

State of the Park 2008



ADIRONDACK COUNCIL
Defending the East's Greatest Wilderness

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.

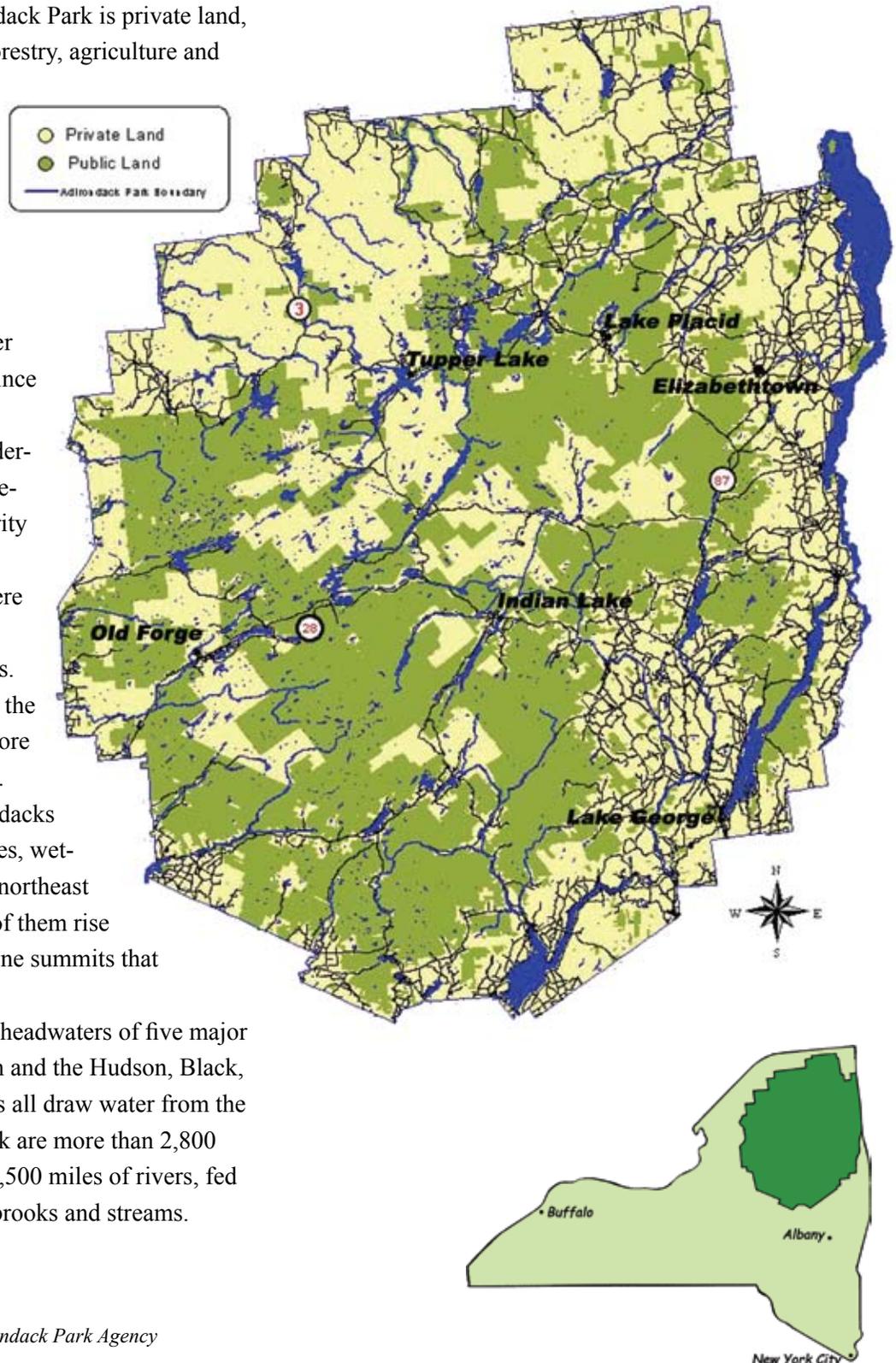
More than half of the Adirondack Park is private land, devoted principally to hamlets, forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts ten million visitors yearly.

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.



Map data provided by the Adirondack Park Agency

State of the Park 2008

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

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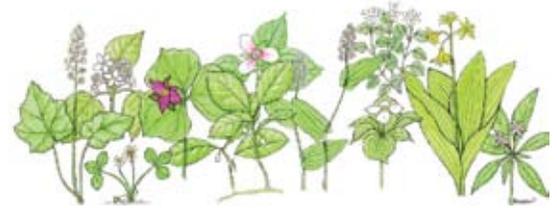
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The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park. We envision an Adirondack Park composed of large core wilderness areas, connected to working farms and forests, and augmented by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



ADIRONDACK COUNCIL
Defending the East's Greatest Wilderness

State of the Park 2008



Dear Members and Friends of the Adirondack Council,

Over the last year, the Adirondack Council has continued to be the leading environmental organization in the Park, directly taking actions that will enhance the Adirondacks for future generations. In July, we helped organize the second annual meeting of the Common Ground Alliance, a group of over 170 local, state and federal officials; environmental representatives; and business leaders who are all dedicated to finding real solutions for critical issues facing the Park's communities, their economies, and the environment. This year we also released a new publication on water quality entitled, *Adirondack Waters: Resource at Risk*, which describes our program for saving our most treasured asset. We also continue to seek a reasonable resolution to the proposed Adirondack Club & Resort in Tupper Lake.

However, the last 12 months have been somewhat unpredictable. We have seen the resignation of two of the most powerful leaders in Albany, record high energy costs, increasing property taxes and a slumping economy. Now, New Yorkers are also preparing to elect a new President, as well as vote for state Assembly members, state Senators and US Congressional Representatives. These officials will decide not only how the Park is treated in the near term, but will also have a lasting impact on the Adirondacks for future generations.

The Adirondack Council is in continual communication with our elected officials about our expectations for them: to reduce air pollution, improve water quality, protect open space, revitalize local communities, and reform state agencies such as the Adirondack Park Agency and Department of Environmental Conservation.

As in the past, State of the Park 2008 is our report to you on how well these elected officials have performed against our expectations over the past year. You can depend on the Adirondack Council to continue to educate, advocate, monitor and litigate to ensure that our mission of ensuring the ecological integrity and wild character of the Adirondack Park is achieved.

Thank you for your continued support. Our work today is essential for the future of this wonderful place where people and nature co-exist and act as a model for the rest of the world.

