



State of the Park 2003



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.

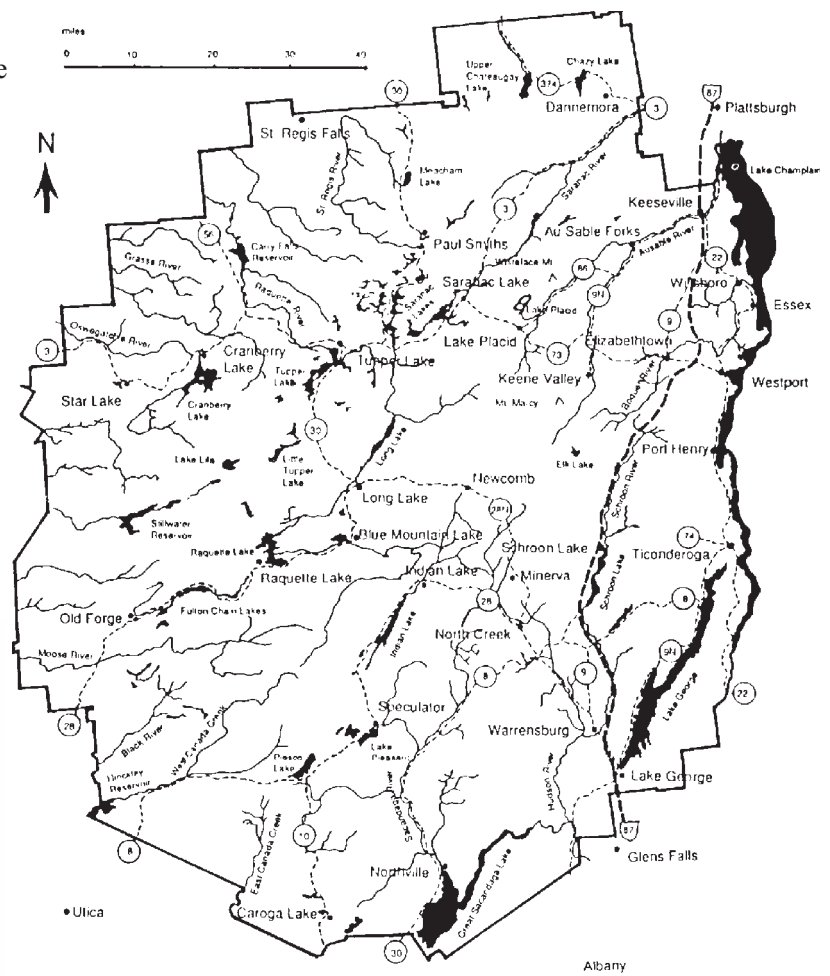
The remaining 45 percent of the Park is publicly owned Forest Preserve, protected as "Forever Wild" by the NYS Constitution since 1894. One million acres of these public lands are protected as Wilderness, where non-mechanized recreation may be enjoyed. The majority of the public land (more than 1.3 million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

Saranac River. Photo by Jaime Ethier

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State of the Park 2003

Dear Adirondack Council Members and Friends,

We can all be proud of the progress that the Council has made in addressing the critical threats to the Park over this past year. By working in collaboration with public agencies, local communities, private land owners, the forest products industries and other environmental organizations, we have actively guided support for the Park's protection, and also thwarted many attempts to degrade its rich natural heritage. This 2003 State of the Park report details those accomplishments.

Despite good progress, there are still many threats that continue to damage the ecological integrity and wild character of the Park. Acid rain from Midwestern smokestacks is still slowly killing the Park's aquatic ecosystems and high-altitude forests, and recent scientific studies demonstrate that global climate change will also fundamentally change the natural systems and the local economies that depend on them. Shoreline development, invasive species and sewage pollution are threatening fragile wetlands and in some cases, endangering human health and the quality of life in local communities. Upland development of seasonal homes is diminishing the beautiful views of our mountains. A proposed expansion of the Whiteface ski slope into fragile alpine forests is threatening the nesting habitat of the Bicknell's Thrush, a species of the highest international conservation concern. And the increasing use of ATVs, jet-skis and snowmobiles is disturbing the tranquility and wild character of the Park's remote forests and waters.

As the most intact remaining patch of temperate deciduous forest in the entire northern hemisphere, the natural fabric of our beloved Adirondack Park is slowly fraying and unraveling. We must act now if we are to pass the Adirondack's natural legacy to the next generations in better shape than we found it. Unfortunately, a very difficult economic climate continues to place pressures on the state government to reduce funding for important land acquisitions and for the operations of the state agencies that manage this important natural legacy — as the recent Adirondack Park Agency Conference on its 30th Anniversary informed us so well. This makes our challenge even greater.

The Council will use a science-based advocacy approach to address threats to the Park's ecological integrity and wild character. We will continue to educate and reach out to local communities, business leaders, state agencies and elected officials to seek the best possible balance of a healthy environment and compatible economic uses of its resources.

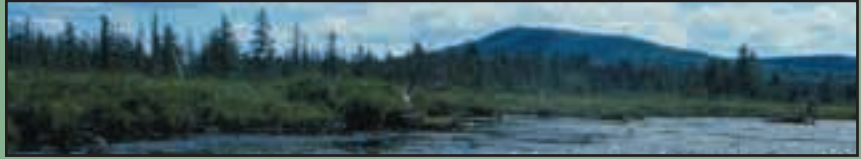
We can't be the strongest and most vigilant advocates for the Park without the support and assistance of you, our loyal members, who share our love for this incredible place. Thank you very much.

Sincerely,

Brian L. Houseal
Executive Director



The Governor



Retired Adirondack Council trustee Clarence Petty accepts a lifetime achievement award for environmental leadership from Gov. George E. Pataki during an October conference on the future of the Adirondack Park Agency's land-use laws, held at the Lake Placid Hilton, and hosted by the NYS Bar Association and Albany



Law School's Government Law Center. At right, new Park Agency Chairman Ross Whaley looks on. Petty, 98, called Governor Pataki, "about the best friend the Adirondack Park ever had."

Pataki Protects Lakes, Habitat in High Peaks

Gov. George E. Pataki agreed this summer to permanently protect nearly 10,000 acres of forests, lakes and rivers in the High Peaks region of the Adirondack Park, securing two major conservation objectives first proposed by the Adirondack Council's 2020 VISION research project.

The purchase will protect lakes and forest that the Council identified in 2020 VISION, Volume II (*Completing the Adirondack Wilderness System; 1990*) as excellent additions to the High Peaks Wilderness Area. They include the headwaters of the Hudson River at the outlet of Henderson Lake, Upper and Lower Preston Ponds, Indian Pass Brook, Calamity Brook, Santanoni Brook, Lake Jimmy, Lake Sally, Harkness Lake, Cheney Pond, Sanford Lake and the Opalescent River.

The lands contain rare wildlife habitat identified by the Council in 2020 VISION Volume 1 (*Biological Diversity: Saving All the Pieces; 1988*), known as the Tahawus Talus. The 160-acre, sloping, acidic forest is growing from a pile of giant rock debris (average 10 feet across) at the base of a cliff. A thick blanket of several mosses grows in this forest, along

with a wide variety of ferns and wood sorrel. It is home to the rare and unusual rock vole and the long-tailed shrew.

