power company National Grid, Senator Clinton took action. In discussions with National Grid officials, the Senator helped to persuade the companies to include a public-benefit provision that requires the merged company to sell an important parcel to the state. The parcel is a five-mile stretch of river corridor in the Town of Lyonsdale, Lewis County. The lands were initially acquired for a hydropower project that was never approved by the state. The parcel is listed as a priority in the NYS Open Space Conservation Plan.

Disregarding Schregardus

Last fall, US Sens. Charles Schumer, D-NY, and Barbara Boxer, D-CA, effectively blocked the appointment of former Ohio Environmental Protection Agency chief Donald Schregardus to the top law enforcement post at the USEPA. Schregardus's tenure in Ohio had been criticized by USEPA officials in an early-September report on his enforcement record. Schumer and Boxer placed a "hold" on the nomination and refused to remove it until Schregardus withdrew his name in late September.



Senator Charles Schumer

Tagging and Bagging Federal Funds

In December of 2001, US Rep. John McHugh, R-Watertown, persuaded Congress to earmark \$2 million from the federal Forest Legacy Program to help the state complete an important wild land project with the Adirondack Nature Conservancy. The IP Lakes Project will allow the state to protect up to 26,500 acres formerly owned by International Paper Co., by purchasing land and conservation easements. The



Congressman John McHugh

lands are located in northern Hamilton County, in and around the proposed 408,000-acre Bob Marshall Great Wilderness.

In August, McHugh announced he had secured \$413,000 in grants and loans from the US Dept. of Agriculture to replace failing septic systems in the Town of Altamont, in Franklin County. Congressman McHugh also helped to secure a federal grant of \$100,000 to assist a newly created Northern New York Travel and Tourism Center, to be operated by the Merwin Rural Resources Institute at the State University College at Potsdam. The center will work with the Adirondack Regional Tourism Council to develop marketing, traffic and economic statistics that will allow the college to quantify the impact of tourism on the economy, to target advertisements and to attract investors.

Sagamore a Treasure

In October 2001, the National Park Service awarded a \$350,000 grant to the Great Camp Sagamore, in Raquette Lake, as part of the Save America's Treasures Program. The grant was announced by US Rep. John McHugh, R-Watertown. It will be used to restore and sustain the camp's historic buildings, which served as the model for buildings throughout America's national parks system. The program was created by US Sen. Hillary Clinton during her tenure as First Lady. The grant was announced by First Lady Laura Bush.

North Creek's New Enterprise

US Rep. John Sweeney, R-Clifton Park, announced in November of 2001 that he had secured a \$274,000 federal Land & Water Conservation Fund grant for the Town of Johnsburg. It will be used for recreational improvements at the town's Ski Bowl Park, off State Route 28. Wayne LaMothe of the Warren County Planning Department helped the town apply for the funds. The state



US Representative John Sweeney

will connect the Ski Bowl to adjacent Gore Mountain Ski Area and operate both as a single enterprise.

Fate of Historic Lighthouses Buoyed

The US Coast Guard announced in December that it would relight the lamps in three historic lighthouses on the shore of Lake Champlain. The plan includes removing the lighted metal towers that were employed when the lighthouses were abandoned by the federal government decades ago. The 1874 lighthouse at Valcour Island is now state-owned, following the state's purchase of the island in the 1980s. Lighthouses at Split Rock Point, in Essex, and Cumberland Head, near Plattsburgh, are privately owned, but slated for relighting as well after negotiations with their owners are completed.



Split Rock Point Lighthouse

A Waste of Power

Senate Majority Leader Tom Daschle, D-South Dakota, reneged on his promise last fall to include pollution reduction measures in the Senate version of the energy deregulation bill. He said he would include environmental measures in the bill or pass separate pollution-reduction legislation before the deregulation bill was passed. The Senate passed the deregulation bill in December, allowing federal agencies to open new markets to electricity wholesalers such as Enron. Not a single pollution reduction bill was considered by a Senate committee until late June, when Senator Jeffords moved his air pollution bill from his committee. That bill has yet to be considered by the full Senate.

Courts



Timber Co. Can't Dictate School Plan

Last October, State Supreme Court Justice George Cobb dismissed a lawsuit brought by Finch, Pruyn & Co. that sought to overturn a vote by the residents of the Newcomb School District to build a swimming pool, refurbish its aging athletic facilities and install an elevator for handicapped students. This August, a panel of the Supreme Court's Appellate Division, led by Justice Edward Spain, unanimously rejected a second Finch lawsuit that had sought to eliminate Newcomb's homestead tax abatement program. Finch, a Glens Falls paper manufacturer that owns 52,965 acres of timberland in Newcomb, complained that homeowners were subject to a lower tax rate than absentee land holders. However, local officials pointed out that due to state-sanctioned timberland tax abatements, Finch pays the town and school district roughly \$4 per acre in taxes, while state taxpayers pay the town and school district nearly \$60 per acre for 62,534 acres of Forest Preserve lands in Newcomb. The state pays local property taxes on all Adirondack Forest Preserve lands. Justice Cobb ordered Finch to pay a portion of the school district's legal fees.