Enjoy the autumn,

Brian L. Houseal
Executive Director

On the Cover: The Boreas Ponds tract on the southern edge of the High Peaks Wilderness in Essex County, surrounded by thousands of acres of undeveloped forest. Once used as a corporate retreat by Finch, Pruyn & Co., the lands are now part of the 161,000 acres recently purchased by the Adirondack Nature Conservancy. The Adirondack Council has been recommending state acquisition of this parcel since 1988, both for its wildlife habitat and recreational potential as an addition to the adjacent Wilderness. In February, the state agreed to acquire this parcel and much more. (See *High Praise for High Peaks Deal* page 3.) Photo © Carl Heilman II/Wild Visions, Inc.

The Governor



In March 2008, Governor Eliot Spitzer resigned his office. He was succeeded by Lieutenant Governor David Paterson on March 17. Paterson is New York's first African American Governor.



Paterson

High Praise for High Peaks Deal

In February, Governor Spitzer announced that the state would purchase 57,699 acres of the former holdings of Finch, Pruyn & Co., in the High Peaks and Wild Rivers areas of the Park, for addition to the Adirondack Forest Preserve. The lands are part of the 161,000 acres Finch sold to the Adirondack Nature Conservancy last summer. The Conservancy is working with local officials, environmental organizations and residents to determine what the best uses for the remaining timberlands may be. The Conservancy plans to sign a conservation agreement with the state to permanently restrict development on lands not added to the Forest Preserve. It then plans to sell the development-restricted lands to a timber management group that agrees to an ecologically sustainable harvesting plan. Many of the high-priority acquisitions identified by the Adirondack Council more than a decade ago are included in the agreement. They include Boreas Ponds, the Hudson River Gorge, Essex Chain of Lakes, OK Slip Falls, and a host of special wildlife habitats and pristine mountain summits. For an overview of the Council's Wild Rivers Wilderness Plan, encompassing the five rivers that converge on the parcel near the Hudson Gorge, see 2020 VISION Volume II: Completing the Adirondack Wilderness System, at www.adirondackcouncil.org.

ICAP, You Cap, We All Cap

In October 2007, Governor Spitzer signed an international agreement to help reduce carbon dioxide emissions across the globe. The International Carbon Action Partnership (ICAP) was signed in Lisbon, Portugal with the intent to help cap carbon emissions, find markets for low-carbon products and help businesses to reduce their emissions. Many European countries as well as eight U.S. states and two Canadian provinces also joined the agreement.

New, Familiar Faces on APA Board

In October 2007, Governor Spitzer nominated Upper Saranac Lake resident Curt Stiles to serve as chairman of the Adirondack Park Agency (APA). Prior to his confirmation by the Senate, Stiles was a board member of the Adirondack Council, served as Chairman of the Upper Saranac Lake Foundation and has taken a leading role in the struggle to control invasive species. He succeeds Ross Whaley, who retired in 2007. Cornell University Professor Richard Booth (also an Adirondack Council board member from 1982 to 1992) and Frank Mezzano, Town Supervisor from Lake Pleasant were also confirmed at that time. Mezzano is a veteran member of the APA



Stiles



Booth



Ulrich

who returned to the Board after a brief hiatus.

In June of 2008, Booth was reappointed for a full four-year term. Herkimer County resident and community activist Lani Ulrich (an organizer of the Common Ground Alliance, of which the Council is a member) was also nominated for a new term and confirmed by the Senate during a special session in August.

Good Job Ignoring Bad Advice

Governor Spitzer in December and January declined an appeal from two North Country legislators to stop buying land in the Adirondacks. Assemblywoman Teresa Sayward, R-Willsboro, and state Sen. Elizabeth Little, R-Queensbury, called on the Governor to stop adding land to the Adirondack Forest Preserve because of uncertainty over state tax payments for such lands to local governments. Spitzer said he would continue to take advantage of land-purchasing opportunities in the Adirondacks, according to the state's Open Space Conservation Plan. Governor Paterson has continued that policy.

Smart Choices on Economic Growth

An executive order issued by Governor Spitzer in December, created the Smart Growth Council to develop ways to discourage sprawl and promote smart land use throughout New York. Adirondack Council Executive Director Brian Houseal serves on the Adirondack advisory group, which will provide Park-specific recommendations to the statewide panel. Representatives from the state Department of Environmental Conservation, Economic Development Corp., Department of Transportation, Department of State and other agencies make up the new group.

👍 On the Waterfront

In June, Governor Paterson announced a series of waterfront revitalization grants across the state. The nearly \$25 million came from the Environmental Protection Fund (EPF). Some funding for the Park includes: \$75,000 for Saranac Lake to develop a joint land use plan with Harrietstown; \$50,000 for Wilmington to install stormwater treatment near Whiteface Mountain; \$51,000 for Jay to develop a management plan for the Au Sable River; and \$164,000 for Clifton to make multiple improvements, including along the Cranberry Lake Trail.

👍 Environmental Fund Reaches Record High

In April, Governor Paterson signed into law the largest Environmental Protection Fund (EPF) in New York history, agreeing to spend \$255 million on land acquisition, landfill closure, recycling facilities, parks amenities, etc. A total of \$66.5 million was dedicated to land acquisition statewide, an \$11.5 million increase over the 2007 land category, when the total EPF was \$250 million. However, the Governor and Legislature also agreed to raid \$125 million from the EPF's balance.

👍 Swamped with Successful Land Deal

In June, Governor Paterson approved a \$1.2 million grant to assist the town and village of Lake George, Warren County and several environmental organizations in creating an artificial wetland along West Brook at the south end of Lake George. The land holds a defunct amusement park known as Gaslight Village. The artificial wetland will help remove road salt, soil, fertilizers, motor oil and other contaminants from West Brook. The brook runs through some of the most densely developed lands in the lake basin and collects runoff from Interstate 87 before entering the lake near Million Dollar Beach.

👎 Past Time for Executive Action

Neither Gov. Eliot Spitzer nor his replacement, Gov. David Paterson, has filled the crucial vacancy for the post of Adirondack Park Agency (APA) Executive Director since the retirement of Richard Lefebvre in the spring of 2007. Leaving the APA staff without a clear leader, for more than a year, is poor policy. It also places too great a burden on Chairman Curt Stiles

and staff member James Connolly, currently Acting Executive Director, who are doing both their own jobs and those of the executive.

👎 IOU Not OK

Governors Spitzer and Paterson both used the Environmental Protection Fund as an emergency piggy bank this year, combining to raid \$125 million from the EPF's unspent fund balance to balance the state budget. The EPF was created in 1993 to be a recession-proof source of funding for major environmental improvements. The practice of raiding the EPF to balance the state budget began in 2002 and Gov. George Pataki diverted a total of more than \$320 million from the EPF between 2002 and 2006. Pataki, Spitzer and Paterson all said they would repay the money, but all have failed to produce a plan for doing so. The total raided from the fund so far is approaching half a billion dollars. State planning efforts have identified more than \$2 billion in environmental spending priorities requiring funds from the EPF.