3 + 1 = 10

The Governor has made three excellent choices in appointing new leadership at the Adirondack Park Agency, following the retirement of Chairman Richard Lefebvre of Caroga Lake. The Governor's immediate choice last fall was Franklin County Democrat James Frenette, who served for five months and then retired from the APA board in May. Originally appointed by Gov. Mario Cuomo, Frenette had served 10 years as a commissioner. Replacing Frenette as acting-chairman was Rochester Republican James Townsend. In August, the Governor announced he had appointed former SUNY College of Environmental Science and Forestry President Ross Whaley to hold the top spot. Also a Franklin County Democrat, Whaley was confirmed unanimously by the Senate on Sept. 16. Whaley, who has a degree in forestry and holds a doctorate in natural resource economics from the University of Michigan, served as president of SUNY ESF in Syracuse from 1984 to 2000. He also chaired Governor Cuomo's Task

Force on the Forest Industry from 1988 to 1990 and served on the Interstate Task Force on Northern Forest Lands. The Governor made another good choice in reappointing Warren County Republican Deanne Rehm to the board. There is one vacancy on the 11-member APA board.

McRorie Saved from McMansions

In December 2002, New York State purchased a conservation easement over 5,000-acre Camp Cedarlands from a Boyscout council that was having financial trouble and was considering selling the lands to a second-home developer. The easement will allow public access to the camp and 400-acre McRorie Lake for the first time in 100 years. Scouts will use the Town of Long Lake camp in July and August and allow public access the remaining 10 months of the year. Trails, boat access and parking are expected to open later this year or early next.

Curbing Hot Air in 10 States

In July 2003, Governor Pataki led the entire Northeastern United States toward a regional program that will control and reduce carbon dioxide and other greenhouse gas emissions. The Governor proposed a 10-state task force that would establish criteria for measuring emissions, tracking reductions and ensuring that the rules are applied consistently across the region. With Congress unable to come to an agreement on controlling the emissions that contribute to global climate change, Pataki's proposal was greeted with enthusiasm throughout the region as the first multi-state, government-sponsored program to address global warming.

Pataki Pounces on Poor Policy

In September 2003, the Governor spoke out against any changes to the federal Clean Air Act's New Source Review (NSR) program. NSR requires the owners of old, exempted power plants to install state-of-the-art pollution control devices if they expand their emissions or replace substantial portions of the plant. Like the Adirondack Council, Pataki criticized the Bush Administration for proposing any changes in the program without first getting acid rain and smog under control with new federal legislation capping all power plant pollution.

Rough-Cut Lumber Reauthorized

The NYS Department of State responded in December 2002 to appeals from the Adirondack Council, local governments, sawmill owners, timber companies, trade associations and others who worried that the new statewide building code would ban the use of rough-cut lumber in the Adirondacks and elsewhere. The Department of State's Codes Council adopted a uniform international building code earlier in 2002 that would have required the use of grade-stamped, kiln-dried dimension lumber in all buildings. Most of the more than 100 small, family-owned sawmill operations in the Adirondacks said they couldn't afford to pay government-sanctioned inspectors to certify the grade of their lumber. They noted that most of their business would disappear if rough-cut lumber were outlawed. Many Adirondacks homes, camps and outbuildings are constructed of rough-cut timbers. Owners would have been unable to find matching materials when it came time to repair or expand those buildings. In the early 1990s, the Adirondack Council commissioned a study by Yellow Wood Associates of Vermont, who reported that assisting small sawmill operations was one of the most efficient ways to expand ecologically friendly local employment in the Park.

Not a Capital Idea

In an effort to balance the state budget, Governor Pataki added \$33 million in day-to-day state expenses, such as salaries, to the costs that must be paid by the proceeds of the Environmental Protection Fund. The fund generates \$125 million per year for capital environmental projects, such as land acquisition, landfill closure, recycling and watershed protection. The Legislature removed the \$33 million in new expenses when it passed the state budget in April, placing them into the General Fund's obligations, where they belonged.



Clean Water Bond Bails Out Towns

Grant programs created by the 1996 Clean Water/Clean Air Bond Act are paying off for four Essex County communities this year. Lake Placid and Moriah each received \$6 million in grants and loans for improvements to local facilities, while another town downstream of Lake Placid is hoping to reap cleaner water from Lake Placid's soon-to-be-completed sewage treatment plant. The plant is expected to clean up the village's treated wastewater, which is released into the Chubb River – a tributary of the Ausable River. For the past two years, the Town of Wilmington, 16 miles downstream from Lake Placid, has had to close its beach due to sewage-related bacteria in the river. Wilmington is pointing at Lake Placid as the source of the bacteria. Studies are underway to determine the bacteria source. Both communities hope the new plant will solve the bacteria problem while it is solving Lake Placid's capacity shortfall.

In Moriah, the town is receiving \$6 million in grants and loans to rebuild its drinking water treatment facility, which draws water from Bartlett Pond. Residents complained that a high level of organic materials in the water caused it to smell like rotting fish. And, in Minerva, the Governor notified town officials in August that he would provide a \$238,000 small cities grant for drinking water system upgrades. In all four towns, local taxpayers would have struggled to pay for the improvements on their own.

Magnolias & Live Oaks North of Mohawk River?

An excerpt from New England Regional Assessment Group. 2001. Preparing for a Changing Climate: The Potential Consequences of Climate Variability and Change. New England Regional Overview, U.S. Global Change Research Program, 96pp., University of New Hampshire.

“Our understanding of the factors, both natural and human-induced, that influence climate has improved dramatically over the past several decades. There is now strong scientific evidence that much of the global warming experienced in the last half of the 20th century is attributable to human factors including the build-up of greenhouse gases in the atmosphere. This result is consistent with the idea that continued build-up of greenhouse gases will lead to additional climate change in the future.”

“Although a 6-10°F increase may not seem to be very significant, a comparison of present-day temperatures is instructive. If 6°F are added to Boston's 30-year average annual temperature (an average of 51.3°F between 1961 and 1990), the resulting temperature is the approximate 30-year annual average for Richmond, VA (57.7°F). If 10°F are added to Boston's 30-year average, the 30-year average for Atlanta, GA (61.3°F) is the result! An annual average increase of 6-10°F would have a profound impact on the climate of the region.”

State Legislature



Both Houses

Penalties Rise for Illegally Felled Trees

Sen. Elizabeth Little, R-Queensbury, and Assemblyman William Parment, D-Ashville, reached an agreement in June that produced one of the few environmental accomplishments of the 2003 Legislative Session. They persuaded their colleagues to pass a bill that would increase the penalty for stealing trees from the Adirondack and Catskill Forest Preserves from a paltry \$10 — a fine set in 1909 — to a minimum \$250 per tree. The new penalties more closely resemble the current market value of the trees and will discourage theft on the Forest Preserves, especially of the rare, high-value hardwoods and old-growth trees found in both the Adirondacks and Catskills.

The bill increases the penalty for the theft of trees from public and private land from \$10 per tree to \$250 per tree, or treble damages (three times the market value), or both. At the same time, the legislation makes the act of illegally cutting timber a Class A Misdemeanor under state law — a criminal offense. In

addition, the Department of Environmental Conservation or a court could require the offender to repair the damage and to pay restitution to the landowner reflecting the damage to the forest. Gov. George E. Pataki signed the bill on October 1. It will go into effect in March 2004.

Freshman north country Assemblyman Darrel J. Aubertine, D-Cape Vincent, was a co-sponsor of the legislation.

Lawmakers Repel Environmental Fund Raid

Senate Majority Leader Joseph Bruno, R-Troy, and Assembly Speaker Sheldon Silver, D-Manhattan, agreed in April to remove \$33 million in staff salaries and other daily expenses from the Environmental Protection Fund's obligations in Gov. George E. Pataki's 2003-04 budget proposal. The EPF is a capital projects fund, designed to pay for large, one-time environmental expenses, such as land acquisition, landfill closure and recycling equipment. The Adirondack Council played a vital role in persuading the Legislature to create the EPF in 1993. It generates \$125 million per year for environmental priorities.

