

# State of the Park 2004



**THE ADIRONDACK COUNCIL**  
*Defending the East's Last Great Wilderness*

# State of the Park 2004

## **A Non-Partisan Review of Elected and Appointed Government Officials' Actions Affecting the Adirondack Park**

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**T**he mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park. We envision the Adirondack Park composed of large core wilderness areas, connected to working farms and forests, and augmented by vibrant local communities, all within a diverse mosaic of biologically intact landscapes.



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## State of the Park 2004

Dear Members and Friends,

The 2004 State of the Park report is the Adirondack Council's annual October account of the actions of public officials that helped or hurt the Adirondack Park's environment over the past 12 months.

In 2005, the Adirondack Council will begin its 30<sup>th</sup> year – a remarkable achievement for an organization born out of the dedication of a few volunteers who cared passionately about the future of the Park. We will be celebrating three decades of achievement, and more importantly, looking forward to addressing the challenges that we must still face to ensure the ecological integrity and wild character of this incredible natural area.

Today, thanks to our generous members and supporters, the Council is a dynamic and growing organization with a crucial role as the leading environmental advocate dedicated exclusively to the Adirondack Park – its wilderness, waters, wildlife, working forests and farms, and its local communities. As long as there are threats to the Park from acid rain, climate change, water pollution, invasive species, inappropriate development or other activities that would harm it, the Adirondack Council will take action.

As we look to the future, the Council will focus our environmental advocacy on the following strategic objectives in the Adirondack Park: wilderness expansion and protection; wildlife habitat and corridor restoration on private lands; water quality improvement; and atmospheric pollution reduction. We will exercise continued leadership with local officials, landowners, government agencies and other environmental organizations to develop sound public policy, and secure the necessary funding to improve the quality of the Park's environment – for both the people and natural communities that compose this wonderful heritage.

It is a pleasure to present you with this year's State of the Park. I hope you will agree that we have many accomplishments to celebrate. It is your passion and support for the Council that has made it happen. Thank you!



Sincerely,

Brian L. Houseal  
Executive Director

**On the Cover:** The eastern shore of Lake George has become a battleground over the rights of local residents and tens of thousands of annual visitors to keep Pilot Knob, the peninsula between Buck Mountain and the lake, free from eyesores. The struggle, which was playing out in Adirondack Park Agency hearings at press time, pits Nextel Partners of Reston, Virginia against a coalition comprised of the Adirondack Council, Fort Ann Town Board, a citizens' group called PROTECT, a group of art historians (concerned over the landscape that inspired dozens of Hudson River School of Art masterworks), the Lake George Waterkeeper, and RCPA, all of whom want Nextel to find another, less visible location. Photo by Carl Heilman II.



# The Governor



## Pataki Lands Largest Deal in History

Gov. George E. Pataki announced in April that his administration, International Paper Co. (IP) and The Conservation Fund are negotiating the largest open space protection agreement in the state's history. In the deal, the state will acquire the development rights to all 260,000 acres IP owns in the Adirondack Park and will oversee future timber harvesting operations.

In the process, the company will extinguish 90 pre-approved subdivisions and give up the rights to build more than 6,000 principal residences on 43-acre lots. The deal prevents forever the fragmentation and conversion to new uses of nearly 10 percent of all the private land in the Adirondack Park. The state and IP are still negotiating over which lands will be added to the Forest Preserve and which will remain private, managed under a conservation easement. In general, about two-thirds of the company's holdings will be partially opened for public recreation. About 80,000 acres will be opened to full public access. More important than the public recreation potential is the plant and wildlife habitat that this deal will safeguard. There are seven vital locations within the IP easement lands that were first identified in the Adirondack Council's landmark study 2020 Vision, Volume I: Biological Diversity, Saving All the Pieces. They include Ireland Vly, Auger Flats Floodplain Forest, Kanjamuk Wetlands, Massawepie-Grasse River Flow, North Branch Alder Carr, Sevey Bog and Silver Lake Mountains. To read 2020 VISION, Volume 1 online, go to the Library section of our website at [www.adirondackcouncil.org](http://www.adirondackcouncil.org).

The agreement will protect rare wetlands, floodplain forests, unusual wildlife and rare mixes of vegetation that provide homes to unique species. The Adirondack Council will work with state officials and IP to ensure that these areas are taken into consideration when harvesting and recreational plans are discussed. The estimated cost of the entire project is

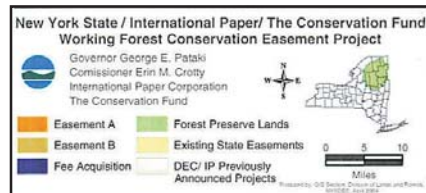
\$25 million. The NYS Environmental Protection Fund typically contains \$30 million annually for statewide open space protection needs.



## No Mixed Signals

In May, Governor Pataki publicly agreed to prevent the construction of new emergency radio towers on Forest Preserve or in pristine locations in the

Adirondacks when the state constructs a wireless emergency radio network. However, the Adirondack portion may not be built for another 10 years. The Council has urged the Governor to make his agreement binding on future Governors by writing it into the state's contract with the builder of the network.



*This map shows the location of all 260,000 acres of conservation easements offered for sale to the state by International Paper Co. Some lands (Easement A) will have full public recreational access, while others (Easement B) will have more limited access.*

## Mandate Relief Advances

The governor proposed a \$3.3 million-dollar reimbursement plan for local governments in the Adirondack and Catskill Parks that lose money when the state grants property tax abatements to timber companies and other major landowners. The Adirondack Council had urged the reimbursement in its latest tax report *Shifting the Burden* (available online at [www.adirondackcouncil.org](http://www.adirondackcouncil.org)), which described financial hardships the program had caused local towns and school districts.

The landowners who enroll in a management program and agree not to develop their forest receive property tax breaks of up to 80 percent from the state. But only local governments (towns, counties, school districts, etc.) collect property taxes, so only local governments lose revenue when the state grants such abatements. Pataki's plan was partially adopted by the Legislature, which agreed to include nearly \$2 million of the Governor's request.

## Awaiting Senate's Nod

Governor Pataki made a fine choice in August when he nominated Leilani C. Ulrich of Old Forge to fill a long-standing vacancy on the Adirondack Park Agency's board of commissioners. Ulrich has experience in regional planning, education and community development in the southwestern Adirondacks, and has been a leader in all three fields. Ulrich is the executive director of Central Adirondack Partnership for the 21st Century, a not-for-profit regional planning organization based in Old Forge. She has also worked for the New York Planning Federation, the Conservation Fund, Herkimer Community College and Lynn University of Old Forge. She is awaiting confirmation by the Senate.

## Right Man for Job

The Governor appointed former Adirondack Park Agency Chairman Richard Lefebvre as Executive Director of the Hudson River/Black River Regulating District. The district has seen its share of

controversy since it was created to control flooding in the two river basins. Lefebvre, who remained on good terms with environmentalists and local government leaders during his term at the APA, proved himself to be a forthright and capable public servant. Among his first actions were to order an audit of the district's finances and a thorough inspection of its environmental enforcement program.

## Economic Insurance

In October 2003, the Governor solved a problem that had threatened to harm the Park's wintertime outdoor recreation business. The administration found an insurance company in Boston that was willing to cover snowmobile trails throughout the state. In 2002, clubs and landowners faced potentially massive liability claims if snowmobilers were injured, since no New York company would provide personal injury coverage.

## EPF Throttled

During the Passover/Good Friday week when many reporters were on vacation, the Governor announced that funding had been allocated for a snowmobile trail in the Town of Fine, St. Lawrence County. The Alice Brook Snowmobile Trail would be constructed in the Alice Brook Primitive Corridor, a specially designated (3.5-mile-long, 55-foot-wide) strip running

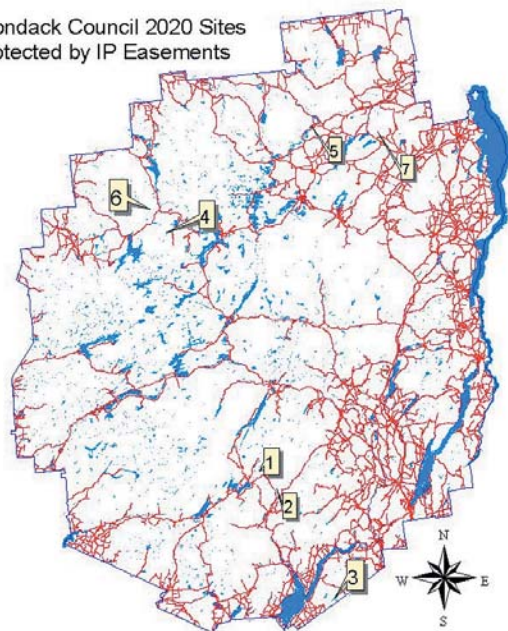
from Star Lake to Wanakena, through a portion of the Five Ponds Wilderness Area. The announcement came only a week after the close of the public comment period for the Draft Comprehensive Snowmobile Plan for the Adirondack Park. The snowmobile plan will dictate how and where new trails are to be constructed, but it is still under review and may not be granted final approval for more than a year. In addition, most of the money for the project came from the Environmental Protection Fund. There is no "snowmobile trail" category in the EPF. In fact, the state operates a separate, dedicated fund for trail construction and maintenance, paid for by snowmobile registrations. It annually receives about \$3.5 million. Any grants for trail construction should come from accounts such as that one, and never from the EPF.

## EPF Threatened

Once again, the governor proposed adding \$25 million in day-to-day expenses to the list of obligations to be paid for out of the Environmental Protection Fund. The EPF is supposed to be dedicated solely to capital projects. It is one of the only sources of funding for conservation easements and additions to the Forest Preserve. As it has for the past 11 years, the Legislature removed these expenses from the EPF and directed them into the general fund.