State Legislature



Skelos New Majority Leader

In July, Senate Majority Leader Joseph Bruno, R-Brunswick, retired from the Senate. Long Island Senator, Dean Skelos, R-Elmont, was elected as his successor as Majority Leader. Bruno's Senate seat will be filled as a result of the November general election.



Skelos

Both Houses

👍 Going Green (Certification)

Both the Senate and Assembly passed a bill which would allow forest landowners enrolled in the 480-a timber tax abatement program to either continue to be certified by the Department of Environmental Conservation (DEC) or use a recognized sustainable harvesting program such as the Forest Stewardship Council, Sustainable Forestry Initiative or



Destito

the American Tree Farm Program. These programs are at least as stringent as DEC's and free DEC staff to perform other duties. The bill, sponsored by Sen. Elizabeth Little, R-Queensbury and Assemblywoman RoAnn Destito, D-Rome, was signed into law by Gov. Paterson in August.

👍 Bigger Environmental Fund Means More Money for Land

The Legislature approved the largest Environmental Protection Fund (EPF) in New York history in April, agreeing to spend \$255 million on environmental projects and programs across the state. A total of \$66.5 million was dedicated to land acquisition statewide, an \$11.5 million increase

over the 2007 land category, when the total EPF was \$250 million. However, the Governor and Legislature also agreed to raid \$125 million from the EPF's fund balance. (See "Green Light.")

Hugging Trees

Senator Mary Lou Rath, R-Williamsville, and Assemblyman Sam Hoyt, D-Buffalo, passed legislation that would have given further protections for old-growth forests across the state. The Bruce S. Kershner Old Growth Forest Preservation and Protection Act would create a definition for an old-growth forest and make the presence of such forests a consideration when the state is looking to acquire additional lands for protection. The bill has been sent to the Governor and awaits his signature.



Rath

If You Build It They Must Buy It

Both houses of the Legislature passed a bill to extend "net metering" rights to small businesses. For years, the state has allowed homeowners to sell back to their power company any unused electricity they generated with solar or farm waste technology. The new law extends the same opportunity to small businesses and was expanded to include wind power and fuel cells. The Council advocated for this legislation at the request of Adirondack business owners who said they could afford to install renewable power generation equipment if they could sell their excess back to the grid. Several bills were passed to accomplish this desired outcome. They were sponsored by Senators George Maziarz, R-Newfane and Owen Johnson, R-West Babylon and Assemblymen Steve Englebright, D-Setauket and Tim Gordon, I-Bethlehem. These bills became law in early August.

Smarter State Agencies Mean Smarter Growth

Both houses passed legislation sponsored by Senator Carl L. Marcellino, R-Syosset, and Assemblyman Hoyt that establishes Smart Growth Principles for New York State. This legislation requires state agencies to observe smart growth principles defined in the bill when commencing projects or awarding grants. The idea is to focus state economic development on projects that do not consume open space and other natural resources.



Marcellino

Unraveling a Gordian Knot

In June, both houses of the Legislature granted first passage of a Constitutional Amendment that would clear up a century-old land dispute between the state and dozens of landowners who built homes in Raquette Lake, Hamilton County. The state believes these homes were constructed on Forest Preserve lands, but the homeowners contend they purchased their parcels legally and built their homes in good faith. State officials have been reluctant to take legal action against the landowners, allowing the situation to fester. The amendment approved by the Legislature would allow the occupants of over 200 parcels with disputed land titles to keep the property, which totals approximately 1,200 acres. In return, they would collectively purchase lands "at least equal in value" to add to the Forest Preserve. This amendment must pass both houses again next year before it can be presented to the voters at a statewide referendum in November 2009. The measure was sponsored by Senator Little and Assembly Environmental Conservation Chairman Robert Sweeney, D-Lindenhurst.

Green Light for Grabbing Green Projects' Greenbacks

The Legislature abetted Governors Spitzer and Paterson in using the Environmental Protection Fund (EPF) as an emergency piggy bank again this year. About \$125 million from the EPF's unspent fund balance was used to help balance the state's budget. The EPF was created in 1993 to be a recession-proof source of funding for environmental projects. The total raided from the fund so far is approaching half a billion dollars. More than \$2 billion in environmental projects requiring EPF funds have been identified.

Bad Solution to a Bad Situation

Senator Little, along with Assemblywoman Teresa Sayward, R-Willsboro, asked the Governor and DEC not to purchase any more land in the Adirondack Park until a court decision throwing out the state's system of paying taxes on its land is resolved. This could have disrupted land purchases such as the Finch Pruyn project. Wisely, DEC responded that the state will continue to pay taxes on its land in the Park, as it has for over 120 years, and that acquisitions would continue.

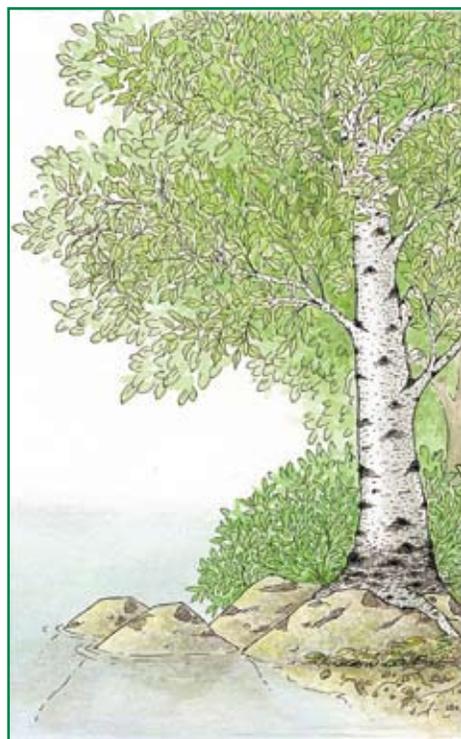


Illustration ©Sheri Amsel

Wright Retires, Aubertine Wins Seat

In January, Sen. James Wright, R-Watertown, retired from the Senate to pursue a consulting career. A special election was held to fill the seat, which was won by Assemblyman Darrel Aubertine, D-Cape Vincent. Aubertine's vacant Assembly seat will be filled after the November general election.

Senate

Geared Up for Gaslight Project

In April, Senator Little helped Lake George residents and environmental organizations better protect water quality, when she succeeded in adding \$1.2 million to the state budget to complete the purchase of the defunct Gaslight Village amusement park. The parcel will be purchased and the buildings razed to make way for an artificial wetland. This area will filter storm water runoff from Interstate 87 and Lake George businesses, as well as residential development along West Brook.