Invaders Face New Task State Force

The chairmen of each house's Environmental Conservation Committee, Sen. Carl R. Marcellino, R-Syosset, and Assemblyman Thomas DiNapoli, D-Great Neck, created a special task force to tackle the invasion of exotic plant and animal species statewide. A press release issued by Governor Pataki



Assemblyman
DiNapoli

noted he would sign the bill and that the Task Force would help discourage local quick-fixes such as indiscriminate chemical pesticides, instead favoring landscape-wide, non-toxic approaches.

Super New Fund

Senator Marcellino and Assemblyman DiNapoli were the sponsors of a successful reauthorization of the state's contaminated site clean-up program known as Superfund, and the creation of programs to deal with polluted ground water and abandoned industrial facilities that can be redeveloped (brownfields). The new law will authorize the state to spend \$120 million per year to clean up New York's more than 700 Superfund sites and provides incentives to local governments to help in the redevelopment of empty factories and abandoned gas stations where clean-up and liability concerns have hampered reuse. Many Adirondack communities contain brownfields.



Senator
Carl Marcellino



Gov. George E. Pataki signs into law a bill that vastly increases the penalties for stealing trees from public and private lands. Directly behind Pataki is Senate sponsor Elizabeth Little, R-Queensbury. To her left is Adirondack Council Deputy Director Bernard C. Melewski, who lobbied for the bill for nearly a decade.

Salt a Shaky De-icer

Senator Marcellino, Assemblyman DiNapoli and Assemblyman Chris Ortloff, R-Plattsburgh, introduced identical legislation intended to curb the use of road salt and encourage less harmful ice-removal on roadways. Dozens of locations around the Adirondacks are feeling the effects of excessive salt use, especially in forests and lakes directly adjacent to highways. Salt kills vegetation and contaminates water supplies, including drilled wells.



Assemblyman
Ortloff

Plugging Nickels for Environmental Fund

Sen. Kenneth LaValle, R-Port Jefferson, and Assemblyman DiNapoli introduced identical legislation extending the state's bottle deposit law to non-carbonated beverages. The bill was designed to reduce litter caused by discarded non-deposit containers and to provide additional annual revenue to the state's Environmental Protection Fund. The EPF is the main source of land and water conservation funding in the Adirondack Park.



Senator
LaValle

ATV Ban Bill Idles

Neither house took action on legislation sponsored by Assemblyman Steven Englebright, D-Setauket, and Senator LaValle, which would have banned all-terrain vehicles (ATVs) from the four most sensitive forests in the state. Off-limits would have been the Catskill and Adirondack Forest Preserves, the Long Island Pine Barren and the Albany Pine Bush Preserve. The bill would have allowed officials to impound the ATVs of offenders and require an additional \$100 surcharge, on top of impoundment fees, to get it back. The \$100 surcharges would help pay for enforcement of the ban.

State Laxity May Flush Waterfront Grants

Neither house took action on a plan proposed by Senator Marcellino and Assemblyman DiNapoli that would have reformed the state's laws on septic systems, requiring inspection of existing systems. Current law requires septic inspections only at the time the systems are constructed. Leaking septic systems are a leading cause of water pollution and excessive nutrient content in Adirondack lakes and rivers. Worse, the state's lack of a septic inspection program is endangering federal Coastal Management Program funding to the state in excess of \$3 million per year.

State Burden Remains on Local Shoulders

Neither house took action on legislation proposed by Senator Little and Assemblyman Jacob Gunther, D-Forestburgh, (now deceased) that would require the state to reimburse local governments and school districts for revenues lost when the state grants property tax abatements to timber companies and other large landowners. The total cost of the legislation would be roughly \$3.3 million annually.

No Advancement on Setbacks

Neither house took action to increase shoreline setbacks and provide additional water quality protections in the Adirondack Park again this year. Senator Marcellino and Assemblyman Richard Brodsky, D-Scarsdale, each introduced bills containing tighter land-use controls. Neither bill moved out of committee.



Assemblyman
Brodsky

Senate

Idling ATV Damage

Senator LaValle introduced legislation that would ban ATVs from the Catskill and Adirondack Forest Preserves, the Long

Island Pine Barren and the Albany Pine Bush Preserve. The bill would have allowed officials to impound the ATVs of offenders.

Fighting Fire Costs

Senator Little gained passage of legislation in the senate this year that would prevent local governments in the Adirondacks from having to pay part of the state's costs for fighting forest fires on state lands.

Exposed Landowners Liable to Say No

Sen. Stephen Saland, R-Poughkeepsie, introduced legislation that would exempt private landowners from liability when they allow public recreational access. The bill would have helped keep snowmobiles and all-terrain vehicles off sensitive Forest Preserve lands by giving riders alternatives to public trails and by indemnifying the landowners who provide access.



Senator
Saland

Senate Getting Clubby with Fees

Sen. Raymond Meier, R-Utica, persuaded his colleagues to pass a bill increasing state registration fees for snowmobiles, which contained an oddly inappropriate twist. Any member of a club sanctioned by the NYS Snowmobile Association was eligible for a discounted registration fee. Further, it increased the percentage of the fees that can be used for grooming trails on state lands from 30 percent to 75 percent, at a time when the state has announced its intentions to move as many Adirondack trails as possible on to private lands.



Senator
Meier

Senate continued...

No Sign of Senate Support

The Senate failed to pass a bill that would have required new signs at all state boat launches, instructing boaters how to avoid spreading invasive, non-native species (Eurasian milfoil, zebra mussels, etc.) from lake to lake and river to river. Senator Marcellino and Assemblyman DiNapoli proposed identical legislation that would have worked well. The Assembly passed the bill. The Senate failed to act.

Light Pollution Bill Fades

Despite passing similar legislation in 2001, the Senate balked at a bill that would curb light pollution and wasted energy by requiring government facilities to replace worn-out fixtures and equipment with new designs that illuminate objects on the ground and minimize the amount of light directed upward. Astronomers often seek places such as the Adirondacks to find areas without artificial lighting that prevent telescopes from reaching their maximum sight distances.

Pollution Bright Spot

For the second year in a row, Assemblyman Alexander “Pete” Grannis, D-Manhattan, gained passage in his house for a bill designed to limit light pollution. The Senate passed an identical bill in 2001, only to see it vetoed by Governor Pataki in January 2002. The Senate took no action on light pollution this year. (See item under Senate.)



Assemblyman
Grannis

Another ATV Bill Stalls

For the second consecutive year, a bill setting new penalties for all-terrain vehicle (ATV) trespass failed to pass the Assembly. Sponsored by Joseph Morrelle, D-Rochester, the bill would also ensure that none of the registration fees for ATVs could be used to create new trails on the Adirondack Forest Preserve.



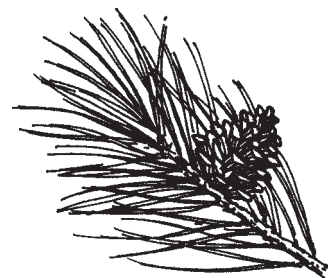
Assemblyman
Morrelle

Assembly Slips on Slopes

As it did in 2002, the Assembly again ignored a bill proposed by Senator Marcellino that would restrict development on steep slopes statewide. Such a bill would protect water quality across the state by curbing construction-related runoff and minimizing the amount of soil-laden, nutrient rich rainwater that rushes into lakes and rivers.

Down in Flames

The Assembly failed to take action on a bill proposed by Assemblywoman Teresa Sayward, R-Willsboro, that would have prevented local governments in the Park from having to pay for a portion of the state’s fire fighting costs for fires on state land within Adirondack counties.



Assembly

Idling ATV Damage II

Assemblyman Englebright introduced legislation that would ban ATVs from the Catskill and Adirondack Forest Preserves, the Long Island Pine Barren and the Albany Pine Bush Preserve. The bill would have allowed officials to impound the ATVs of offenders.