Adirondack Council 2020 Sites Protected by IP Easements

This map shows the location of biologically rich and unusual sites that are due to be protected by International Paper Company's sale of a 260,000-acre easement to the state, the largest in NYS history. All seven sites are identified and explained in 2020 VISION Volume 1, Biological Diversity: Saving all the Pieces (available online at [www.adirondackcouncil.org](http://www.adirondackcouncil.org), or see our summer 2004 newsletter for details.)





# State Legislature

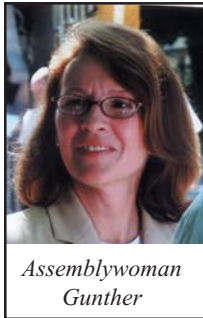


## Both Houses



### Shifting a Taxing Burden

After 10 years of lobbying by the Adirondack Council, Adirondack Landowners Association, timber companies and local governments, the Legislature agreed in August to begin reimbursing local governments that have lost money due to state-ordered timberland tax abatements. Local governments are not reimbursed and must either cut services or increase the burden on other taxpayers. Sen. Elizabeth O. Little, R-Queensbury, and Assemblywoman Aileen Gunther, D-Forestburgh, championed the reimbursement effort in their respective houses as part of the budget agreement. This spring, the Adirondack Council published a report calling on the Legislature to reform the state's outdated timberland tax abatement programs, including



Assemblywoman  
Gunther

providing reimbursement to local communities. The report, *Shifting the Burden*, can be viewed by visiting the library section of our website at [www.adirondackcouncil.org](http://www.adirondackcouncil.org)



### Protecting the Fund

As it has done for the last few years, the legislature rejected the Governor's poorly conceived proposal to shift General Fund spending into the Environmental Protection Fund (EPF). Not only did they remove all of the day-to-day expenses proposed for the capital projects fund, the Senate and Assembly added an extra \$2 million in capital spending for land acquisition funding. That brought the open space account within the EPF up to \$32 million. Environmental Conservation Committee Chairs Senator Carl Marcellino, R-Syosset, and Assemblyman Tom DiNapoli, D-Great Neck, led the effort to protect the integrity of the EPF.



Senator Marcellino



### Digging Themselves a Hole

A pending Constitutional crisis could have been averted if the Legislature had come together to solve a problem for the hamlet of Raquette Lake, in the Town of Long Lake, Hamilton County. For a decade, town officials have sought an alternative to the hamlet's drinking water reservoir. High levels of organic matter in the reservoir have made it non-potable. The town must install expensive filtration and treatment equipment, or seek a drilled-well source of water that doesn't require filtering. After receiving temporary permission from DEC to drill wells on the Forest Preserve – an act that violates the Constitution – the town worked with the Adirondack Council and the Adirondack Association of Towns & Villages to seek a Constitutional Amendment that would allow drilled wells to be legally placed on the Forest Preserve. Both houses passed resolutions that would have solved the problem in different ways.

The Senate unanimously passed a Constitutional Amendment that had Park-wide support among local government officials. Sponsored by Senator Little, it would allow wells to be built only by Adirondack towns that could demonstrate to state regulators that they had no other option. The Constitution already allows Park communities to build reservoirs on three percent of the Forest Preserve, under the same conditions.

The Assembly proposal was narrower. Sponsored by Assemblyman Tom DiNapoli. It called for a land swap between the state and the Town of Long Lake. By failing to reach an agreement on which approach to take, the Legislature has made DEC vulnerable to lawsuits for violating Article XIV of the State Constitution by allowing the wells to be placed on the Forest Preserve.



Adirondack Council Executive Director Brian L. Houseal calls for reimbursement of local government losses when the state grants a property tax break to Adirondack and Catskill landowners during a May press conference held jointly with the sponsors of legislation that would obligate the state to repay up to \$3.3 million in losses to local governments. Also participating were timber company representatives, elected officials, and other environmental organizations.

## Tanked

Again this year, neither house passed a bill to overhaul the state's antiquated regulations concerning septic systems. Inadequate on-site sewage disposal is one of the gravest threats to Adirondack water quality. The Council has been encouraging action to address widespread water contamination from leaking septic tanks. New regulations would also ensure that the state would not be in jeopardy of losing federal Coastal Management Program funds. For several years, Senator Marcellino and Assemblyman DiNapoli have sponsored legislation, but they are still far from an agreement. Although there were some signs of progress, neither house passed a bill.

## Dump Away

Both houses failed to act on legislation that would reduce the ecological damage caused by excessive road salt use throughout the state. Environmental Conservation Committee Chairs Senator Marcellino and Assemblyman DiNapoli teamed up again to sponsor legislation that would give DEC more input on the proper use of road salt. DEC could set criteria for the design and location of new salt storage facilities. Road salt is emerging as a serious threat to the Park's roadside vegetation, underground water supplies and human health.

## Get Your Motor Running

While the DEC amended Unit Management Plans (UMPs) to eliminate all-terrain vehicles (ATVs) entirely from the Adirondack Forest Preserve, the legislature missed the opportunity to make this ban permanent. Both houses also failed to pass a Forest Preserve ATV ban and both missed an opportunity to increase fines against riders who trespass on the Forest Preserve and in other New York parks. Assemblyman Joseph Morelle, D-Irondequoit, is the sponsor of several bills that would provide money for new ATV trails on non-Forest Preserve lands, while also giving law enforcement officials new tools to curb trespass. Other bills addressing ATV-related damage have been sponsored by Assemblyman Englebright, and Sens. LaValle and Maziarz.

## Senate

### Fronting the Money

Sen. Elizabeth O. Little, R-Queensbury, gained passage of a bill she sponsored that would allow additional towns in the Adirondacks to become eligible for state waterfront funding. The Local Waterfront Revitalization Program helps to pay for activities such as management plans for waterways, public education programs and infrastructure development for lakefront and riverfront towns. Little's proposal would allow the local governments to seek funding for projects along the Fulton Chain of Lakes and the north and middle branches of the Moose River. The companion bill, sponsored by Assemblywoman Teresa Sayward (R-Willsboro), is still pending in the Assembly.

### Smoke Signals

As it has in the past, the Senate passed legislation sponsored by Senator Little that would remove a financial burden from towns in the Adirondack Park by lifting a requirement that they reimburse the State for a portion of the cost of fighting forest fires that occur on State land within their boundaries. The companion bill, sponsored by Assemblywoman Sayward, remains in committee.

### It Doesn't Just Smell Bad

The Senate failed to take up legislation that would have protected all areas of the state, not just more urban settings, from the health hazards of open trash burning. Backyard burn barrels are currently banned in New York State communities with more than 20,000 residents. Since the Park's largest community, Saranac Lake,

has fewer than 6,000 residents, open burning is allowed everywhere. The burning of plastics is particularly dangerous, as deadly toxic chemicals including dioxin are released into the air, where they accumulate on vegetation and eventually seep into groundwater. Legislation sponsored by Assemblyman David Koon, D-Fairport, that would make the ban apply to every community statewide passed the Assembly. The Senate companion, introduced by Senator George Maziarz, R-North Tonawanda, never moved from committee.

## Assembly

### Progress Percolates

While neither house passed a bill requiring the inspection of septic systems, the Assembly did show some signs of progress. Environmental Conservation Committee Chair Tom DiNapoli, D-Great Neck, amended his bill to reflect a change that had been proposed by the Adirondack Council. Instead of requiring a mandatory periodic inspection, the Assembly bill now calls for inspection at the time of property transfer, when other inspections are happening and money to upgrade any defects in the system could easily be negotiated into mortgage financing. Senator Marcellino's bill never moved from committee and has not yet been amended to match the Assembly version.

### Counting the Miles

Assemblyman Joseph Morelle, D-Irondequoit, introduced new legislation this year that would have directly addressed a major shortcoming of DEC's Adirondack Park Snowmobile Plan. The bill would require the Office of Parks, Recreation, and Historic Preservation to conduct a thorough survey of



*Senator Little*



*Assemblyman  
DiNapoli*



*Assemblywoman  
Sayward*



*Assemblyman  
Morelle*



the snowmobile trails and determine how many miles currently exist statewide. The bill called for this survey to be completed and made public before any changes could be made to the system, including trails within the Forest Preserve. When DEC was accepting public comments on its snowmobile trail proposal, both environmental groups and snowmobilers complained to DEC about the lack of a trail inventory.



## Carbon Copy

Assemblyman DiNapoli led a bill through his house that would establish a “cap-and-trade” system for the reduction of carbon dioxide emissions. The cap-and-trade system, already employed by the state in regulating nitrogen oxides and sulfur dioxide, has been a largely successful technique, both in New York and throughout the nation, of reducing power plant emissions. Reducing CO2 emissions in New York will help set a precedent for other states to follow with regards to clean air regulations. The limit proposed in the legislation, to be in place by 2008, would be 25 percent below the 1990 level.



## Mercury Cap

Assemblyman Alexander “Pete” Grannis, D-Manhattan, sponsored and shepherded a bill through the Assembly that would require New York power plants to reduce emissions of toxic mercury. It would require DEC to establish a statewide cap on mercury emissions, which plants would have to meet by 2010. This bill does not envision a trading plan for the emissions, as has been unwisely proposed on the national level. The Adirondack Council opposes trading of mercury allowances.



## Four-in-One

The Assembly passed a bill sponsored by former Environmental Conservation Committee Chair Richard Brodsky, D-Westchester, which would reduce power plant emissions of nitrogen oxides, sulfur dioxide, mercury and carbon dioxide. These four pollutants, which are emitted

at the highest rates largely by coal-burning power plants, have been linked to global climate change and acid rain. The Adirondack Park is home to many sensitive species of plants and animals, which are susceptible to serious damage from climate change. This proposal, like the bill sponsored by Assemblyman Grannis, does not allow trading of mercury credits.