Little

Getting Rid of that Salty Taste

Senator Little secured \$200,000 in funding to study the impacts of road salt on the Lake George area. The request for the money came after meeting with environmental organizations about the problem late last year. The Council supported the funding and hopes the findings will be useful throughout the Park. During a special legislative session in August to help close the state's budget deficit, funding for local projects was reduced by 6 percent. The allocation for the study now stands at \$188,000.

60 Easy Payments of \$7.5 Million Per Month

Senator Marcellino convinced his Senate colleagues to pass a bill that would require the money that has been "borrowed" from the EPF since 2002 to be repaid within five years. In total, \$447 million has been taken since that time. The Assembly was considering similar legislation, but before it passed that house it was changed to only analyze the bottleneck from appropriation to funds actually being spent.

The Roads Less Traveled

Senator Joseph Griffo, R-Rome, moved a bill through the Senate which would have allowed local governments to be able to designate a town road as "low-volume" and "minimum maintenance." By classifying roads this way, municipalities would save on maintenance costs of these rarely used roads and discourage sprawl in less developed areas. The Assembly companion, sponsored by Assemblywoman Destito did not make it out of committee.

No Bigger, No Better, No Bottle Bill

Despite having enough time to work out the details, the Senate failed again to negotiate an update to the state's beverage container deposit law with the Assembly. Governors Eliot Spitzer and David Paterson both proposed legislation that would extend the five-cent deposit to non-carbonated beverages, including energy drinks, juice, tea and water. The Governor's plan would also capture the unredeemed deposits collected by the beverage industry from those who don't return their containers and direct that money to environmental projects. Currently, unredeemed deposits provide the beverage industry with a projected \$200-million annual windfall. This year, the Assembly passed the Governor's initiative.

Uncapped

Despite the efforts of Senator Thomas Morahan, R-New City, the Senate failed to act on legislation that would have limited New York's carbon emissions by 80 percent by the year 2050. Similar measures are being considered in Congress as well as by nearby states.

ATV=Almost A Ton of Vehicles

Senator Griffo proposed legislation which would have increased the weight limit of all-terrain vehicles (ATVs) from 1,000 to 1,500 pounds. If this bill were to become law, the larger vehicles, nearly the size of small cars, would be allowed to travel where the smaller machines go and cause additional damage. The Assembly did not act on this measure.

Assembly

Assembly Returns to Bottle Deposit Law

For the first time since 2006, the Assembly passed the Bigger, Better Bottle Bill this session, under the sponsorship of Assemblyman Sweeney. The Senate failed to pass the bill and declined to negotiate a compromise. (See "No Bigger.")

Carbon Capture

Assemblyman Sweeney also lead his house in passing legislation that would have required DEC to reduce the state's carbon footprint by 80 percent over the next 40 years. This bill was a priority for many environmental organizations and would demonstrate New York's leadership in reducing climate change emissions.



Sweeney

Bumpy Road

The Assembly failed to act on a bill introduced by Assemblywoman Destito that would have allowed localities to provide minimum maintenance on roads that receive 50 or less vehicle trips per day. This bill would have reduced a financial burden for small towns, while at the same time espousing smart growth ideals by containing development near already developed areas. (See "The Roads Less Traveled.")

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Courts



You Sank My Boathouse

In November 2007, the NYS Supreme Court's Appellate Division rejected the fourth appeal from a landowner who has been wrangling with the town of Santa Clara, Franklin County, for six years over an illegal, floating boathouse he built on Upper Saranac Lake. The decision upholds the town's "jurisdiction, power and authority to regulate, control, restrict or otherwise issue a building permit for the floating boathouse." The court rejected the boathouse owner's argument that the lake, as a navigable body of water, is governed by the state and not the town. The state Supreme Court also ruled in favor of the town's jurisdiction in 2004, 2006 and in April 2007. The boathouse was dismantled. In March, the court imposed a fine of \$200,000 on the landowner.

Another Sinking Boathouse

After nearly a decade of legal battles, acting state Supreme Court Justice Richard Giardino in July ordered a Canada Lake property owner to demolish the illegal boathouse he constructed on the shoreline. The landowner must pay the Town of Caroga a \$50,000 civil penalty and reimburse their legal fees. The town and landowner have battled since 1999, when the town denied permission to build a house on his shoreline lot. The landowner received permits to build a boathouse, but instead built a 2,000-square-foot house with a boat garage on the first floor, sitting over the lake surface. Adirondack Park Agency regulations state a boathouse cannot be greater than 1,250 square feet and must be limited to a single story.

Mercury Rule Rises to Judges, Then Falls

In February, the US Court of Appeals for the DC Circuit unanimously threw out the Environmental Protection Agency's flawed plan for dealing with mercury emissions from power plants. Instead of instituting a

hard cap on each plant's output of mercury, as had been proposed in the final days of the Clinton Administration, the current EPA tried to reinterpret the Clean Air Act by not requiring the deepest possible cuts and allowing for the trading of mercury allowances, an action the Adirondack Council has opposed. Congress must take swift action to create a new plan as currently there are no requirements for mercury limits at power plants.

Appeals Court Hits Brakes on ATVs

In May, the Appellate Division of NYS Supreme Court unanimously upheld a May 2006 decision by Supreme Court Justice Richard Aulisi which banned all-terrain vehicles (ATVs) on eight roads in the Town of Horicon, Warren County. Town officials granted access to the roads, which are on state Forest Preserve lands, but ATVs are not allowed on the Forest Preserve. NYS Department of Environmental Conservation officials sued the town to have the roads closed to ATVs, and won. The town appealed, but lost again. The Appellate Division panel said the town failed to perform any environmental impact analysis and should have consulted DEC before opening the roads.

Carbon Floats, Sinks

A US District Court decision in California in December upheld the state's ability to limit greenhouse gas emissions from its cars and trucks. The decision said California should be allowed to force automakers to raise the average fuel economy of fleets by about 30 percent by 2016, based on a state law from 2002. The judge said the decision would depend upon the US Environmental Protection Agency (EPA) granting a waiver to California, which was rejected a week later. (See Federal Government section, Waiver Goodbye to Cleaner Air.)

Court Doesn't CAIR

In July, the US Court of Appeals for the District of Columbia struck down the US EPA's Clean Air Interstate Rule (CAIR). The decision wiped out EPA's tough, new smokestack emissions standards for coal-fired power plants, just as the Adirondack Park's aquatic ecosystems were showing signs of recovery. The CAIR mandated cuts of 70 percent in sulfur dioxide and 65 percent in nitrogen oxides (the two main causes of acid rain and smog). The rules encompassed all of the plants that cause acid rain in the Adirondacks. Most power companies embraced the CAIR, since it provided consistent rules from state to state, as well as financial incentives for cleaning up emissions faster or deeper than the rules required. Power companies had already spent nearly \$75 billion installing new pollution-control equipment on smokestacks upwind of the Adirondacks in anticipation of the first emission-cut deadline in 2010. Now, more pollution-control devices may not be installed and those already in place may not be used.