Assemblyman
Englebright

Invasive Plant Species Can Alter Habitat

Adirondack Park Invasive Plant

Program-Aquatic Invasive Plant Project

<http://www.adkinvasives.com/Aquatic/Ecology/Ecology.html>

Ecology of Aquatic Invasive Plants

“Invasive plant species are those that establish numerical dominance outside their natural range, disrupting ecosystem processes and native patterns of biodiversity. Rarely are these changes beneficial. In many cases, the impacts of invasive aquatic plants are also detrimental to human use of aquatic resources. The majority of introduced non-native plants do not become dominant within their new environment. However, in the absence of natural predators, diseases, and/or parasites, non-native plants can flourish and out-compete native plants

for light, nutrients, and space. In some cases, dense “monocultures” of an invasive species results, with corollary impacts that include reduced oxygenation, local temperature variations, increased nutrient loading, and altered invertebrate and fish populations. Invasive plants with a canopy-forming morphology, such as Eurasian watermilfoil, often modify the environment in this manner. Some native plants can also reach nuisance levels, although their impacts are typically localized.”

Local Governments



Jet Skis Jettisoned

This spring, the Village of Lake George overcame organized opposition to enact a village-wide ban on the use of personal watercraft (a.k.a. jet skis). The ban is set to go into effect in 2006, giving local marinas and other rental operations time to phase out that part of their businesses. The ban will apply to the entire south basin of the lake, which is already congested with large tour boats, parasailing and power boat traffic. Jet skis account for only 15 percent of the boats on Lake George, but more than 50 percent of the accidents.

In the Town of Webb, where officials lacked support for a full ban, they took the next best step by enacting regulations on the time of operation and the age of the operator. The age limit is currently the subject of litigation. Jet skis can operate in very shallow water and go where other power boats cannot. Irresponsible use had led to the degradation of shoreline habitat, including loon nesting sites.

were identified as a possible reason for the failure of the sewage system.

This year, a week before the Ironman, Wilmington commissioned its own tests of the river and turned up an already unacceptably high bacteria level. Supervisor Ashworth closed the beach and alerted the news media of the problem. She has asked Lake Placid to sterilize the outflow before returning water to the river.

Lake Placid, which is conducting an \$11-million reconstruction of its sewage treatment plant, has denied culpability for the contamination. The village would not agree to a sterilization system until after the new plant is constructed and tested. State officials are studying the river to confirm the source of the contamination.

The West Branch of the Ausable is one of the world's most famous trout streams. The Adirondack Council is encouraging state and local health and environmental officials to pinpoint the bacteria problem and eliminate it.

open space conservation. Edinburgh doesn't have an APA-approved land-use plan.

Strader Turns Up Heat on Mercury

Tupper Lake Mayor Sandra Strader spoke out forcefully for the need to stop acid rain in June, after testing by the State Health Department uncovered hazardous mercury contamination in the entire walleye population in Tupper Lake. Aside from the health implications for local subsistence anglers, Strader lamented the impact that the announcement would have on tourism. Mercury-contaminated food can damage internal organs, harm reproductive systems and destroy nerve and brain tissue. As much as 15 percent of the Adirondack Park's loon population, like its counterparts in New England states, appears to have been contaminated by mercury related to acid rain.

Raising a Stink on Bacteria



Wilmington Town Supervisor Jeanne Ashworth took action in July to bring an end to the contamination of the town's public beach on the West Branch of the Ausable River. Wilmington's beach is 16 miles downstream from the Lake Placid sewage system's outflow pipe on the Chubb River, a tributary of the Ausable. Fecal bacteria in the river coinciding with the 2002 Ironman competition closed the Wilmington beach for weeks. Huge crowds of spectators drawn by the event

6 Months of Work in Day

Officials in the Town of Day said in August they would impose a six-month moratorium upon all development and subdivision permits. They wanted time to enact land-use restrictions to better protect water quality in Great Sacandaga Lake and the streams that flow into it. A rash of recent home sales, subdivisions and new construction has alarmed the permanent and seasonal residents of this rural, northern Saratoga County town. Day was the Park's first town to adopt an Adirondack Park Agency-approved local land-use plan. But that plan, like the APA Act itself, is time-worn and in need of modification. Day is sparsely populated. It contains no villages or hamlets. The former hamlet of West Day was inundated by the waters of the Sacandaga River in 1930, when the lake was created to prevent flooding downstream, primarily in the cities of the Hudson Valley.

The neighboring Town of Edinburgh this summer announced it was creating a new master plan for development and

Sidewalks are for Walking

Village of Speculator officials acted in the fall of 2002 to stop snowmobile clubs from using village sidewalks as a thoroughfare. Citing the safety of local pedestrians and state laws requiring the sidewalks to be cleared, the village board ordered crews to clear the sidewalks along State Route 30. According to local media accounts, several board members were rewarded for their actions by being voted out of office by snowmobilers who organized against them. A State Supreme Court justice later agreed that the officials had acted properly. Speculator is expected to clear its sidewalks of snow this winter.



Planning Defeats Chaos

Village of Port Henry officials rejected a petition drive this summer aimed at eliminating the Village Planning Board and the local Development Review Law. Officials voted to keep the system intact, while agreeing to monitor complaints about lengthy review periods and delayed decisions.

Sonar Off Radar Screen

Rather than seeking a permit to use a chemical herbicide to kill unwanted aquatic plants at the town beach, Village of Port Henry officials hired a local consultant to survey existing plant life. He was then instructed to employ the Adirondack Park Agency's general permit for hand-harvesting and other non-toxic controls. The total cost was not expected to exceed \$1,000. In contrast, the Lake George Park Commission spent tens of thousands of dollars in 2002 seeking a permit to use a controversial chemical herbicide (fluridone, brand name: Sonar) on unwanted aquatic plants near Bolton Landing. The permit request was rejected by the APA.

Not-Quite-Forever Wild

The Town of Long Lake wasted seven years wringing its hands over its drinking water problems, rather than working toward a solution that would have provided clean water long ago, without an expensive legal battle. The town instead waited until health officials declared an "emergency" and pushed state environmental officials to allow the town to drill new wells on areas of the Adirondack Forest Preserve, near the hamlet of Raquette Lake. The town is exposing itself to a lengthy court battle and even longer delays. The drilling, tree-cutting and new construction required to relocate the Raquette Lake water supply on to the Forest Preserve are a clear violation of the State Constitution's "forever wild" clause. Other towns with little municipal land are watching this case and may file similar requests. Any state resident is eligible to file a lawsuit halting the drilling project, because the forever wild clause allows citizen suits.

A \$135,000 Windfall? So What?

Town of Colton Supervisor Hank Ford dismissed the idea of inviting the state to purchase a conservation easement on all or

part of the 25,000 acres of forest in his town that were offered for sale by the Hancock Timber Resources Group. A study conducted by the Adirondack Council found that a conservation easement on those lands would, at a minimum, triple the tax revenues the town was receiving from them. Colton could realize an instant, annual windfall of up to \$135,695 with no obligations for oversight or new services. It would also have opened the lands to all state residents for the first time in 120 years. Currently, only those who lease hunting cabins on the property can hunt, fish and hike there.

Ford said he feared state control of the lands, and feared loss of revenue from taxes and timber harvesting. Both are unfounded. Conservation easements are agreements in which the state pays a landowner to never develop the property, but the state doesn't take possession. In many cases, the state also purchases recreational rights for the public. The more rights it buys, the more the state pays. But the property remains in private hands and in productive forestry.

Meanwhile, the property was purchased by Boston-based GMO Properties. Like Hancock, the company manages forests as part of an investment portfolio. The company has said it would continue leasing hunting camps on the property for now.