## Seeing Stars

For the fourth year in a row, Assemblyman Grannis persuaded his house to pass a bill that would limit light pollution. Light pollution is a serious environmental problem throughout the state, affecting the biological function of humans, migratory birds, and other animal species. Light pollution wastes energy and can interrupt or prevent astronomical study. In 2001, both houses passed identical legislation, which Gov. Pataki vetoed, saying it was poorly written. Despite his claim that he would propose an alternative, no alternative bill has emerged. Since that time, Assemblyman Grannis has worked diligently to address many of the concerns raised by the Governor and other interested parties.



## Boaters Beware

Assemblyman DiNapoli sponsored legislation that passed the Assembly, which would require public boat launch sites around the state to alert boaters how to avoid transporting invasive species in and out of water bodies. Education is vital to stopping the spread of invasive plants and exotic aquatic wildlife.



## Slipped and Fell

The Assembly refused to consider a measure passed by the Senate and sponsored by Assemblyman Koon, which would limit the potential liability for private landowners who allow public recreational access to their property. The Council views this idea as a way to take some of the recreational pressure away from the Forest Preserve, especially motorized uses.



## Parking the Money

The Assembly has yet to consider a bill by Assemblywoman Teresa Sayward, R-Willsboro, which would allow more Adirondack municipalities to qualify for Local Waterfront Revitalization Program grants (see Senate “Fronting the Money”). Towns such as Inlet and Webb could benefit from this program expansion.

## Two Parks Connected

Since the early 1990s, a conservation initiative has been underway to connect two of the oldest parks in eastern North America: Algonquin Provincial Park in Ontario and the Adirondack Park. It has been recognized that floral and faunal species need to have the ability to move from one viable habitat to another, depending on the fluctuation of a variety of ecological factors (including temperature, water and food). Although the Adirondack Dome is a geological island, the species that call the region home have found a migration corridor from the Adirondack region, across the Thousand Islands to Algonquin Provincial Park. The initiative to connect these two parks has been termed the Algonquin to Adirondack Initiative (or A2A for short). Currently, many governmental agencies rarely look beyond the boundaries of their own jurisdiction. Since plant and animal migrations ignore political boundaries, conservation planning efforts must as well.

This A2A vision is threatened by a proposal to construct an interstate highway over the top of the Adirondack Park from Plattsburgh to Watertown: the so-called Rooftop Highway. If constructed, the highway proposal would create a four-lane barrier to wildlife migration in the approximate location of NYS Route 11.



# Local Governments



## Water, Water Every-where, But ...

Many Adirondack Town Supervisors, including Joseph Kelly of Minerva, Noel Merrihew of Elizabethtown, Gregg Wallace of Long Lake, J.R. Risley of Inlet and the Essex County Board of Supervisors endorsed and sought support for a proposed Constitutional Amendment that would provide safer drinking water supplies to Park communities. The amendment would have altered a provision in the “Forever Wild” clause, which allows Park communities to construct reservoirs on the Forest Preserve, by permitting drilled wells. Requirements for filtering and treating reservoir water has made that option too expensive for many of the Park’s tiny communities. The NYS Senate passed the amendment, but it stalled in the Assembly. The Assembly passed a separate amendment that would allow the Town of Long Lake to swap a parcel of municipal land for Forest Preserve lands where wells could be drilled.



## Didn’t Drill the Constitution

Keene Town Supervisor Tom Both went out of his way to locate a new municipal water supply on non-Forest Preserve lands even though the town is hemmed in on all sides by state lands. Supervisor Both went to extra expense to tap a supply that was not conveniently located, but avoided an inevitable conflict – and the potential for steep legal fees – over drilling on the Forest Preserve. The project allowed the town to replace a well that had become contaminated by road salt – a worsening problem throughout the Park.



## Fine Plan for Sewers

While the Wanakena Water Company’s actions in the Five Ponds Wilderness has left many wondering about their legality, the Town of Fine acted responsibly in moving ahead with a concurrent upgrade

to the community’s sewage system. By doing the work when the excavation for water lines is already underway, the town saves money and minimizes the environmental disturbance from the two projects. The Council has been an advocate for water quality improvement grants.



## Don’t Trash Our Town

The Corinth Town Board in June voted to reject a plan to create a waste-to-energy trash incinerator on the site of the now-idle International Paper mill on the shore of the Hudson River. The vote came in response to the public outcry and a 3,000-signature petition, presented by local (Saratoga County) group Citizens for Safe and Responsible Industry. The century-old paper mill was Corinth’s largest employer until it closed in early 2003. In a desperate move to lure a new tenant to the building, town and village officials in March sent a letter to New York City sanitation officials asking to explore the idea of exporting 1.1 million tons of City trash to Corinth each year.



## Salt Off the Earth

The towns of Benson in Fulton County, Inlet in Herkimer County, Clare in St. Lawrence County and Brighton in Franklin are all constructing new road salt storage facilities. Salt sheds prevent sodium and chlorine from killing adjacent vegetation and from seeping into underground water, where it can contaminate drinking supplies.



## Fighting Erosion

Fulton County Planning Board Vice Chairman Mike Lewy told reporters in May that approving a request to rezone nearly 78 acres near the Village of Northville so it could be more easily developed, would “erode the character of the Adirondack Park. I’d hate to see the Adirondack Park die a thousand deaths from all these mini-cuts.” The lands contain wetlands and much of the area has

very steep slopes. The reclassification request was denied by the Adirondack Park Agency.



## Success Flows Downstream

A little constructive conflict between Wilmington Town Supervisor Jeanne Ashworth and Lake Placid Mayor Robi Politi in 2003 seems to have been very good for the West Branch of the AuSable River. Ashworth complained to state officials that an inadequate sewage system in Lake Placid was contaminating the river so profoundly that Wilmington twice needed to close its town beach due to high bacteria levels. Politi sought grants sufficient to allow Lake Placid to afford a \$14 million-dollar upgrade to the sewage treatment system, plus another \$1 million for ultra-violet disinfection equipment, which began operating in June. In August, state health inspectors said bacteria levels in the West Branch had dropped from twice the allowable amount to less than one-half. Wilmington is nearly 14 miles downstream of Lake Placid. Last summer, the Adirondack Council brought media attention to this issue, focusing state and federal attention, and eventually more money, to solve it.



## Sounds Like a Plan


In June, the Town of Chester worked with the Adirondack Park Agency to complete a set of changes to the Adirondack Park Land Use and Development Plan that better fits the town’s own development plan. The plan will concentrate development in areas where the town wants to encourage growth, while protecting the community’s beauty and natural character.

## Fighting Frankenpine

The Fort Ann Town Board rejected a plan by Nextel Partners to build a "Frankenpine" (a brown and green cell tower disguised as a pine tree) on world-famous Pilot Knob. The site is the subject of numerous Hudson River School of Art paintings by American masters. The Lake George eastern shoreline landscape on which it is located has remained essentially unchanged since the 19<sup>th</sup> Century, when the paintings were created. When the town lost a court battle to stop the tower, it called on the Adirondack Council and others to join the town's efforts to prevent the Adirondack Park Agency from approving it. The Council's litigation team is participating in an adjudicatory public hearing on the proposed tower, where it will present testimony and expert witnesses. The Council has also taken out ads in local newspapers opposing it (right).

### INTRODUCING THE **FRANKENPINE**

#### LAKE GEORGE'S NEWEST, MOST AGGRESSIVE INVASIVE SPECIES



**ONCE THESE TAKE ROOT, THEY MULTIPLY RAPIDLY**


Is this the image of Lake George that you and tens of thousands of residents and visitors will remember from now on?

NEXTEL Partners Inc., a cellular phone company from Reston, Virginia, thinks we should let them build a fake pine tree cell tower, similar to the one in this photo, on historic Pilot Knob. NEXTEL wants residents and tourists to ignore the steel and plastic parts sticking above every other tree around it. NEXTEL wants us to pretend it's just another white pine.

NEXTEL wants you to ignore the fact that their Frankenpine doesn't look real, doesn't sway in the breeze, and has a halo of electronic equipment around the top of it. NEXTEL is already ignoring the Fort Ann Town Board and concerned local residents who are opposed to the proposed tower. Now, NEXTEL hopes the Adirondack Park Agency will ignore you.

Write to George Outcalt Jr., Project Review Officer, Adirondack Park Agency, PO Box 99, Ray Brook, NY 12977. Tell the APA that a 114-foot cell tower (Project Number 2001-243), regardless of its configuration, is not welcome on Lake George's scenic eastern shoreline.

Tell them the Queen of American Lakes and the rest of the Adirondack Park are the wrong places to experiment with fake trees.



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**For more information:**  
1-800-842-PARK  
[www.adirondackcouncil.org](http://www.adirondackcouncil.org)  
email: [info@adirondackcouncil.org](mailto:info@adirondackcouncil.org)

**DON'T LET THAT HAPPEN!**

## No More Identity Crisis

The Franklin County town of Altamont went through the formal process of changing its name to Tupper Lake, to reinforce its ties with the Village of Tupper Lake for tourism purposes and to make it easier to share services.

## Unsuccessful Secession

In April, leaders from the Tri-Lakes area of Essex and Franklin counties began a public discussion of breaking away and forming their own Adirondack County. The central Adirondack towns seeking to break free are among the wealthiest in the Park, while their neighbors on the Park's fringes are economically distressed. The realignment would leave Essex and Franklin counties in dire financial shape, with no tourism center to generate revenue from non-residents. New York has not added a county since the early 20<sup>th</sup> Century.