A Taxing Situation

In November 2007, Justice Timothy J. Walker of the Supreme Court ordered the state to stop making tax payments and payments in lieu of taxes to municipalities. In the case of Dillenburg vs. State of New York, et al, the former Supervisor of the Town of Arkwright filed suit against the state for failure to pay taxes on state-owned forest lands in his town arguing that the state makes payments on similarly situated forest lands in other municipalities. The judge stayed his decision pending an appeal to be held in September. The Adirondack Council filed a brief urging that full taxes be paid on all Forest Preserve lands.

Justice Walker ruled that the manner by which the state determined what towns receive payments for state owned land was arbitrary and capricious. Justice Walker, having no authority to order payments on Arkwright's land, ordered the state to cease all payments in lieu of taxes to local governments.

Local Governments



👍 Mr. Landowner, Tear Down This Boathouse!

Despite a modest annual budget of \$600,000, the Franklin County Town of Santa Clara struggled through a six-year court battle against a well-financed landowner who built an illegal, floating boathouse on Upper Saranac Lake. The court rejected the boathouse owner's argument that the lake, as a navigable body of water, is governed by the state and not the town. The state Supreme Court also ruled in favor of the town's jurisdiction in 2004, 2006 and in April 2007. The boathouse has since been dismantled.

👍 Carogans Fight to Protect Shoreline

In the Town of Caroga in Fulton County, local officials prevailed in a decade-long legal battle against a Canada Lake shoreline owner who constructed an illegal house disguised as a boathouse. The town and landowner have been battling since 1999, when the town denied permission to build a house on his shoreline lot. The

landowner then applied for and received permits to build a boathouse, but instead built a 2,000-square-foot house with a boat garage on the first floor, sitting over the lake surface.

👍 A Good Deal

The towns of Indian Lake, Long Lake, Newcomb, Minerva, Chester and North Hudson have approved the Adirondack Nature Conservancy's (ANC) proposed plans for the 161,000 acres of forestlands it purchased during the summer of 2007 from Finch, Pruyn & Company. ANC plans to place more than 90 percent of the lands in the five towns under state protection, either by selling them outright to the state for inclusion in the Forest Preserve or by selling development rights via conservation easements. Some of the remaining land will be used for projects that will directly benefit the towns in which the lands are located. The state and ANC sought town approval so money could be used from the Environmental Protection Fund to purchase the lands.

👍 County Cuts Throttle on ATV, Snowmobile Deaths

In spring 2008, after noting an increase in the number of fatalities and serious injuries related to snowmobile and ATV use in Franklin County, the Traffic Safety Board created an Off-Road Law Enforcement Initiative. State and local law enforcement collaboratively conduct checkpoints at various locations throughout Franklin County and thus far have made a total of 270 vehicle stops. These resulted in citations or arrests including six unregistered vehicles, 27 uninsured operators, three citations for imprudent speed, two for reckless operation, six for snowmobiling while intoxicated and various other violations. The board says upcoming law enforcement efforts will focus primarily on off-road operation of ATVs.



The Hudson River Gorge is renowned for its spectacular scenery, varied plant and wildlife habitat and recreational value to paddlers, anglers and rafters. The gorge is part of the 161,000 acres acquired by the Adirondack Nature Conservancy from papermaker Finch, Pruyn & Co. of Glens Falls. Photo © Carl Heilman III/Wild Visions, Inc.



Keeping Taxpayer & Sewage Outflow to a Minimum

In July, the Town of Moriah and the Village of Port Henry in Essex County were approved for a \$5.5-million state grant to improve their wastewater treatment system and better protect water quality in Lake Champlain. The interest-free financing, provided via the New York Clean Water State Revolving Fund and Environmental Facilities Corporation (EFC), will collectively save the communities more than \$4.5 million in interest over the 30 year-term of their loans.



Clearing the Air Over Outdoor Furnaces

The villages of Port Henry, Tupper Lake and Saranac Lake made a bold move when they banned the installation of new outdoor, wood-burning furnaces. The furnaces have been identified as a major, new source of air pollution in rural communities. Other Adirondack towns should take similar steps to protect public health.



Tapping a Funding Faucet

The Town of Indian Lake tapped into the Environmental Facilities Corporation's (EFC) State Drinking Water Revolving Fund for \$2.67 million to drill new wells and improve water conservation. Safe, reliable water systems are essential to healthy communities, as well as tourism. The funding package included a \$2 million grant and \$670,000 zero-interest, 30-year loan. This project would not have been affordable for the town's 1,470 residents without the EFC's assistance.



Big Progress in Small Community

In March, the Town of Pierceland in St. Lawrence County, announced it had secured a \$45,000 state grant to improve energy-efficiency in town offices. When complete, the project is expected to produce annual savings of \$3,000. The grant was provided by the Petroleum Overcharge Reserve fund, which is composed of the proceeds accrued after court settlements from oil company violations of federal price-controls in the 1970s and 80s.



Pay Now or Pay More Later

Town of Newcomb Supervisor George Canon was the voice of reason at the Essex County Board of Supervisors meeting in April, when he recommended that the county pay the \$1,000 fine imposed by the APA. The Agency fined the county for placing new antennas on a county building in the Town of Lewis without obtaining a permit. The town attorney negotiated with the APA to reduce the fine and informed the board. Canon noted that the cost to taxpayers for the county's error would only increase if the county refused to pay. The board voted to pay the fine.



Town Gets Creative

Oak Mountain Ski Center, one of the oldest ski areas in the state, reopened in December 2007 under the management of the Village of Speculator. Last winter the private owners placed the 263-acre property on the market for \$2.4 million after being unable to repay the approximately \$1 million that had been financed by the Hamilton County Industrial Development Agency. Currently foreclosing procedures on the eight year old loan are underway. A state Supreme Court judge granted the village property receivership until either foreclosure proceedings conclude or the owners are successful in selling the ski area and paying off their loans. Village officials proposed the arrangement, arguing that an operating ski center is more marketable and of potential benefit to both the owners and the IDA.



Teamwork Opens Beach, Protects Lake

The Town of Ticonderoga, Essex County, teamed up late in 2006 with the neighboring Town of Putnam, Washington County, to improve the public beach while protecting water quality in northern Lake George. The two towns will connect 260 homes in the area of Black Point Road, Putnam, to a new branch of Ticonderoga's sewage treatment system, eliminating the need for on-site septic systems, many of which were failing. Septic problems caused the beach to close two years ago. It too will be connected to the sewer system. The Lake George Association helped Ticonderoga win a grant to improve the beach. Money to maintain the sewer system came from the NYS Shared Municipal Services Incentive Program.