Disabling Public Access

Town of Horicon officials abused a large section of the Adirondack Forest Preserve last summer by succumbing to pressure from all-terrain vehicle riders. By opening abandoned town roads that are now part of the Forest Preserve to ATV traffic, the town is destroying the wild forest character of the preserve. Horicon is also discouraging other state residents from using that section of the preserve. ATVs there are causing erosion, air pollution and excessive noise.

Every resident of New York State is

entitled to free use of the Adirondack Forest Preserve, under the guidelines set forth by the Department of Environmental Conservation. Motorized access is not an automatic right. The DEC authorized

ATV use in Horicon only by those with handicapped access permits. The DEC has sued Horicon in an attempt to re-close the abandoned roads to ATV traffic.



Follensby the dog surveys trail damage caused by ATVs in Horicon.

Attorney General



Spitzer's Full-Court Pressure

Attorney General Eliot Spitzer worked well with the US Environmental Protection Agency to win a settlement and an outright victory against out-of-state power plants that cause acid rain in New York. He also negotiated a settlement with a lower Hudson Valley power company that will result in deep cuts in the pollutants that cause acid rain. In April, Spitzer and the EPA agreed to a settlement of the cases they brought against Dominion Virginia Power Co., which they accused of expanding its emissions without modernizing its pollution control equipment, as required by the Clean Air Act's New Source Review provision. In June, Spitzer announced he had agreed to settlement with Mirant New York that would cut its nitrogen oxide emissions by 75 percent and its sulfur dioxide emissions by 40 percent at the company's Lovett plant in Stony Point, Rockland County.

In August, Spitzer and EPA won a landmark decision in their case against Ohio Edison for failing to reduce pollution at its Sammis plant despite what appeared to be 11 separate "major modifications" to the plant in a 20-year period. The judge chastised EPA's enforcement division for not bringing actions against the power company sooner, saying that a 33-year delay in enforcing NSR was "abysmal," since rules made clear and unambiguous distinctions between major modifications and "routine maintenance," which doesn't trigger the requirements for new controls. Another hearing is slated in March of 2004 to determine what remedies and penalties will be assessed against Ohio Edison.



Attorney General
Eliot Spitzer

Nifty NAFTA Nudge

In May, Attorney General Spitzer filed a petition with the Commission on Environmental Cooperation, an agency set up by the US, Canada and Mexico under the North American Free Trade Agreement. The petition cited violations of the US/Canadian trans-border pollution treaty at three coal-fired power plants in Ontario. Those plants' emissions are upwind of the Adirondacks and Catskills. The CEC said in September it would investigate the complaint.

Resisting a Ruinous Rule Revision

In December, Attorney General Spitzer sued the EPA for changes made to the Clean Air Act's New Source Review provisions. The changes altered the formula for calculating whether emissions increases had occurred that would require tighter emissions controls. The rules apply to factories, foundries and other smoke-stack industries. In August, he threatened another suit when EPA announced its intention to change the rules again, redefining "routine maintenance" as the replacement of equipment worth up to 20 percent of the plant's value. Such a definition, he argued, would allow companies to replace an entire plant in 5 years without adding pollution controls.

This, he said, would violate Congress's intent when it adopted the Clean Air Act in 1970. New Source Review was designed to require older, exempted power plants to meet modern pollution standards if their emissions increased or if they were modified beyond "routine maintenance."

Other Agencies

Rare Bird Again in ORDA's Crosshairs

The Olympic Regional Development Authority seems intent upon spoiling one of Gov. George E. Pataki's finest legacies by proposing to cut down trees and develop one of the Governor's recently designated Bird Conservation Areas. ORDA is seeking permission to build a summit lodge for the Whiteface Ski Center on the top of Little Whiteface. It also wants to cut down 55,000 trees that are home to a rare neotropical songbird known as Bicknell's Thrush. Much of this would occur within the Bird Conservation Area. Last winter, the Adirondack Council's concerns became the focus of national media attention and ORDA postponed the plan. ORDA this spring commissioned a study by a Vermont consultant in an effort to revive its plan.

Bicknell's Thrush Among World's Rarest Birds

Rimmer, McFarland, and Lambert. 2001. *Bicknell's Thrush (Catharus bicknelli)- Conservation Assessment*. Vermont Institute of Natural Science, Woodstock, VT.

"Believed to number fewer than 100,000 individuals across its restricted northeastern U.S. and maritime Canadian breeding range, Bicknell's Thrush (*Catharus bicknelli*) is one of eastern North America's most at-risk migratory songbirds." P. 2

"The species is an extreme habitat specialist, nesting in the U.S. only in fir-dominated montane forests above 900m (2952 feet) in elevation. These forests face numerous threats that include global climate change, atmospheric deposition of acidic ions and mercury, recreational ski area development, telecommunications tower construction, and wind turbine development."



Bicknell's Thrush. Photo by Dan Busby.

Adirondack Park Agency



Sonar Unsound

In January, the Adirondack Park Agency (APA) accepted the Adirondack Council's advice and denied a permit to the Lake George Park Commission, which wanted to apply a chemical herbicide to the potable waters of Lake George. The Park Commission wanted to poison Eurasian Watermilfoil (a non-native plant), despite clear evidence that the plant was declining naturally in some places. In addition, the chemical would kill rare, threatened and endangered plants that are native to the lake. The APA cited 16 specific reasons for denying the permit request. The board of commissioners voted 8-1 to deny, with Frank Mezzano, Town Supervisor of Lake Pleasant, casting the sole "yes" vote.

Conservation Cooperation

In March, the APA updated its 1985 agreement with the Department of Environmental Conservation that spells out how the two agencies will cooperate in the management of the Forest Preserve and how they will handle complaints from the public. All complaints made to the APA or the DEC must now be treated similarly to enforcement cases and tracked carefully by both agencies until the issue is resolved. Once the agencies agree on how to bring the infraction into compliance with the State Land Master Plan, the agreement is published in the statewide Environmental Notice Bulletin. The new policy is the result of complaints from environmental organizations over DEC permits that allowed excessive tree-cutting, bulldozing of foot trails, unauthorized motor vehicle traffic and other illegal acts.

New Wetland Order

In January, the APA corrected an oversight that had prevented the agency from exercising its full authority under the Freshwater Wetlands Protection Act. The agency may now, for example, issue

immediate orders to those who violate wetland laws. This is an improvement over enforcement matters that are governed by the APA Act, which requires the staff to begin by negotiating settlements with violators, who can delay enforcement for years simply by ignoring the APA's offers.

Fort Flak

The APA's October 2002 review of the controversial new Fort William Henry Hotel project in Lake George was both cursory and sloppy, allowing the project to be approved without consideration to its visual impact on the lake, village and surrounding vistas. The APA also failed to assess its color scheme, the lack of an outdoor lighting plan, demands on local fire protection for such a tall structure, the lack of any storm-water collection plan, and new demands on the village's water system. While the Council would have objected to the "expedited review" regardless of the identity of the applicant, the APA's actions appeared even more inappropriate because the applicant was Robert Flacke, a former APA chairman

and former DEC commissioner.

APA staff noted in the agency's monthly meeting agenda that the project would be approved. The note appeared before the public comment period had ended. APA staff explained that they had allowed an expedited review of the project because it was in an Empire Zone designated by the Governor, where developers can get tax breaks and quick approval for development plans. The Empire Zone for Ft. William Henry Hotel, however, was not formally designated until a month after the APA issued its permit. The Council worked closely with the Lake George Waterkeeper and the Fund for Lake George to seek a more thorough review. In an almost comical after-thought, the APA required the owners to plant four, six-foot-tall, pine trees in front of the 68-foot-tall hotel (built on a knoll) to minimize its visual impact on the surrounding region. The red-roofed hotel is, by far, the tallest and most visible structure on Lake George.