## Towering Domain

Saratoga County officials insisted upon moving ahead with an ill-conceived plan to site emergency radio towers on pristine mountaintops above the Great Sacandaga Lake. The Adirondack Council was pleased when the county appeared to agree to reduce the size of the towers from 150 feet to about 90 feet. But they would still be seen for miles. Most troubling are the county's plan to use eminent domain to obtain the lands without permission, and its refusal to cooperate with the Adirondack Park Agency. The Council will continue to support alternative sites and technologies.



*Untitled: Boating Party on Lake George ca.1890, by Alfred Thomas Bricher, 1837-1908, in the collection of the Adirondack Museum.*

## Long Arm of the Law

In January and February, the Lewis County Sheriff's Department issued dozens of tickets to snowmobilers for

infractions including driving on closed roads, reckless driving, operating vehicles while intoxicated and operating unregistered vehicles.



# Attorney General



## See You in Court

Attorney General Eliot Spitzer and his counterparts in three adjoining states began legal action in late May against a Pennsylvania power company, accusing it of emitting air pollution that drifts across state lines, producing smog and acid rain. The litigation seeks to force the company to install pollution-control equipment in five coal-fired power plants that federal environmental officials were investigating until the Bush Administration changed its enforcement policy for the Clean Air Act last year.



## Changing Corporate Climate

In July, Spitzer led a group of attorneys general from eight states and the city of New York in filing a lawsuit against five major U.S. power companies, demanding cuts in carbon-dioxide emissions. The companies named in the suit include the American Electric Power Co. Inc., Southern Co., Xcel Energy Inc., Cinergy Corp., and the Tennessee Valley Authority public power system. The suit demands substantial pollution cuts by the companies but does not seek monetary damages.

## I Think You Dropped Something

In November 2003, Spitzer led a group of US Senators and attorneys general from the Northeast, who called for an investigation into a policy change by the US Environmental Protection Agency that their lawyers said would lead it to drop investigations of 50 power plants for Clean Air Act violations. Spitzer demanded that the agency turn over all of its files on the investigations so he and officials in other states can proceed with the cases. Mr. Spitzer and other Northeast

attorneys general have filed lawsuits against utilities that would force them to spend billions of dollars upgrading their pollution-control systems.

## Please Reconsider

In June, Attorney General Eliot Spitzer filed a formal objection, along with 10 other states, to a new set of proposed federal mercury pollution reduction rules. Spitzer asserted that the rules don't cut emissions deep enough or fast enough. The Adirondack Council filed similar objections (see our testimony online at [www.adirondackcouncil.org](http://www.adirondackcouncil.org)). The final deadline for adoption was extended by the US Environmental Protection Agency this summer, which will release a new plan in March 2005. The extension was granted by an agreement with the Natural Resources Defense Council, which had sued to compel the EPA to issue a mercury standard. Both the Attorney General and the Adirondack Council (among others) also objected to a part of the plan that would allow the trading of federally issued mercury pollution allowances.

Allowance trading can speed smoke-stack pollution reductions for some emissions by providing financial incentives to those who clean up faster or deeper than the law requires. But that only works for non-toxic pollutants (sulfur dioxide, nitrogen oxides, carbon dioxide, etc.) where the idea is to reduce their overall levels across a broad region of the country. Without strict constraints against "hot spots" some areas may be vulnerable to short-term increases, or slower-than-average decreases, in pollution. While that makes little difference in terms of non-toxic chemicals, even brief delays in mercury reductions could have dire consequences. Organic mercury is a neurotoxin that can cause profound damage to brain and nerve cells, and is known to cause birth defects.

## Riding the Bench

Attorney General Spitzer twice sat on his hands when a little assistance could have resolved important matters in the Adirondacks this year. In the first instance, he ignored a request from the Adirondack Council to protect the NYS Constitution's "Forever Wild" clause by intervening in a case before the Adirondack Park Agency. The APA subsequently granted authority to a private water company in Wanakena to expand its water system and rebuild its water lines leading to wells within the boundary of the Five Ponds Wilderness.

In the second case, the Attorney General could have spurred momentum for a Constitutional Amendment that would have provided a legal means for Adirondack communities to sort out their water shortages. Road salt contamination of wells and contamination of reservoirs has led many Park communities to seek new sources of drinking water. In 1913, the voters approved a Constitutional Amendment to allow villages and hamlets that were surrounded by Forest Preserve to construct reservoirs on public lands. The reservoirs and water systems would be owned and operated by the state. But reservoirs require filtration and treatment, which are too expensive for many tiny communities in the Adirondacks.

In July, the Senate passed unanimously a Constitutional Amendment that would have allowed wells to replace reservoirs as a source of water for such communities. The Assembly did not consider this bill in June, and in August instead passed a related proposal for a land swap between the state and the Town of Long Lake only. When asked by a member of the Legislature, the Attorney General is required to render a written opinion on a Constitutional Amendment. In this case, he was asked for an opinion by the Senate, but failed to meet the obligation before the summer break. A word of encouragement from the Attorney General could have spurred much-needed action on the legislation. The Legislature must pass the bill this year, and again next year, for it to reach the ballot in November 2005.

# Adirondack Park Agency



## Examining the Cell Monster

After receiving formal requests from the Town of Fort Ann, local residents and the Adirondack Council, the Adirondack Park Agency decided to hold a formal, adjudicatory hearing to decide the fate of a “Frankenpine” (a cell tower disguised as a pine tree) proposed by communications industry giant Nextel on Pilot Knob, overlooking the eastern shore of Lake George. The hearing will allow the Council and other parties to file testimony and present expert witnesses in an effort to persuade the APA that the applicant should seek a less visible location, rather than

trying to disguise a 114-foot tower among 60-foot-tall hardwoods and 80-foot-tall pines. The Council is not opposed to better cellular communications but advocates for the co-location of the units on existing structures.

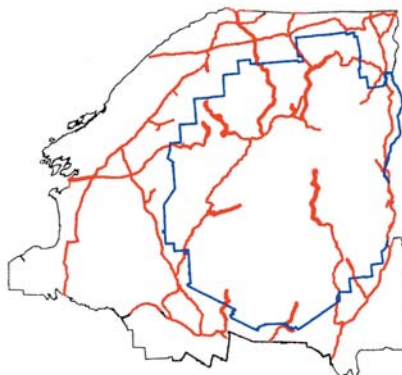
## Relief from Ruts & Ruins

The Park Agency in July approved a request from the Dept. of Environmental Conservation to eliminate all-terrain vehicle access from four Wild Forest areas of the western Adirondack Park. The move banned ATVs from Watson

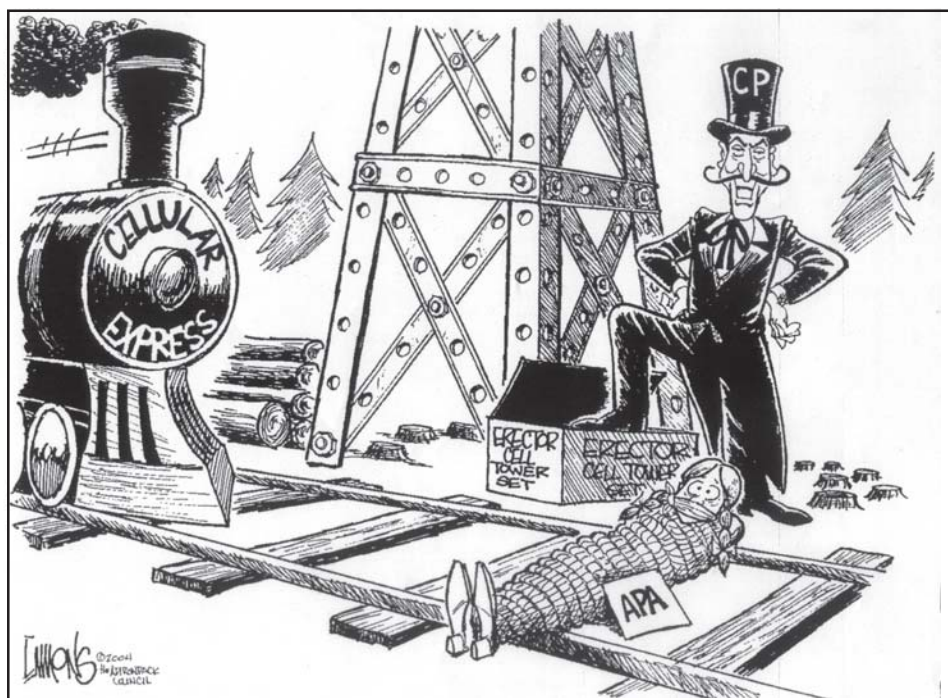
East Triangle, Aldrich Pond, Black River and Independence River wild forests. All four areas had been subjected to damage and vandalism at the hands of ATV riders. For years, the Adirondack Council, RCPA, and other groups have documented the damage and presented state officials with digital photographs and first-hand accounts of worsening conditions. The Wildlife Conservation Society’s 2002 study of wildlife passageways under the Adirondack Northway (I-87), for example, revealed that the tunnels were being used by ATV riders and were shunned by wildlife.

## APA’s Been Workin’ on the Rail Road

The APA recovered from an early gaffe by issuing a cease-and-desist order, requiring Canadian Pacific Rail Road (CP) to stop building four, 150-foot-tall radio towers along its tracks on the eastern edge of the Park. The APA had initially ignored a plan by CP to build the towers, but reassessed the situation after receiving complaints from adjoining landowners and the Adirondack Council. The APA’s hesitation was understandable, since the state Department of Transportation was helping to pay for the towers. As one tower was constructed in a single afternoon in Essex, the APA issued the order. The company responded with a federal lawsuit against the APA, claiming federal railroad law made it exempt from APA authority. CP dropped the suit just as the Adirondack Council was slated to appear at a hearing to decide whether the Adirondack Council would be allowed to assist the state in defending the Park. Meanwhile, CP agreed to work with the Park Agency and halted the construction of two towers in Dresden and Crown Point. The Council is seeking the removal of new CP towers in Whallonsburg and Port Kent.