Forget the Facts, We Wanna Veto!

In 2007, the Town of Black Brook filed a lawsuit against the NYS Department of Environmental Conservation, claiming the state ignored the town's right to veto the state's International Paper Co. (IP) conservation easement purchase. Towns have the right to veto some state land purchases within the Adirondack Park if the money used for the purchase is from the state's Environmental Protection Fund. The IP deal was closed with a grant from the private foundations of Richard King Mellon Fund and Ace Group, not with state funds. The conservation agreement, which closed in April 2007, included 18,000 acres within Black Brook, as part of a \$34 million deal to conserve about 260,000 acres of timberland in the Park -- the largest conservation agreement in New York State history.



Choosing Nothing Over Something

In February, the Town of Westport in Essex County, vetoed the state's purchase of 50 acres of undeveloped forest adjacent to the Split Rock Wild Forest. Town officials said they were worried that the state might not pay taxes on the property because of a recent NYS Supreme Court ruling suspending all state forestland tax payments to local governments. The NYS Attorney General has appealed the decision and the state continues to pay taxes on all Forest Preserve lands.



Cover Your ATV Tracks

Lewis County continued its quest to legitimize the illegal ATV riding that has been happening across the county for a number of years. In 2007, the Adirondack Council won a lawsuit against the county for its failure to perform an environmental review of its actions to open up reforestation lands and roads to ATVs. Now the county is attempting to meet its legal requirements by hiring an outside consultant to perform an environmental review of its proposed actions. To date, only a cursory review, deficient in numerous ways, has been presented.

Adirondack Park Agency



Let's Talk About This

In March, the Park Agency's Board of Commissioners gave the APA staff permission to hold and participate in a series of mediation sessions regarding the 700-unit, luxury mega-resort planned for the slopes of Big Tupper Ski Center in Tupper Lake. The closed-door sessions are the APA's first attempt at mediation among a major resort developer, supporters and those who object to the size and scale of the project. Mediation was suggested by the Adirondack Council as a means of potentially eliminating or adjusting the most controversial aspects of the project prior to the start of a formal, court-style hearing on the development proposal. Such hearings often involve teams of competing attorneys, as well as expert witnesses and intervention from interested parties. These can become extremely expensive and can drag on for years particularly when reviewing large, complex projects. Mediation sessions have continued throughout the summer. No decisions will be made on the fate of the project during these confidential negotiations. This is the largest subdivision and development plan ever brought before the APA.



A Powerful Example

This spring, the Park Agency set an excellent example for all state agencies when Chairman Curt Stiles announced that the APA would install a new solar-powered electrical system that will provide 30 percent of the Agency's annual energy needs, cutting costs and pollution. In April, Governor Paterson issued a Green Procurement and Agency Sustainability Executive Order to promote policies within state agencies that reduce the consumption of materials and energy. The NY Power Authority and NYS Energy Research & Development Authority contributed \$250,000 in grants to help the APA build the solar-powered system. The system will generate 54,000-kilowatt hours of electricity, reducing the APA's annual energy budget by \$8,000. It is anticipated to be operational by October.



Wildlife Connections

In June, the APA held a panel discussion for Commissioners, staff, and experts to discuss habitat connectivity and the need to preserve connections between areas of wildland for the free movement of wildlife. Changes in development patterns, automobile traffic and other human activity can affect the suitability of wildlife habitat. Wildlife that is forced to vacate its home due to overpopulation, human encroachment or changes in climate must have a pathway to another suitable habitat. If wildways are not protected, wildlife will be killed while attempting to cross busy roads or when moving into fringe areas where aggressive predators may kill them.



Moose have been enjoying a remarkable recovery in the Adirondack Park over the last decade, their numbers now up in the several hundreds after being extirpated by shooting and habitat loss in the 1800s. Moose have returned here by remaining habitat connections (including at least one Moose that swam Lake Champlain to Split Rock Wildway); and may depend on habitat connectivity even more in the future, as a warming climate presents this wide-ranging boreal species with new challenges. Other animals that may depend on wildlife corridors, riparian buffers, or general landscape permeability in the future could include Pine Marten, Fisher, Black Bear, Brook Trout, and salamanders.



New Team, New Tools

The Adirondack Park Agency is stepping up its enforcement efforts against a backlog of illegal subdivisions in the Park. The new initiative announced in January follows a series of three formal reports issued by the Adirondack Council concerning the Agency's inability to overcome a large backlog of illegal-subdivision enforcement cases. APA enforcement staff will be using a state real estate transaction database to track new subdivisions in the Park so they can better investigate potential violations. A search of the database found 174 new subdivisions in the Park last year, 55 of which were flagged as potential violations. The Agency finished 2007 with a total of 475 active enforcement cases, 213 of which are for properties under APA jurisdiction that have been

illegally subdivided. That number doesn't include 400 older subdivision violations.



No Weak Signal Here

Starting in December 2007, the Adirondack Park Agency began to approve a series of cellular communications towers designed to improve wireless phone reception along Interstate 87 (the Northway). Verizon Wireless and other companies are looking to fill coverage gaps, including the area where several motorists died during winter storms in the last few years. To date, four new towers have been permitted, along with two new co-location opportunities. The Adirondack Council has worked with APA staff to ensure any new towers are in compliance with the Agency's Towers Policy and are substantially invisible.

Seeing the Forest for the Trees

The APA Board of Commissioners voted in May to allow National Grid and the New York Power Authority to construct a power line across six acres of Forest Preserve in St. Lawrence County connecting to the Tri-Lakes area, pending its formalization through a Constitutional Amendment. In exchange for the six acres, National Grid will add 10 acres of its land in St. Lawrence County to the Forest Preserve. The six acres will not be transferred to NYPA until 2012. Building the urgently needed power line on Forest Preserve (located along 1.8 miles of the western edge of State Route 56 in Colton, St. Lawrence County) would be ecologically preferable to going around it. The detour approved in 2007 by the APA would have pushed a new road six miles into the forest, through a patch of old growth pine, wetlands and the state's best boreal habitat for the endangered spruce grouse. The power line will provide a back-up for Tupper Lake and Piercefield, whose sole power line suffers frequent interruption.

Standing Up for Setbacks

In October 2007, the Park Agency's enforcement committee gave a Lake Clear homeowner the choice of moving his unlawfully constructed house, or altering it and paying a fine. The APA said the \$750,000 vacation home was built too close to the lakeshore and sat on a substandard lot. The committee gave the owner until June 2008 to move his single family dwelling to a legal location on his lot, which must be approved by the APA, and face no additional penalties; or keep

the structure in its present location on the conditions that he removes the deck, plants vegetation for screening, paints the house in earth-tone colors, gets a boundary-line adjustment, and pays a fine of \$50,000. In November 2007, the homeowner agreed to remove the deck, paint the house and pay the civil penalty.