Cabin Fervor

The APA failed to enforce its laws this spring when it approved the subdivision of a parcel of land owned by International Paper Co. without first clearing up the land-use violations that occurred prior to the subdivision. IP later sold a portion of the land to the Adirondack Nature Conservancy. The property contained dozens of hunting and fishing cabins, which are allowed on leased timberlands without a permit, if they meet certain criteria. For example, they must be 500 square feet or smaller, with no permanent features such as plumbing or electric power lines. Many of the cabins appeared to be violating these guidelines. However, APA staff declared they would wait until the next round of regulatory reforms was completed, in which hunting and fishing cabin rules are expected to change, before deciding whether the cabins and accessory structures violated the rules. Those rules are due to be discussed in 2004. APA staff did not explain why they didn't apply the existing rules to the violations.

Bad & Breakfast

Last year, APA announced it was dropping its requirement that homeowners obtain a permit to convert an existing house to a B&B. The Council did not object to loosening the rules for B&B conversions in the Park's villages, hamlets, farms and other already-developed areas. But in the Park's most remote area (protected river corridors and areas zoned Resource Management), the Council objected to the change, noting that the APA was required by law to carefully review the impact of B&B conversions in those areas. The Council filed a lawsuit last fall to block the APA from adopting the looser rules. The APA agreed to settle the case by announcing that it would reinstate the permit requirement for protected river corridors and Resource Management.

Adirondack Water Quality Conference at Paul Smith's College

Paul Smith's College hosted what we hope will be the first annual Adirondack Water Quality Conference, sponsored by the Adirondack Council, Adirondack Park Agency, Aquatic Ecosystem Restoration Foundation and Department of Environmental Conservation. The college's new Joan Weill Library was the site of the conference. Local governments, lake associations, advocacy organizations, universities and federal agencies all participated in the conference and encouraged the Council and its co-sponsors to hold one every summer.



Adirondack Council trustee Robert Hall, left, talks with water conference luncheon speaker Michael Whatley, a staff member for Sen. George Voinovich, R-Ohio., Chairman of the US Senate Committee on Clean Air, Climate Change and Nuclear Safety. Whatley explained all of the clean air bills under consideration by the committee and told conference participants that late 2003 presented the best chance to gain approval for new acid rain laws. Rick Heuber of the US Environmental Protection Agency, center, also participated in the conference.



Congressman John McHugh talks with members of the Adirondack press corps at the water conference in August at Paul Smith's College. McHugh is a sponsor of federal legislation that would solve the Adirondack Park's acid rain problems.



Department of Environmental Conservation

Clean Air Leadership

Despite pressure from the electric power industry, DEC Commissioner Erin Crotty and the State Environmental Review Board granted final approval in March to new regulations that will make New York's power plants the cleanest in the nation. Power plants will have to reduce their sulfur dioxide emissions by 50 percent, and nitrogen oxides by 70 percent, beyond current federal standards. If every state east of the Mississippi River imposed similar regulations, the nation's acid rain and smog problems would be solved.

It's the Little Things ...

In May, the DEC announced that it was beginning an assessment of which smokestacks were contributing to harmful levels of fine soot particles (2.5 microns or smaller). Federal studies show that fine particles of sulfur from the smokestacks of power plants and factories can accumulate in the lungs of people living downwind of them, causing and worsening lung diseases.



Boisterous Bog Becalmed

By gaining approval from the Adirondack Park Agency for the Bog River Complex Unit Management Plan, the DEC has substantially reduced the amount of motorized use of the water's surface. The new plan shuts down all public power boat use and will phase out use by seaplanes over the next five years. The 36,100-acre complex includes Horseshoe Lake Wild Forest, Lows Lake Primitive Area, Hitchins Pond Primitive Area and the Conifer Easement lands in Franklin, Hamilton and St. Lawrence counties.

Restraint: When Helping Hurts

In an effort to stem the spread of Chronic Wasting Disease among the state's whitetail deer population, the DEC has enacted and enforced a controversial ban against deer feeding by New York residents. CWD is similar to "mad cow disease" but occurs naturally only in mule deer, white-tailed deer and Rocky Mountain Elk. The mode of transmission of CWD has not yet been fully identified. Researchers are exploring the possibilities for transmission of CWD to other species. However, evidence has shown that the disease can pass from deer to deer by contact through saliva, urine and or feces.

There is no known treatment for CWD and it is always fatal. Currently there is no evidence that CWD poses a risk for humans or domestic animals. Concentrating animals near a feeding station could increase the chances for spreading CWD.



The DEC has been discouraging Park residents and visitors from feeding wild animals, which can lead to a variety of dangers for humans and wildlife alike. This cartoon appeared in the "Adirondack Express" in September. Cartoon by Doug Green.

Halting Horicon's Trail Travesty

DEC Commissioner Crotty filed suit against the Town of Horicon last fall, after the town board opened a series of abandoned town roads on the Adirondack Forest Preserve to public all-terrain vehicle traffic. Under state law, only one road in Horicon is legally available to ATV riders and it is designated for use only by those with handicapped-access permits. Riders in those areas have already caused extensive trail damage. The case is still pending.



The DEC's signs prohibiting ATVs and other vehicles are clearly visible on Horicon's trails.



DEC Drills the Constitution

Without notifying the public, DEC officials gave the green light in July to an unconstitutional plan by the Town of Long Lake to cut trees, drill wells and build a water tank on the Forest Preserve. The town intends to use the wells as a water supply for the hamlet of Raquette Lake, whose year-round population is barely 100.

Raquette Lake already has a drinking water reservoir that is located on the Forest Preserve. It was allowed as a result of a 1913 Constitutional Amendment that allows up to 3 percent of the Forest Preserve to be used as drinking water reservoirs. Raquette Lake's application to construct a reservoir won easy approval in 1931. In 1993, testing showed that water from the hamlet's reservoir no longer met

Indecision is Eroding Public Tolerance

The DEC's lack of a consistent policy for all-terrain vehicle (ATV) use in the Adirondack Park's two DEC regions is leading to confusion regarding the rules and damage to the Forest Preserve. The absence of such a policy has led to inconsistent rules in the Park's two DEC regions and abuse of the Forest Preserve by unsupervised riders. That spurred the Adirondack Council and others to seek legislation banning ATVs from the Forest Preserve.



Cartoon by John Trever

state health standards.

While the Adirondack Council is sympathetic toward the hamlet's desire for clean drinking water, officials have known about their water problems for a decade. Since then, they have failed to take the legally permissible steps to correct them. The Council has been working with the town since 1995 to find a solution. In 1995 and 2000, the Council provided the town a free legal assessment of the town's options under the Constitutional protections granted to the Forest Preserve. If the town had heeded that advice, or if it had

worked with now-retired Sen. Ronald Stafford (who had already introduced a Constitutional Amendment that would allow Raquette Lake's well drilling) the hamlet's residents could be drinking clean water from their taps today. As principal defenders of the "Forever Wild Clause," the Council will oppose any DEC permit that would allow the town to continue violating the Constitution. The Council stands ready to assist the town in obtaining a Constitutional Amendment to permit its wells, or assist in seeking state funding for a filtration system.

Sugar Maples: Acid Rain's Next Big Victim

An excerpt from Driscoll, C.T., G.B. Lawrence, A.J. Bulger, T.J. Butler, C.S. Cronan, C. Eagar, k.F. Lamber, G.E. Likens, J.L. Stoddard, K.C. Weathers. 2001. Acid Rain Revisited: advances in scientific understanding since the passage of the 1970 and 1990 Clean Air Act Amendments. Hubbard Brook Research Foundation. Science Links Publication. Vol.1, no. 1.