Health Defeats Money

The US Court of Appeals upheld in March a 1997 Environmental Protection Agency plan to impose tougher standards on smog and soot emissions from cars, diesel trucks and power plants. The appellate court rejected the remaining challenges to the new standards. The decision followed a ruling by the US Supreme Court last year, which confirmed that protecting public health should be EPA's guiding principle in enforcing the Clean Air Act. Costs to industry need not be taken into consideration when health standards are developed, the Supreme Court ruled.



Finch Again a Grinch

State Supreme Court Justice E. Michael Kavanagh dismissed in May a bizarre



lawsuit filed by Finch, Pruyn & Co., in which Finch was demanding that the state return more than 17,000 acres the company donated to the public between 1955 and 1962. Finch claimed it had negotiated an agreement that required the state to harvest timber from the lands. Such agreements are prohibited by the NYS Constitution. The lands are located in the High Peaks, Blue Ridge and West Canada Lakes Wilderness Areas, and the Vanderhacker and Blue Mountain Wild Forests. Much of it is on very steep slopes.



Didn't Seem to Get It

US District Judge David Hurd, presiding over the Northern District in Utica, overturned in April a new state law designed to discourage power companies from squandering the benefits of the state's strict air pollution laws. New York power plants are far cleaner than federal law requires. Thus, they receive many more federal sulfur dioxide allowances than they can legally use in New York. By selling their leftover allowances to Midwest companies, the allowances were being used by companies outside New York whose plants are close enough to the Adirondacks to cause acid rain. Hurd said

the law interfered with interstate commerce, even though the law did not prevent allowance sales, and burdened only New York companies. New York has appealed the decision.



BART Parked

A divided US Court of Appeals in Washington, DC, overturned in May a Clinton Administration plan to control power plant emissions that cause haze around national parks. The Best Available Retrofit Technology (BART) standard would have required all power plants upwind of national parks to install state-of-the-art control technologies by 2063. The court ruled 2-1 that EPA could not limit a state's right under the Clean Air Act to decide whether currently low-emitting power plants could be exempted from the retrofit requirements. States must have the flexibility to decide which plants will be cleaned up, especially if there is no proof an individual plant's emissions are harming a national park, the court noted. The court added that improved visibility was a goal, not a mandate, of the Clean Air Act. Many of the power plants polluting national parks also cause acid rain in the Adirondacks.

2002 Award Winners



Pete Skinner and Barbara Rottier stand with Conservationist of the Year, New York Rivers United, Exec. Dir. Bruce Carpenter accepting the award. NYRU has worked alongside the Adirondack Council to reach settlements that restored natural rivers and loon habitats in the Adirondacks.



Anitra and Robin Pell, Ed Pell and Virginia and Nick Westbrook attended when the Park Heritage Award went to Fort Ticonderoga.



Adirondack Council board member Robert Hall and his wife Charlotte stand with Elizabeth Folwell of Adirondack Life magazine as she receives the Park Communicator Award for '02.

A Tip of the Hat...

- The **Adirondack Cooperative Loon Program** is working on a vital study of the mercury contamination in loons due to acid rain, and was instrumental in assisting the Adirondack Council and Audubon in persuading the Legislature to ban the sale of small lead fishing sinkers, starting in 2004.

- The **Fund for Lake George**, which supports many conservation projects in the lake basin, has been working with local residents and officials on a plan to restrict tree-cutting on the slopes and hill-sides overlooking the lake. The Fund is seeking to protect water quality and wildlife habitat by limiting soil disturbance and to protect view sheds from denudation.

- A new group calling itself the **Sacandaga-Adirondack Alliance for Responsible Growth** has formed in northern Fulton County in response to a proposal to build an asphalt plant adjacent to the Village of Northville. Its members are keeping pressure on the state to require a public hearing and perform a thorough review of the proposal's impact on surrounding residents, businesses and natural resources.

- The **Residents' Committee to Protect the Adirondacks** has been working with owners of Park timberlands to establish sustainable harvesting practices and seek independent certification of the lands and harvesting methods by forest stewardship experts.

- The **White Lake Association** has been working with the Council and the owners of a former mining site, who are seeking permission to reestablish an ornamental stone quarry at the site. Residents of the Oneida County hamlet are concerned about the project's impact on wildlife, water quality, traffic and noise.

- A group of Great Sacandaga Lake shoreline owners have joined forces to create the **Batchellerville Bridge Action Committee** in the northern Saratoga County Town of Edinburg. The BBAC helped to persuade the Dept. of Transportation to limit the size of the replacement bridge across the lake to 42' high, down from 57'. The new size limit would prevent the bridge from blocking views and spreading light pollution.

- The **Pilot Knob Association** of Washington County has worked hard to persuade local officials to deny a variance to a cell phone company seeking to install a tower in a wooded, residential neighborhood. The tower would have dominated the eastern shore of Lake George.

- Finally, congratulations are due to the legion of **fire fighting volunteers** (including local prison inmates) who risked their lives to help battle and control a rash of wild fires in the Park this summer, touched off by drought.

The Adirondack Council

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization dedicated to protecting and enhancing the natural and human communities of the Adirondack 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, Audubon New York, National Parks and Conservation Association, and The Wilderness Society.

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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