It's OK to Say N-O

In a rare case of the APA turning down the request of an applicant, the Board of Commissioners last October refused to grant a variance to landowners seeking to build a 215-foot long boardwalk in the Town of Greig, Lewis County. The applicants had sought to build the boardwalk to access Lily Pond through an emergent wetland. The Council, along with local residents, had opposed the variance. The landowners sued the APA over its decision in December.

The Incredible Shrinking Trail Mileage

In March, the Park Agency defied logic by adopting a reasonable snowmobile trail mileage cap for the Adirondack Forest Preserve, while at the same time ignoring that the cap had already been exceeded. This decision clears the way for more than 80 miles of new snowmobile trails to be added to public lands in the Park. Since 1986, the official limit on snowmobile trail mileage on the Forest Preserve has been 848 miles. Four successive public presentations by the Department of Environmental Conservation (DEC) and APA staff between 1998 and 2007 have shown that between 1,200 and 1,400 miles of snowmobile trails had already

been constructed on the Preserve. State officials did little to monitor or halt the illegal construction. In 2007, under pressure from snowmobile clubs and some local officials, DEC officials changed their minds and said that there were only 840 miles of trails currently on the Preserve.

The Adirondack Park State Land Master Plan requires that there "shall be no material increase in snowmobile trail mileage" on the Preserve. By the time APA voted on the new mileage estimate and cap, the number had mysteriously dropped again to 766 miles, leaving room for 82 miles of new snowmobile trails on public lands.

The Adirondack Council will continue to advocate for a comprehensive snowmobile plan for the Park that provides for community connector trails but that also eliminates trails from the interior of wild forest lands, while rigorously upholding the mileage cap.

FrontStreet, Back Door

At a time when much of the staff's attention was focused on the development proposed for the area around Tupper Lake's closed ski hill, APA Commissioners approved a large scale housing project in North Creek. The project, proposed by FrontStreet Mountain Development, would be adjacent to the Gore Mountain ski area and the town's Ski Bowl and includes over 200 residences, 200 more overnight rooms, a golf course and equestrian center. The Adirondack Council had requested the project be sent to an adjudicatory hearing, where some of the problematic issues could be resolved. Instead, the Commissioners approved the project with a few additional conditions attached.

After 10 years as the Department of State's designee on the APA's Board of Commissioners, Rick Hoffman retired. Mr. Hoffman's last meeting was in July and he has been succeeded by Robert Elliot, who has been a deputy at DOS since July 2007.



Department of Environmental Conservation

From National Lead to National Treasure

In February, DEC Commissioner Pete Grannis took necessary steps to purchase the majority of the historic Tahawus tract from the Open Space Institute (OSI), adding it to the Adirondack Forest Preserve. DEC acquired 6,813 acres, including Henderson Lake in the Town of Newcomb, Essex County, for \$5.1 million. The land was purchased with Environmental Protection Fund monies. In 2003, OSI purchased 10,000 acres from NL Industries for \$8.5 million and opened the area to the public for hiking, canoeing and fishing. OSI sold 2,900 acres and separately maintained the land under conservation easement permitting sustainable timber harvesting. OSI kept 1.5 acres around its cabin at Preston Ponds and about 210 acres in the historic area containing the former community of Adirondac, where the blast furnace and some of its buildings are to be restored. Forty-six acres around the Maston House were kept by OSI and will be used by the SUNY College of Environmental Science and Forestry for ecological programs. OSI also kept approximately one-third acre around the Mt. Adams fire tower and the nearby observer cabin.



Grannis

How Green is Our House?

In October 2007, DEC unveiled draft regulations to carry out a regional program designed to cut greenhouse gases emitted by New York power plants and those in 10 other Northeastern states, known collectively as the Regional Greenhouse Gas Initiative (RGGI). Under RGGI, participating states will each issue their own regulations and when fully implemented, RGGI will achieve a 16 percent reduction in emissions from projected business-as-usual emissions. Power plants pump out 25 percent of the total annual carbon dioxide emitted in New York State. For the initial six years of RGGI, carbon emissions will be capped

at current levels. In 2015 and in each of the subsequent three years, the cap will be reduced by 2.5 percent for an overall reduction of 10 percent. In August the State Environmental Board voted to adopt the RGGI regulations. However, because of the delay, New York will not be able to participate in the first credit auction, but anticipates being involved in the December auction.

New Land in Old Forge

Commissioner Grannis announced on Earth Day that the state had purchased 754 acres of land along the North and Middle branches of Moose River near Old Forge in Herkimer County. The land purchased from Adirondack Homes LLC will protect seven miles of river frontage. The property, predominantly northern hardwood forests with spruce along the river, also contains hiking trails. Plans for the land may include an access road, parking area and an additional hiking trail along the river.

Permission to Eradicate Granted

Last November, DEC Commissioner Pete Grannis announced \$1.4 million in aquatic invasive species eradication grants. The funding from the Environmental Protection Fund (EPF) will be used to pay up to half of the costs of eliminating species such as Eurasian watermilfoil and purple loosestrife. Some of the Adirondack projects that received funding include: Upper Saranac Lake Foundation (\$100,000); Adirondack Watershed Institute (\$84,000 for two projects); Lake Colby Association (\$30,000); Paradox Lake Association (\$31,000); Town of Minerva (\$13,000); Town of Caroga (\$25,000); Town of Crown Point (\$55,000); and the Town of Inlet (\$82,000).

Breaking Camp

After an issue arose last year in which DEC ordered a floating camp on Cranberry Lake be taken down and the owner to pay a significant fine, six other camps have now been removed. Three camps were removed voluntarily and three more were dismantled by DEC after ownership could not be established. Since 1987, the state has designated floating camps in the Five Ponds Wilderness area illegal.

No Free Ride

In June, Commissioner Pete Grannis issued an immediate ban on the importation of out-of-state firewood not treated or inspected for pests, fungi and invasive species. The ban is an effort to protect New York's vast forests from such invasive species as the Emerald Ash Borer, Asian Longhorned Beetle and Sirex Wood Wasp that have the potential to devastate trees, forests and entire ecosystems. These exotic pests can be transported long distances unintentionally via human activity, especially by moving firewood. The new regulations also prohibited the transport of firewood more than 50 miles. While it was not banned, Grannis asked the public to voluntarily forego bringing firewood into the Adirondack or Catskill Parks from anywhere else.