"Many people believe that the problem of acid rain was solved with the passage of the 1990 Clean Air Act Amendments (CAAA). Research from the Hubbard Brook Experimental Forest (HBEF) in New Hampshire and from other study sites in the northeastern United States (hereafter the Northeast) demonstrates that acid rain (hereafter acid deposition, a more accurate term) is still a problem."

"Recent research shows that acid deposition has contributed to the decline of red spruce trees throughout the eastern

U.S. and sugar maple trees in central and western Pennsylvania. Symptoms of tree decline include poor tree crown condition, reduced tree growth, and unusually high levels of tree mortality. Red spruce and sugar maple are the species that have been the most intensively studied, and research has shown that:

Acid deposition leaches essential calcium from needles (i.e., foliage) of red spruce, making them more susceptible to freezing injury. Increased freezing injury has led to the mortality of more than half of large canopy red spruce trees in some forests in the Northeast."

"Mortality among sugar maples in Pennsylvania appears to result from deficiencies of [alkalinity in soil and trees] combined with other stresses such as insect defoliation or drought."

"Acid deposition has impaired the water quality of lakes and streams in three important ways: lowering pH levels (i.e.,

increasing the acidity); decreasing acid-neutralizing capacity (ANC); and increasing aluminum concentrations. High concentrations of aluminum and increased acidity have reduced the species diversity and abundance of aquatic life in many lakes and streams in the Northeast. Fish have received the most attention to date, but entire food webs are often negatively affected. Recent water quality data show that:

- 41% of lakes in the Adirondack Mountain region of New York and 15 percent of lakes in New England exhibit signs of chronic and/or episodic acidification.
- Only modest improvements in ANC, an important measure of water quality, have occurred in New England. No significant improvement in ANC has been measured in the Adirondack or Catskill Mountains of New York.
- Elevated concentrations of aluminum have been measured in surface waters throughout the Northeast."

Federal Government



Chairmen Advance Acid Rain Bills

Sen. George Voinovich, R-Ohio, and Rep. Joseph Barton, R-Texas, the chairmen of key House and Senate subcommittees that oversee the creation of new federal clean air laws, each held hearings this summer on legislation to stop acid rain. The Senate promised to conclude its hearings and begin moving legislation through its committees in October. The House was expected to hold more hearings around the same time. All of the bills under consideration in both houses are strong enough to stop the damage acid rain is causing in the Adirondacks. The Council is encouraging the New York Congressional delegation not to come home empty-handed.

Our One Acid Rain Endorsement

Adirondack Congressmen John McHugh, R-Watertown, and John Sweeney, R-Clifton Park, improved the Acid Rain Control Act they sponsored last Congressional session, adding a mercury control provision, deepening the cuts in sulfur dioxide and nitrogen oxides, and shortening the deadlines for meeting new standards. It contains the same cap-and-trade pollution reduction approach as all other clean air legislation. It was the strongest bill introduced this year that dealt only with acid rain. The Adirondack Council has endorsed this legislation and encouraged Congress to pass it as soon as possible. It is the only clean air bill the Council has formally endorsed.



US Representative Sweeney

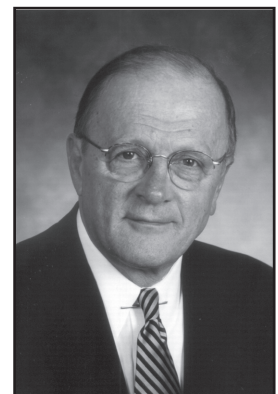
President Bush Pushing Legislation

Following up on his Earth Day 2002 pledge at Whiteface Mountain, President Bush proposed legislation in January that is strong enough to solve the nation's acid rain problems. He then declared acid rain

to be a national priority during his State of the Union Address in late January. In September, the President invited Adirondack Council board and staff members to the White House's East Garden to help him call on Congressional leaders also in attendance to pass acid rain legislation this year.

Boehlert Hot Over Mercury

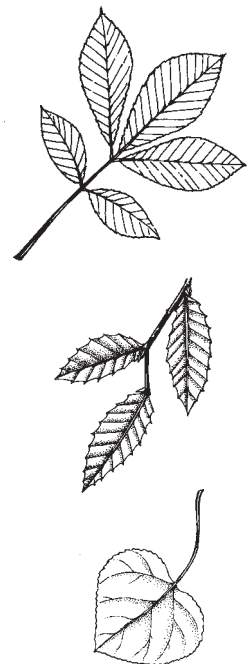
House Science Committee Chairman Sherwood Boehlert, R-Utica, spearheaded a letter-writing campaign to the Bush Administration over the summer, urging it to adopt strong mercury controls for power plants. He explained that the number of states with warnings against eating fish due to mercury contamination rose from 27 in 1993 to 43 in 2003. The nation's first rules for mercury are due to be set by the EPA some time in 2004. All of the acid rain bills under consideration by Congress contain mercury control provisions that would require cuts of 69 percent or more.



House Science Committee Chairman Sherwood Boehlert.



Congressman John McHugh (right) with Adirondack Council Executive Director Brian Houseal at the Adirondack Water Quality Conference.





EPA Lets Our Guard Down

After 33 years of refusing to enforce the New Source Review (NSR) rules in the Clean Air Act, EPA in August proposed altering the rules in a way that could make them meaningless in the future. If the changes can withstand a court challenge from New York's attorney general and others, they will remove the only safety net in the Clean Air Act that prevents older, exempted power plants from increasing their size and pollution emis-

sions. NSR requires that no plant exempted from clean-up due to its age and pending obsolescence may undergo "major modifications" without meeting the same pollution standards as a brand-new plant. EPA has shrugged off complaints about its lack of enforcement, claiming the rules were too vague. But just as a federal judge in Ohio tried to clarify those rules, EPA proposed a change that would allow an entire plant to be rebuilt in five years, without adding new pollution controls.

While EPA's proposal would not

affect the prosecution of the cases brought against 17 Midwest companies by NY Atty. Gen. Eliot Spitzer, it could prevent similar cases from being brought in the future. Since NSR can be altered through simple administrative changes at EPA, the Adirondack Council is pushing Congress to pass a new law containing specific emissions caps that cannot be altered by bureaucrats. All of the bills under consideration by Congress contain a cap-and-trade program that requires all power companies to comply, regardless of the age of their plants.

A Vote Away from the End to Acid Rain

Thanks to the hard work and dedication of the Adirondack Council and our members, all of the clean air legislation under consideration by Congress would end acid rain forever. The chart below shows a comparison of the acid rain provisions in the clean air proposals. All of the bills would provide a similar dramatic decrease in the levels of emis-

sions that cause acid rain.

The only clean air legislation formally endorsed by the Adirondack Council is HR 203, by Adirondack Congressmen John Sweeney and John McHugh.

However, recent EPA computer modeling shows that if any of these bills were to pass, Adirondack lakes would no longer be chronically acidic by 2030.

That is the why the Council has called for Congressional action this year -- so that our lakes and ponds can begin to recover.

The message to Congress is clear: Don't Come Home Empty-Handed. Stop Acid Rain!