*The blue line on this map of Upstate New York is the Adirondack Park boundary. The red lines represent rail road rights-of-way that could have hosted an unlimited number of cell towers if CP Rail had succeeded in flouting the Adirondack Park Agency’s authority over tall structures.*





## No Reckless Re-Class

The APA rejected a plan by a Dolgeville resident to reclassify a 77.6-acre parcel of land along State Route 30 near Northville, in northern Fulton County, so it could be developed for new housing. The proposed change would have reduced the amount of land required for each building lot from 8.5 acres to 1.28 acres. The APA cited concerns over wetlands and steep slopes on the site in making its decision not to increase its development potential.

## Tell Us Why

The APA has shown courage in refusing to knuckle under to pressure from Saratoga County officials and local fire/rescue workers who want to construct three ridge-top communications towers around the Great Sacandaga Lake. The APA has sent the county's application back several times over a two-year period, requiring additional information, including details on why the county won't consider alternative sites or technology that would be less destructive of the lake basin's natural character.

## You ORDA Think Again

When it reviewed a new five-year management plan for the Whiteface Mountain Ski Center in May, the APA cautioned the Department of Environmental Conservation that a plan to build rental cabins on the slope of the mountain might violate the NYS Constitution's "Forever Wild" clause. Both the Adirondack Council and the Association for the Protection of the Adirondacks sprung into action when the true nature of the rental plan was revealed, calling on state officials to drop the cabin idea. The Olympic Regional Development Authority (ORDA) reconsidered the rental cabin scheme and eliminated it from its five-year plan for the management of Whiteface before the Department of Environmental Conservation decided its fate. The modified management plan was approved.

## Just Put It Anywhere

This spring and summer, the APA removed Wilderness protections from a mile-long section of the Five Ponds Wilderness Area to facilitate the construction of new water lines tapping wells on the Forest Preserve. The State Land Master Plan specifically mentions the private Wanakena Water Company's wells within the Five Pond Wilderness, stating that they should be relocated off of the Forest Preserve if the aging water system were ever expanded or substantially replaced. APA ignored this instruction, as well as evidence that non-permitted work was carried out on the Forest Preserve more than 10 years ago, which also should have triggered the requirement for a relocation of the wells. Instead, it approved a permit for the work in April and reclassified a section of Wilderness to "Primitive" in July. The APA board decided to let the construction supervisor decide (based on where it was easiest to lay the water lines) where the Wilderness boundary would be located when the project was completed.

# Department of Environmental Conservation

## ATVs Hit the Road

Responding to a recent interpretation of the vehicle and traffic law, as well as urgent pleas from the Adirondack Council, Audubon New York and other advocates, DEC ordered the removal of all-terrain vehicle access from four Wild Forest Areas of the Adirondack Forest Preserve in July. All but four roads in the Aldrich Pond, Black River, Watson's East Triangle and Independence River wild forests are now off-limits to ATVs. The remaining four roads will be closed in 2006, when they have been repaired well enough to carry cars and trucks again. Courts have ruled in several cases that ATVs and automobiles cannot share the same roadway. ATVs are not allowed on trails anywhere on the Adirondack Forest Preserve (45 percent of the Park).



*ATV riders rally at the State Capital in June, just after the DEC announced it was closing all roads in four western Adirondack Wild Forests to ATV traffic. The groups asked local Legislators for a trail fund. The Council supports a fund, but opposes new ATV roads on the Forest Preserve.*

## If at First We Don't Succeed ...

After a court decision struck down its proposed acid rain regulations for power plants, DEC announced it would both appeal the decision and enact new, emergency rules that required the same pollution cuts. The regulations, which are again under public review and are due to be adopted by late 2004, would require additional cuts of 70 percent in nitrogen oxides and 50 percent in sulfur dioxide, beyond the requirements of current federal law. The lawsuit leading to the decision was brought in 2003 by out-of-state owners of New York's power plants, who sought to avoid new controls on emissions. The judge discarded the regulations in May on a technicality, but also ruled that DEC had the authority to impose them, inviting the department to adopt them again. The Adirondack Council had urged the DEC to reissue the rules and to appeal the court's decision.

## Greenhouse Group Meets

DEC and the Public Service Commission convened the first meeting of the new Regional Greenhouse Gas Initiative in May, bringing together stakeholders from 11 Northeastern states to design a program to reduce carbon-dioxide emissions. The group wants to reduce greenhouse gas emissions from Maine to Maryland by 2025 to a level 10 percent below 1990 levels. The Adirondack Council is a participant.

## Put A Tail on That Loon!

DEC is working with the Adirondack Cooperative Loon Program to band and track migrating loons that spend their summers nesting and breeding in the Adirondack Park. It is the first official state study of the large, reclusive water birds' travel habits. Researchers hope to learn how the choice of winter habitat affects the health and viability of the Park's nesting population.

## A Lump of Coal

DEC officials released their draft snowmobile plan for the Adirondack Park just prior to Christmas Eve 2003, after many people had already left on vacation. In comparison to the originally proposed vision and goals for the Comprehensive Snowmobile Plan to establish a Parkwide community connector trail system primarily on private lands and near travel corridors, the proposed plan was found lacking. The proposal did not provide detailed maps of existing trails; did not limit the total mileage of allowable trails; did little to provide a process for moving trails off the Forest Preserve and on to private lands; and the plan was inadequate in its analysis of impacts to the air, water, wildlife, economy, and character of the Adirondack Park.

## Constitution Schmonstitution

In July, DEC officials granted the Town of Long Lake emergency authority to tap into underground water supplies on the Moose River Plains Wild Forest, although the NYS Constitution grants the DEC no such authority. Municipal water supplies can be created on the Forest Preserve under the "Forever Wild" clause of the NYS Constitution, which spells out how and when a town can create a reservoir. Drilled wells are not allowed. In June, the Council proposed the idea of amending the

Constitution to allow drilled wells to be used as alternatives by communities that need drinking water. Without an amendment, other towns may violate the Constitution, as Long Lake has with DEC's blessings. Reservoirs have become impractical due to airborne pathogens and the expense of filtration. As of the writing of this report, each house of the Legislature had passed a separate version of an amendment.

## Toxic Trout Anyone?

In February, DEC announced plans to use the chemical Rotenone to kill all of the fish in Polliwog Pond and Frog Pond, in Franklin County. Noting that someone had introduced undesirable "trash fish" (perch, shiners, sunfish, etc.), DEC vowed to replace them with pure strains of brook trout. The Adirondack Council believes chemical pesticides should be used only as a last resort. DEC had already wiped out the fish in Polliwog Pond once, about 20 years ago, and restocked with trout, only to be recolonized by unwanted species. In June, Health Department officials confirmed that acid rain had so heavily affected Polliwog Pond, many species were contaminated with mercury and unfit to eat. Until the emissions that cause acid rain are reduced substantially, it makes little sense to lure anglers to the water with a promise of catching native trout, which will be tainted with mercury.





# Other Agencies



## Watts New at PSC

The NYS Public Service Commission announced in September that it had developed a Retail Renewable Resource Portfolio Standard that will require the state to purchase 24 percent of its energy from wind, solar, hydro, fuel cells and sustainably harvested wood by 2013. The portfolio is an overview of the alternatives available for renewable energy production including biomass (incineration of wood products including harvested wood, mill residue wood, and silvicultural waste wood) for the production of electricity. As advocated by the Adirondack Council, the PSC included a provision requiring harvested wood to come from suppliers who have an approved forest management plan which conserve biological diversity, maintain forest ecosystems health and be based on best management practices. The harvest operations must also be monitored by periodic inspection by state authorities or non-governmental forest certification bodies.



## They ORDA Know Better

The Olympic Regional Development Authority proposed a plan to the Adirondack Park Agency in May to build a series of exclusive rental cabins on the slopes of the Whiteface Mountain Ski Center in Wilmington. ORDA disguised the plan by calling them “warming huts” in public summaries. The Forever Wild clause of the NYS Constitution forbids the leasing of any Forest Preserve to anyone. The Constitutional Amendment that allows the ski center to exist on the Forest Preserve requires that structures be limited to those required for running a ski center. In making a case for the rental cabins, ORDA officials attempted to demonstrate a public demand by citing other ski areas where they were popular. Media reports confirmed that none of the areas cited actually operated such cabins.



## Your Tax Dollars vs. the Park

Without considering the impact on the Adirondack Park, Lake Champlain and adjoining landowners, the NYS Department of Transportation provided grant

money to Canadian Pacific Rail Road for the construction of four, 150-foot-tall, steel lattice-style radio towers on the rail line between Dresden and Port Kent. CP soon declared it was exempt from Adirondack Park Agency (APA) review and started building in highly visible areas, where the towers would dominate the landscape. DOT should have consulted carefully with the APA before deciding to help a company degrade four scenic areas of the Park. DOT’s scant visual assessment and environmental review failed to note that the towers would have a significant environmental impact on the Park.