SPONSOR/ BILL	NITROGEN OXIDE (NO_x) Cap	SULFUR DIOXIDE (SO₂) Cap
2000 Emissions Levels	5 M tons	9 M tons
Sen. Inhofe & Rep. Barton (S. 485/HR 999)	1.7 M tons¹ by 2018	3 M tons by 2018
Reps. Sweeney & McHugh (HR 203)	1.7 M tons by 2012	3 M tons by 2012
Sen. Carper & Rep. Bass (S. 843/HR 3093)	1.7 M tons by 2013	2.25 M tons by 2016
Senator Jeffords (S. 366)	1.51 M tons by 2009	2.25 M tons² by 2009

key

M=million

1 two regional trading zones--1.16 M tons in east; 538,000 tons in west

2 regional caps of 1.975M tons in east; 275,000 in west

Courts



Nowhere to Hide in Ohio

In his August decision declaring that an Ohio power company had violated the Clean Air Act, US District Court Judge Edmund Sargus of Ohio lambasted the EPA's enforcement division. He scolded EPA for not requiring older power plants, which were exempted from the clean-up



US District Court Judge Edmund Sargus

requirements of the Clean Air Act due to their pending obsolescence, to install modern pollution control equipment when the plants underwent "major modifications." He blamed EPA for ignoring its mandate under the past six Presidential Administrations, saying EPA had been hiding behind the notion that the rules, known as New Source Review, were too complex and ambiguous. Ohio power companies' sulfur dioxide and nitrogen oxide emissions cause acid rain in the Adirondacks.

Pitcairn ATV Law Hits Pitfall

In March, at the request of residents Randy and Patricia Brown, State Supreme Court Justice David Demarest struck down a 1996 local law that had allowed Town of Pitcairn officials to open 24 of the town's 26 roads to all-terrain vehicle (ATV) and snowmobile use. Pitcairn is located in St. Lawrence County, just north of the Aldrich Pond Wild Forest, where the NYS Department of Environmental Conservation had to close all roads on the Forest Preserve to ATV use, due to widespread abuses. The Adirondack Council and others had documented serious trail erosion and the circumvention of barriers and gates meant to prevent intrusions into sensitive wildlife habitat. Judge Demarest ruled that town roads could only be used for short distances, and only when there was no alternative public access to

adjacent, official public trails. He voided the local law and closed all roads to ATV and snowmobile use.

In August, after the town passed a new local law re-opening the roads to ATV and snowmobile traffic, the Browns filed another suit and Demarest ruled that more than half of the roads listed had again been opened illegally. He re-closed 14 of the 24 roads opened by the statute to ATV traffic, and re-closed all roads to snowmobile use.

Sidewalks Are for Walking

In January, State Supreme Court Justice Richard Aulisi lifted a temporary restraining order obtained by snowmobilers that was preventing the Village of Speculator from clearing the snow from its sidewalks because they were being used as a snowmobile trail. Residents had complained that they were in constant danger when walking to and from businesses along Route 30, the village's main street. Village Attorney Michael Poulin noted that state law required the sidewalks along state highways to be cleared for pedestrian use. Not clearing them could cause the village to lose its liability insurance, he explained. Justice Aulisi noted that the plaintiffs already had a remedy, since snowmobiles are allowed to travel up to 1,500 feet on a public high-



Supreme Court Justice Richard Aulisi



way, and could gain access to local businesses without using the sidewalks.

Feds Halt State Acid Rain Law

In August, the US Court of Appeals in Manhattan struck down New York's acid rain "restrictive covenant" law, which discouraged in-state power companies from selling their leftover federal pollution allowances to power plants in 14 Midwestern and Southern states. Companies could avoid penalties by selling their allowances only under contracts that prohibited their use in those states. Emissions from those states' smokestacks fall back on New York in the form of acid rain and smog.

The state had adopted the law after the Adirondack Council revealed that New York power companies were selling hundreds of thousands of tons worth of pollution rights to power plants upwind of the Adirondacks. The court ruled that the law violated the Interstate Commerce Clause by restricting trade between states, ignoring NY Attorney General Eliot Spitzer's argument that the burden of avoiding the penalties fell entirely on New York-based plants, not out-of-state buyers. The court also ruled that the New York law violated a section of the Clean Air Act by interfering with the federal allowance-trading program. The decision upheld a similar ruling by the US District Court in Albany. Gov. George E. Pataki and Attorney General Spitzer said they disagreed with the decision, but an appeal is unlikely. The law had been designed to protect the Adirondacks from increases in acid rain until Congress took action to reduce the number of allowances available nationwide.

Within weeks of the law being overturned, utility companies in New England -- who obviously had been watching the case closely -- began selling tens of thousands of tons worth of pollution allowances to brokers and power companies upwind of the Northeast.

2003 Award Winners

Commissioner Crotty Named Conservationist of the Year



NYS Environmental Conservation Commissioner Erin M. Crotty enthusiastically accepted the Adirondack Council's "Conservationist of the Year" Award in July at a dinner held in her honor at the Lake Placid Resort.

Commissioner Crotty is the first woman to win the award, which has been presented annually by the Adirondack Council's Board of Directors since 1984. Crotty, like previous winners, received a specially commissioned, hand-carved loon to commemorate the milestone.

Among Crotty's accomplishments cited by outgoing Council Chairman David Skovron in his introduction were her work in adding land to key Wilderness Areas, creating new campgrounds, improving old campgrounds, fighting acid rain and climate change, taming out-of-control jet skis, all-terrain vehicles and snowmobiles, and taking a reasonable approach to the control of exotic species.

Wilderness Advocate Hailed

Former Wild Earth Magazine editor and long-time Adirondack Council member John Davis, below, received a Distinguished Achievement in Conservation Award from the Council during an August 21 gathering in Westport. Davis was recognized for his tireless efforts with The Wild Lands Project, which seeks to reconnect isolated open spaces and wildlife habitat that has been fragmented by development and highways.



A Tip of the Hat...

While the preceding pages of the Adirondack Council's *State of the Park 2003* portray the actions of elected and appointed governmental officials over the past year, this section of the report is reserved to identify individuals and non-governmental institutions that have made a significant contribution to the health and welfare of the Adirondack Park. This year's acknowledgements go to:

New York Rivers United and **Newton Falls Holding, LLC**, came to an agreement during recent negotiations over hydro-power licenses that resulted in the protection of a rare wetland. The Chaumont Swamp was first identified in 1988 in the Adirondack Council's 2020 VISION: Volume I (*Biological Diversity: Saving All the Pieces; 1988*).

See our summer newsletter online for details (www.adirondackcouncil.org).

The **Wildlife Conservation Society** conducted and published a very useful study on the lack of use by local wildlife of animal-migration tunnels under the Adirondack Northway (I-87). The study showed quite clearly that animals avoided the tunnels, while all-terrain vehicle riders illegally trespassed through them regularly.

Lake George Waterkeeper Chris Navitsky has been an outspoken advocate for water quality and the need for shoreline development restrictions in his first full year on the job. This project of the Fund for Lake George and the Hudson River Waterkeeper allows Navitsky to patrol the lake daily.

Paul Smith's College did a splendid job of hosting the first Adirondack Water Quality Conference at its campus in southern Franklin County in August. The Council and the college hope to hold a similar conference annually.

The Open Space Institute, Ossining, completed two significant open space protection projects, securing a section of the southern High Peaks region from owner NL Industries, while also preserving a piece of Lake Champlain shoreline near Fort Ticonderoga that is important migratory bird habitat and an important historic vista.

The **Lake Colby Association** and the **Upper Saranac Lake Association** both exhibited their commitment to protecting water quality by adopting Eurasian Watermilfoil control programs that employed proven, non-toxic methods for controlling invasive, non-native plants. Neither has sought permission to use chemical herbicides.

The Adirondack Council

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. The Council achieves these goals through research, education, advocacy and legal action.

The Council does not solicit, nor does it accept, contributions from local, state or federal governments. The Council receives moral and financial support from its 18,000 members and from private foundations. The Council's national and regional member organizations include the Association for the Protection of the Adirondacks, Audubon New York, Citizens Campaign for the Environment, National Parks & Conservation Association, and The Wilderness Society.

Adirondack Council memberships begin at \$25. Membership benefits include regular newsletters, annual bulletins such as this one, special reports on important topics of the day, action alerts and the opportunity to play an active role in protecting the Park's precious natural resources and scenic beauty.

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