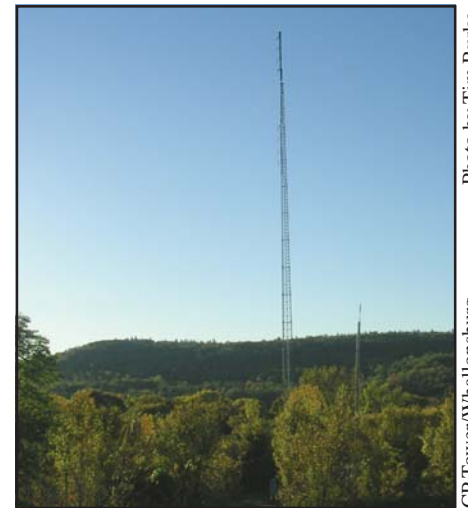


Photo by Tim Burke

CP Tower/Whallonsburg

# Courts



## Think First, Fill Later

The Adirondack Park Agency won a major round in court in June in an Adirondack Park Agency enforcement action over a 600-foot-long private driveway built on fill placed in a wetland near the Fourth Lake shoreline. The landowners needed to apply for permission from the Park Agency to build in wetlands but did not. They also refused to comply with the Park Agency’s determination that the fill had to be removed. The decision by the Appellate Division’s Fourth Department reversed an earlier ruling against the APA. The case was redirected to the state Supreme Court

in Herkimer County, which was expected to direct the property owners to remove the fill from the wetland.



## Rain Regs Alive, Dead, Alive Again

State Supreme Court Justice Leslie Stein did what she thought was right by throwing out the state’s acid rain regulations in May. She ruled that state regulators had missed a deadline for filing an amendment to the regulations, thus rendering them void. However, she affirmed that DEC had full legal authority to impose tougher acid rain regulations. The plaintiffs in the case

were the out-of-state owners of New York power plants. Aside from complaining about the missed deadline, they had argued that DEC was overreaching its authority by imposing a new pollution standard. The Adirondack Council asked DEC to appeal the decision and to reissue the regulations at the same time. Attorney General Eliot Spitzer has asked the Appellate Division of the NYS Supreme Court to overturn the judge’s interpretation of the rules and the deadline. As of September, the DEC had already issued emergency regulations to replace those that were thrown out.

# Federal Government



## Using the Clean Air Act

The US Environmental Protection Agency moved a step closer to full implementation of the federal Clean Air Act (CAA) in December, when it proposed placing new controls on acid rain. By then, it was clear that Congress was unwilling to clear enough room on its 2003 calendar to consider proposed clean air legislation. Using a section of the CAA that allows EPA to curb smokestack pollution that harms human health, the agency proposed 70-percent cuts in sulfur dioxide and nitrogen oxides (the chief components of acid rain) by 2015. Sulfur and nitrogen-based air pollution cause fine soot particles to lodge in the lungs and create ground-level ozone (smog). The cuts in both chemicals would be deep enough to stop acid rain in the Adirondacks. During a visit to the Adirondacks in August, EPA Administrator Michael Leavitt vowed to complete and enforce the new rules by the end of 2004. The regulations do not require Congressional approval. The Council will continue to press for legislation to further curb acid rain and climate change.



## Schumer's Iron Jaw

In a visit to Lake Placid this spring, U.S. Sen. Charles Schumer spoke with Adirondack Council Executive Director Brian Houseal, who thanked the senator for setting aside political partisanship by praising the Environmental Protection Agency's proposed Interstate Air Quality Rule (a.k.a. Clean Air Interstate Rule). Schumer acknowledged he had taken some heat for praising anything proposed by the Bush Administration but felt the new rule would be effective against acid rain. Sen. Schumer had called CAIR "a step in the right direction." The Senator also called for "the equivalent of the Manhattan Project" to bring reductions in greenhouse gases that cause climate change. Schumer voted in favor of the proposed in the McCain-Lieberman climate change control bill, which the Council supports.



## Sweeney & McHugh CAIR

EPA's proposed Clean Air Interstate Rule is essentially a copy of the sulfur and nitrogen-based smokestack pollution cuts proposed in the Acid Rain Control Act, sponsored by Congressmen John Sweeney, R-Clifton Park, and John McHugh, R-Watertown. After reviewing the regulations, both representatives encouraged the Bush Administration to enact them as quickly as possible. Both added that regardless of whether EPA grants final



Congressman  
McHugh

approval to the regulations by the end of the year, they intend to reintroduce their legislation in January. By passing a bill instructing EPA to carry out the 70-percent cuts, Congress can help shield the regulations from lawsuits by power companies that are reluctant to pay for cleanup.



## Sweeney Cleans Up in Placid

US Rep. Sweeney managed to secure more than \$6 million in federal clean water grants for the Village of Lake Placid, which used the money to construct a state-of-the-art sewage treatment system. The project made an instant difference in water quality in Chubb Creek and in the West Branch of the



## High Hopes in High Peaks

It appears that 2004 was not a complete washout in terms of bipartisan cooperation in Washington. Democratic US Senators Charles Schumer and Hillary Clinton, Republican Congressmen McHugh and Sweeney and President George W. Bush all urged Congressional budget committees this year to provide between \$2.5 and \$5 million to New York State to expand the High Peaks Wilderness Area. Congress approved a multi-million-dollar grant from the Forest Legacy Program (the final amount was still under negotiation at press time) so the state can purchase a portion of the former Tahawus iron mining operation in Essex County. The total cost of the nearly 10,000-acre project is expected to be \$8.5 million. The Open Space Institute is working alongside the state in conserving the property.



*In a fitting tribute to the 40<sup>th</sup> Anniversary of the federal Wilderness Act, U.S. Sen. Charles Schumer paid a June visit to the Little Tupper Lake Ranger Station, the gateway to the William C. Whitney Wilderness Area in northern Hamilton County. In the photograph, Senator Schumer asks Adirondack Council Communications Director John Sheehan what progress has been made on the Bob Marshall Great Wilderness proposal. Sheehan explained that the amount of protected land had increased from less than 50 percent to approximately 85 percent, since it was first unveiled by the Council in 1990. At center is Willie Janeway of the Nature Conservancy.*



AuSable River. In 2002 and 2003, the Town of Wilmington was forced to close its public beach – 15 miles downstream – due to excessive fecal bacteria levels. Tests in August showed that those levels dropped from nearly twice the allowable level to less than half. The West Branch of the AuSable is a world-famous trout stream.



U.S. Representative  
Sweeney



## Coming Home Empty-Handed

In the fall of 2003, the Adirondack Council embarked on a campaign urging Congress not to end its session before passing legislation to combat acid rain. When it became clear that legislation would not progress in December, the Council put its support behind a proposal from the US Environmental Protection Agency known as the Clean Air Interstate Rule (formerly the Interstate Air Quality Rule). The rule would require 70-percent cuts in sulfur dioxide and nitrogen oxides by 2015 – deep enough to stop acid rain in the Adirondacks. During a visit to the Adirondacks in August, EPA Administrator Michael Leavitt vowed to complete and enforce the new rules by the end of 2004.

Although legislation was proposed in each house ordering reductions in sulfur dioxide and nitrogen oxides from power plants, neither house took action. The EPA proposed new regulations to cut both pollutants at the end of the session. The regulations don't require Congressional approval. The Adirondack Council supports the regulations, but will press Congress for deeper cuts through legislation in January.



## No-Trade Clause on Mercury

Late in 2003, EPA announced its plan for imposing the nation's first mercury pollution reduction regulations for power plants. Unfortunately, EPA's plan includes the trading of mercury allowances, which the Council does not support, due to mercury's toxicity. EPA had indicated it

was favoring cuts of 70 percent nationwide by 2018, while the Adirondack Council felt that was too modest a goal. The impact of mercury pollution can be seen throughout the Adirondack Park, where 30 lakes have been found to contain fish too toxic to eat. Studies reveal additional lakes each year. EPA must release the final regulations by March '05.



## Climate in Congress

In October 2003, the US Senate defeated a bill proposed by Sens. John McCain, R-Arizona, and Joseph Lieberman, D-Connecticut, that would have created the first federal standards for the control of greenhouse gases that cause global climate change. In light of the fact that the bill was defeated by a small number of votes, both sponsors said they would continue to pursue passage. The Council will continue to support the bill.



## Asleep at the Switch

The Bush Administration had been slow to prosecute the owners of power companies that stand accused of violating the Clean Air Act's new source review (NSR)

provision. The US Environmental Protection Agency began its prosecutions only after NYS Attorney General Eliot Spitzer filed 14 suits of his own in 2000. Negotiations bogged-down following the departure of Administrator Christie Whitman and nearly 50 lawsuits against coal-fired power plants languished. Michael Leavitt, the new EPA Administrator, reopened the stalled cases.

NSR is the government's only tool to cope with a loophole in the Clean Air Act that allows the oldest, dirtiest power plants in the nation to avoid installing pollution controls. Under NSR, owners who rebuilt power plants were required to install up-to-date pollution controls. Prior to Leavitt's arrival, the EPA announced a change in NSR to allow companies to virtually replace a plant as routine maintenance without having to install new controls. The lawsuits allege that each company cheated by making gradual changes that went far beyond routine maintenance. Spitzer sued to stop the change and was awarded an injunction preventing the EPA from enforcing the rule change until after the case is decided.

## IT'S TIME TO STOP ACID RAIN

YOU CAN HELP BY ENCOURAGING FEDERAL OFFICIALS TO ADOPT A STRICT, NEW POWER PLANT EMISSIONS RULE



When exposed to acid rain, limestone and marble surfaces, such as the facade of the NY's Capitol at top left, develop a rough, sugary texture. Eventually calcite drips from the surface like cycles of rock. On the Chicago Tribune Building, top right, blackened crusts form on the sheltered portions of the limestone. Sharp details of ornate carvings grow rounded and dull, as on the Philadelphia Merchants Exchange, bottom right.



Jeremy's Run Brook Trout, one of many threatened trout strains suffering from acid rain damage. Acid rain releases chemicals from soil that suffocate adult fish and interrupt reproduction. This trout was photographed in Shenandoah National Park, Virginia.



Gothics Peak, Adirondack Park, Upstate New York, where changes in soil chemistry have killed and stunted red spruce and fir forests on dozens of mountaintops. Hardwoods such as sugar maple, birch and beech are also suffering as acid rain robs the soil of the calcium needed for growth.

Acid Rain is still poisoning forests, lakes and rivers from Maine to Georgia. Native strains of trout have disappeared. Toxic metals are building up in fish and birds. Historic buildings and monuments are being damaged and destroyed.

Sulfur dioxide and nitrogen oxides from electric power plants are the largest sources of acid rain in the nation. They also cause smog and make tens of thousand of Americans suffer from lung disease. But, with your help, we can change all of that.

The US Environmental Protection Agency is currently accepting comments on a new Interstate Air Quality Rule that would require deep cuts in the smokestack emissions that cause acid rain. If approved, the new rule will vastly improve our air quality, curb widespread water pollution and stop the destruction visible in the images to the left. It would require all power plants in 29 eastern states to curb their emissions of sulfur dioxide by 70 percent and nitrogen oxides by 65 percent by 2015.

You can help stop acid rain by writing a letter or sending an email to the EPA. Urge EPA to make even deeper cuts and to resist attempts by the power industry to weaken the rule. The deadline for comments is March 30, so act today!

Write to EPA at:  
Environmental Protection Agency  
Air and Radiation Docket & Info. Ctr.,  
#1021  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Attention Docket ID No. OAR-2003-0053  
Or fax your message to:  
(202) 566-1741  
Attention Docket ID No. OAR-2003-0053

OR  
Go to our website at:  
[www.adirondackcouncil.org](http://www.adirondackcouncil.org)  
for a copy of our Action Alert  
explaining the proposed new rule  
and an easy link to submit  
comments online.



*In February and March, the Adirondack Council worked with Trout Unlimited and the National Trust for Historic Preservation to launch an ad campaign to seek support for the proposed Clean Air Interstate Rule.*

## What Others are Saying About the Clean Air Interstate Rule – formerly the Interstate Air Quality Rule

### Environmental Defense

“To its credit, EPA is breaking through the political logjam in Congress by using its existing power under the Clean Air Act to lower smokestack pollution. Dubbed the ‘Clean Air Interstate Rule,’ the EPA initiative would establish statewide limits on power plant pollution of SO<sub>2</sub> and NO<sub>x</sub>. The rule is based on the “good neighbor” provisions of the Clean Air Act that prohibit an upwind state from discharging pollution that significantly contributes to unhealthy air in a downwind state. But no one will begin to breathe cleaner air until EPA makes this rule final.”

### Trout Unlimited

“...the Proposed Interstate Air Quality Rule has the potential to reduce the pollution that causes acid rain, and TU supports its basic approach.”

### US Senator Charles Schumer

In a stop at Lake Placid this spring, U.S. Sen. Charles Schumer spoke with Adirondack Council Executive Director Brian Houseal, who thanked the senator for setting aside political partisanship by praising the Environmental Protection Agency’s proposed Interstate Air Quality Rule (a.k.a. Clean Air Interstate Rule). Schumer acknowledged he had taken

some heat for praising anything proposed by the Bush Administration, but felt the new rule would be effective against acid rain. He called it “a step in the right direction.” He also called for reductions in greenhouse gases that cause Climate Change.

### Citizens Campaign for the Environment

“Citizens Campaign for the Environment is very pleased that the USEPA has proposed the Interstate Air Quality Rule... we strongly support the adoption of the Interstate Air Quality Rule proposed by the USEPA. A 65% reduction in NO<sub>x</sub> and 70% reduction in SO<sub>2</sub> implemented over the next 10 years will substantially alleviate the problems associated with Acid Rain.”

### The Izaak Walton League of America

“We commend the EPA for taking steps to significantly reduce emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxides (SO<sub>2</sub>) through the proposed IAQR. We believe the reductions proposed in the IAQR are essential to mitigate the adverse impacts on our natural resources and to our health from coal-fired power plant emissions. We support the basic structure and approach in EPA’s IAQR rule . . . We also agree that

the IAQR will produce important public health and environmental benefits and is enormously cost-effective.”

### NYS Senator Carl Marcellino

“I am pleased to see the Environmental Protection Agency propose new limits on electric generating units in the eastern region of the United States. The Interstate Air Quality Rule will impose new caps on emissions of sulfur and create a Cap and Trade Program for nitrogen with similarly stiff caps over the next ten years... On behalf of the people of Long Island that I represent in the New York State Legislature and as Chair of the Senate Environmental Conservation Committee, I urge you to move forward as rapidly as possible with this worthwhile effort.”

### The Clean Air Task Force

“EPA’s proposed transport rule (the IAQR) is a good step in the right direction, and we commend the Agency for its work in moving this initiative forward...”  
Interstate Ozone Transport Commission:  
“The approach EPA has set forth in the Interstate Air Quality Transport Rule (IAQR) has the potential to go a long way toward meeting the goals of addressing these emissions comprehensively and we applaud EPA for its efforts.”

## The Past Points to the Future

At the 2<sup>nd</sup> Annual Adirondack Water Quality Conference (co-sponsored by the Adirondack Council and a variety of other organizations) in August, Dr. Curt Stager of Paul Smith’s College described his continuing research to collect sediment cores from Adirondack waters in an attempt to compile a history of the Park’s water quality.

Stager is collecting cores (tubes) of lake sediment and analyzing the diatoms in layers of sediment. Diatoms are single-celled organisms that have a

cell wall made up of silica, like glass. After the diatoms die and sink to the lake bottom, their glass-like exteriors are left behind making it possible to see what types of diatoms lived in the lake years ago. Diatoms are very particular about their surroundings, so specific diatoms are indicative of particular water quality (pH level, nutrient level, etc.).

The quality of Adirondack lakes has fluctuated substantially throughout the Park’s history (and thousands of years before) in response to natural and human causes. Unfortunately though, Dr. Stager is having difficulty finding control lakes (pristine lakes that have not been altered or affected by human development), to

which he can compare other studied lakes.

However, Stager and others are finding that most lakes have been directly impacted by human use, shoreline development, fires, reclamations and other fisheries work. For that matter, even most of the lakes on the Forest Preserve have been altered by the NYS Department of Environmental Conservation’s management decisions.

If you know of a lake that has not been managed or impacted by humans, call so we can pass on the news to Dr. Stager. Our contact information is on the back cover of this report.



# 2004 Award Winners



## 2004 Conservationist of the Year

In July, the Adirondack Council presented its highest honor to the Open Space Institute (OSI) in recognition of its perseverance during the decade-long negotiations with National Lead, Inc. over a protection plan for a nearly 10,000-acre private tract in the midst of the southern High Peaks Wilderness in Essex County. Executive Director Joseph Martens accepted the museum-quality, hand-carved loon (the work of artist Robert Poe) that accompanies the Council's annual Conservationist of the Year award during the Council's Forever Wild Dinner at Fort Ticonderoga.

New York State is expected to purchase most of the land, including the unique habitat of the Tahawus Talus in the north, while a commercial timber company will purchase and sustainably harvest a southern portion. The Adirondack Council will urge the state to incorporate the new Forest Preserve (public) lands into the High Peaks Wilderness. The Council's advocacy helps to secure the public funding for additions to the Forest Preserve as well as for conservation easements.



*Open Space Institute Executive Director Joseph Martens holds his prize, flanked by Adirondack Council Chair Tricia Winterer and Executive Director Brian Houseal.*



*L to R: Brian Houseal, Chris Maron, Peter Paine, Michael Carr, and Ed Fowler.*

## Maron Lighting the Way in the Valley

In August, the Adirondack Council celebrated the work of Chris Maron, director of The Nature Conservancy/Adirondack Land Trust's Champlain Valley Program, during a ceremony at the Heurich Lighthouse in Essex. Maron's work includes negotiating and overseeing conservation easements that protect the valley's vanishing farmlands from subdivision and development. The valley's farms play an important role in preserving water quality, as well as a diverse mix of plant and wildlife habitat. The valley is home to more than 193 species of birds at various times of the year and a variety of endangered species, including Indiana bats and timber rattlesnakes.



*Tom DiNapoli (center) with Adirondack Council Board members Scott Paterson (left) and Bob Hall (right).*

## A Warm Reception for DiNapoli

The Adirondack Council presented Assembly Environmental Conservation Committee Chairman Thomas DiNapoli, D-Great Neck, with a framed print of a painting by the late Anne Lacy (Loon and Chick) during its annual reception in Manhattan. The Council thanked DiNapoli for his leadership on legislation to control exotic plant infestations, personal watercraft use and septic pollution, as well as an extension of the bottle bill to non-carbonated beverages and a fund to safely reuse abandoned industrial sites.

# Tip of the Hat



**The Conservation Fund of Arlington, Va.,** agreed to provide the financing for the largest land conservation deal in New York State history in April. The Fund will provide the short-term payments needed to close a deal with International Paper Company for the 260,000-acre conservation easement. The state will reimburse the Conservation Fund after the deal is completed. The easement (IP is giving up all of its development rights) is expected to cost approximately \$25 million.

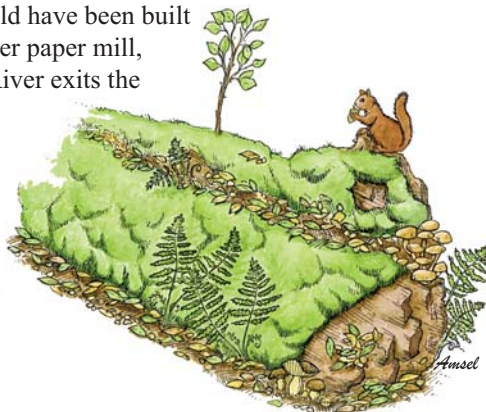
**Paul Smith's College** was a splendid host for the Second Annual Adirondack Water Quality Conference in August. For the second consecutive year, the college took full advantage of the excellent meeting spaces and state-of-the-art communications facilities at the Joan Weill Library in the center of the campus. The Adirondack Council is an annual co-sponsor of the conference. This year's event focused on invasive aquatic plants and nutrient loading due to runoff and other pollution sources.

**PROTECT** is a group of local residents fighting a plan by Nextel Partners of Reston, Va., to erect a Frankenpine (cell tower in a pine tree costume) on historic and scenic Pilot Knob, in Fort Ann, Warren County, on the eastern shore of southern Lake George. The Council has been working alongside PROTECT members in challenging the proposal before the Adirondack Park Agency.

**Trout Unlimited, the National Trust for Historic Preservation and the NYS Conservation Council** worked with the Adirondack Council this spring to promote the need for EPA to complete and begin enforcing the Clean Air Interstate Rule as quickly as possible. The groups participated in an advertising campaign designed and media events to explain the benefits of the proposed rule (see Federal Government section for details) and to remind citizens to contact EPA. Administrator Michael Leavitt said his agency was flooded with responses.

**Citizens for Safe and Responsible Industry** brought a 3,000-signature petition to the Corinth Town Board in June and persuaded the town not to create a 1.1 million-ton-per-year incinerator for New York City garbage.

The incinerator would have been built on the site of a former paper mill, where the Hudson River exits the Park.



**International Paper Company** presented on behalf of former Chairman John Dillon a gift to the entire state in early April. IP donated public access to a large, lake-strewn parcel of IP lands and agreed to develop special recreational amenities for people with disabilities. A Schroon Lake native and Paul Smith's College graduate, Dillon retired in 2003 as chairman of IP, the world's largest paper company. IP got its start in the Adirondack Park more than 100 years ago. As a fitting tribute to both his career and to the Park that helped to spawn it, IP this spring donated enhanced public access to a 16,800-acre parcel in the Town of Long Lake. The Adirondack Council has been working with IP since the early 1990s on plans to make the best possible use of its vast holdings. Dillon Park was IP's own initiative.

The parcel contains several large lakes and boasts excellent hunting and fishing opportunities. Dillon, who earned his forestry degree from Paul Smith's College, will work with the famous Adirondack forestry and hospitality institute to design handicapped-accessible fishing piers, boardwalks and other amenities aimed at making the lakes and forest friendly to those with mobility impairments. Dillon Park is located just east of State Route 30, just north of the Village of Long Lake.

**The Wildlife Conservation Society** recently published the first Adirondack Atlas authored by Jerry Jenkins with assistance from Andy Keal. The Herculean task of compiling and sorting through mountains of data and boiling it down to a few paragraphs and colored maps took several years. It was worth the wait. Look for it at your local bookstore, or go to [www.wcs.org](http://www.wcs.org) for details on obtaining a copy.

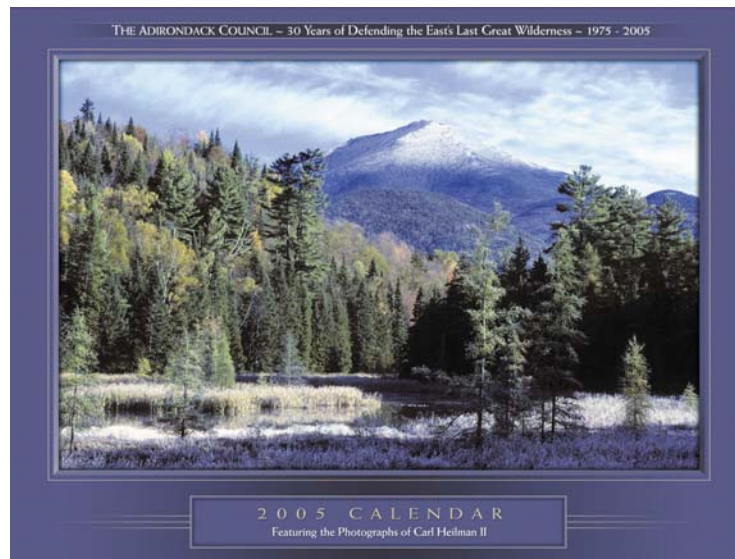
**The Adirondack Park Invasive Plant Program** expanded its work this year, by increasing its public education efforts and by holding additional volunteer outings for removing infestations.

**The Adirondack Nature Conservancy** in April purchased a 110-acre parcel in the Town of Willsboro, Clinton County, protecting more than half-a-mile of Boquet River shoreline. The Conservancy plans to protect from development the entire final two miles of the river – above its terminus at Lake Champlain. Town officials support the project and said it would enhance nearby Noblewood Park and beach.

**The Adirondack Citizens Council**, of Hannawa Falls, St. Lawrence County, supported the plan to amend the NYS Constitution so Park communities would be allowed to drill wells for drinking water on the Forest Preserve. Any new water systems would be owned and operated by the state and operated under strict requirements. The Citizens Council is a recreation-oriented organization with a particular interest in promoting new trails for snowmobiles and all-terrain vehicles.

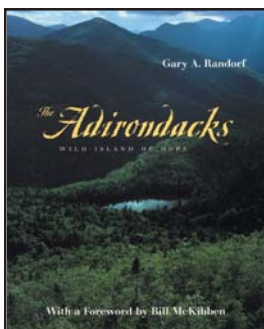


The Adirondack Council offers a small collection of gifts to help raise the funds we need to fight for the Adirondack Park every day. Every gift you purchase...whether it's a Clean Air Certificate to remove a ton of pollution that causes acid rain or our 30th Anniversary Calendar to remind you of the Park's wilderness and wildlife...every gift purchase helps the Council protect the natural resources of the Adirondack Park.



### ADIRONDACK COUNCIL 30<sup>TH</sup> ANNIVERSARY 2005 CALENDAR

Featuring the landscape photography of Carl Heilman II, the Adirondack Council's 30<sup>th</sup> Anniversary Calendar brings you into the Park with Carl's breathtaking images of the Adirondacks accompanied by his written reflections about the time and place of each photograph. **\$12**



### "THE ADIRONDACKS: WILD ISLAND OF HOPE" Book by Gary Randorf

One hundred full-color photographs combined with a unique blend of Randorf's favorite "random scoots," conservation ethic, and side trips into natural history. **\$23**



### CLEAN AIR CERTIFICATE

For each gift of \$50, the Adirondack Council will permanently retire one ton of acid-rain-causing pollution, reducing the total amount of acid rain that can fall in the Adirondack Park. The recipient will receive a clean air certificate in their name. **\$50**

### GIFT MEMBERSHIP

Please consider giving a gift membership to someone you know who cares about the Adirondacks, clean air and water, wild places, and rural communities. Celebrating our 30<sup>th</sup> Anniversary, the Adirondack Council continues to be the largest and most effective advocacy organization focused solely on the Adirondack Park. We know the Park is a more beautiful and wild place because of our 30 years working to protect it. Help us make sure the same is true in 2035! Memberships begin at \$35 and recipients receive a packet of recent publications along with a card announcing your gift. Give a gift membership and help us continue to grow the strength of our advocacy for wilderness, water, and wildlife.

*Complete the information below along with the order form on the opposite side.*  
**Please enroll the following friend of the Adirondacks as a member of the Adirondack Council. Please copy and attach separate sheets for each gift membership.**

Here is a membership gift of: \$35\* \$50\*\* \$100 \$250 Other \_\_\_\_\_  
Name \_\_\_\_\_

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please send: ☐ Screen Saver ☐ Forever Wild Cap ☐ Forever Wild Bag ☐ Nothing - use entire gift for the Council's work.  
Your contribution is tax-deductible excluding \$10 for the screen saver, \$15 for the cap, or \$12 for the tote bag.

\*For a gift membership of \$35 or more, the recipient will receive a full membership in The Adirondack Council — plus a free screen saver.  
\*\* For a gift membership of \$50 or more, the recipient will receive a screen saver and a Forever Wild cap or bag.

# GIVE A GIFT THAT HELPS PROTECT THE ADIRONDACK PARK!

It's easy to place an order! You can:

1. Use this form and mail in the enclosed postage-paid envelope.
2. Make your purchase on our secure website at:  
**www.adirondackcouncil.org.**
3. Call toll-free **1.877.873.2240**  
M-F 8:30 am - 5:30 pm. (Visa or Mastercard)

**Proceeds benefit  
Adirondack Park  
conservation.**

Thank You!



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Elizabethtown, NY 12932      info@adirondackcouncil.org

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 <b>FOREVER WILD</b> ORGANIC COTTON T-SHIRT THE ADIRONDACK COUNCIL <b>\$15</b> <i>Defending the East's Last Great Wilderness</i>	<div>SIZE</div> <div>S M L XL</div>	
 <b>THE ADIRONDACKS: WILD ISLAND OF HOPE</b> Book by Gary Randorf <b>\$23</b>		
<b>THE ADIRONDACKS: WILD ISLAND OF HOPE</b> <b>SCREEN SAVER \$10</b>		
 <b>TOTE BAG \$12</b>		
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<b>CLEAN AIR CERTIFICATE \$50</b> <i>Name(s) to appear on certificate:</i> _____	Free Shipping	
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\$31.00 - \$60.00 add \$6.00  
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# 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 public education and advocacy for the protection of the Park’s ecological integrity and wild character, the Adirondack Council advises public and private policy makers on ways to safeguard this last remaining great expanse of open space.



# 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.

Adirondack Council memberships begin at \$35. 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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