Water chestnut is a fast growing invasive aquatic plant that interferes with native plants and recreation. Photo courtesy of Hilary Oles, Adirondack Park Invasive Plant Program.

Cars and ATVs Don't Mix

In April, DEC Region 6 Director Judy Drabicki announced that she was closing all state forest and conservation easement roads to all-terrain-vehicle use in St. Lawrence, Lewis, Jefferson and Oswego counties. The road closures will not curtail ATV use by individuals with disabilities on designated roads. The new rule conforms DEC's regulations to NYS Vehicle & Traffic Law, which prohibits ATVs from any roadway in which cars and trucks are allowed. Many of the state forest roads closed were outside the Adirondack Park, however, the ban on roads in easement lands remain in effect within the Park. In August, Lewis County filed an Article 78 lawsuit challenging DEC's authority to close the roads.

A House Put to Good Use

In August, Commissioner Grannis announced that the Maston House in Newcomb, Essex County would be the home of the new Northern Forest Conservation Education and Leadership Training Institute. The center will be operated by the State University of New York College of Environmental Science and Forestry (SUNY ESF). The building will be leased from the Open Space Institute (OSI) for \$1 a year and the state has already committed \$1.125 million to develop the institute and \$1.6 million in research funding. Last year, ESF had announced plans to build a new facility at the cost of \$2 to \$5 million. The Maston House is adjacent to Henderson Lake and surrounded by the 6,500-acre Tahawus tract recently purchased by the state.

For the Birds... and Bats

In January, Commissioner Grannis issued a set of guidelines that promotes wind power, but also minimizes impacts on bird and bat populations. Though developers are required to analyze wind projects and their effects on wildlife prior to construction, studies have varied in thoroughness. The new guidelines will standardize that review, by determining how wind energy developers estimate bird and bat populations and how many would be killed by colliding with the towers and blades.

Smart Money Where it Counts

In March, Commissioner Grannis announced "smart growth grants" for Adirondack communities to help them develop plans linking sustainable development, environmental protection and community viability. One of the largest grants was obtained by Tupper Lake, which plans to use it to create a sustainable economic development plan that is not dependent on the fate of the proposed 700-unit Adirondack Club and Resort. The Adirondack Council hired a grant-writer to apply for the funds on Tupper Lake's behalf. The community was awarded \$100,000.

A total of \$1 million was granted to 18 projects. The grants range in size from local to regional to Park-wide projects. The grants were provided via the NYS Environmental Protection Fund. For more information about these grants, see the Council's Spring 2008 Newsletter in our library on our website at www.adirondack-council.org.

Don't Play with Matches

Commissioner Grannis proposed in May extending the existing ban on outdoor burning to communities of 20,000 or less at the end of 2008. The ruling would ban burn barrels and open pit trash burning throughout the Adirondack Park for the first time. The ban would exempt burning of agricultural wastes on farms, but not plastic. The open burning of waste and brush in barrels and pits can create a variety of toxic compounds, and evidence indicates that burn barrels are the largest contributor to new dioxin pollution in New York. Also, repeated use can contaminate nearby soils and waters, and percolate into groundwater.

Quiet Down

This spring, Commissioner Grannis created a Quiet Water Working Group to study the idea of banning motors from certain bodies of water within the Park to preserve a peaceful setting for people and resident wildlife, while at the same time protecting water quality.

No Space for Invaders

In December, Commissioner Grannis created a new Office of Invasive Species to act as the much-needed coordination center for statewide efforts to control invasive plants and animals. The office will map and record all known non-native species that pose threats to native species. It will collect and disseminate the latest information regarding the most effective control and eradication techniques, while at the same time providing advice as to avoid harming native species in the process. The 2008-09 state budget included \$5 million for invasive species programs.

DEC Finds, Fines Snake Killer

In October 2007, a DEC Conservation Officer and regional game warden for the Lake George area caught and arrested a man who had intentionally shot and killed a timber rattlesnake on Tongue Mountain. The offender claimed the snake was blocking his path and wouldn't move, so he shot it to protect unsuspecting hikers. If left undisturbed, timber rattlesnakes are not aggressive and pose no threat to hikers or campers. Hikers should stay at least 10 feet away from the snake and walk around it. The maximum penalty for killing any species on the state's "threatened" list is \$250. The man agreed to pay a \$200 fine.



This photo of a timber rattlesnake was taken near Split Rock Mountain, Essex, NY. The timber rattlesnake is on the state's Threatened Species list. Photo by Gary F. Heurich, Essex, NY.

DEC Gets the Lead Out

In January, the DEC switched its practice range ammunition to a non-toxic lead-substitute. Lead-free bullets are being introduced into the training of the DEC's 464 conservation officers and forest rangers to reduce their exposure to lead, cut down lead in storm water runoff from shooting ranges and help avoid expensive clean-up jobs. The non-toxic ammo consists of a combination of zinc, tin, tungsten, copper and nylon.

Cooperation Yields Success

In January, the DEC helped to obtain approval from the US Environmental Protection Agency for a multi-state plan to reduce levels of mercury in the waters of New York and New England. This allows Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont to implement joint action to lower mercury levels in their waters and in

the freshwater fish living within them. The goal of the Northeast Regional Mercury Total Maximum Daily Load is to lower atmospheric distribution of mercury in the region by 86 to 98 percent. The plan recommends that the EPA implement a national control program for mercury and that states continue to build upon current state initiatives to control mercury contamination.

Low Marks for Lows Lake

Five years ago, DEC was obligated to ban the public use of float planes and motorboats from Lows Lake, most of which is within the Five Ponds Wilderness. Instead, DEC received a five-year reprieve to find a replacement area for commercial float plane operators to bring their clients. However, five years later, the DEC still has no alternative location lined up. Instead, DEC is now proposing that Lows Lake continue to be used by float planes with the creation of a permit system that

would allow this activity to remain for up to 10 additional years. Frustrated by the delays, several organizations have filed a lawsuit to compel DEC to enforce the ban as called for by the State Land Master Plan. Lows Lake is within the boundary of the Adirondack Council's proposed Bob Marshall Great Wilderness, which would combine the Five Ponds area with several surrounding Wilderness Areas to create a single Wilderness complex of 408,000 acres of protected public and private land.

ATV= All Together Vexed

Commissioner Grannis has yet to implement a policy that would close all Adirondack Forest Preserve roads and trails to all-terrain vehicle traffic. In 2005, then-commissioner Erin Crotty proposed this policy and the public comment process has since lapsed. Now Grannis just needs to act. ATV riding is the single most destructive form of recreation in the Park.

Other Agencies



A Sign of Progress

In January, the Department of Transportation installed traffic signs along Interstate 87 (the Northway) alerting motorists to the lack of cell phone service between exits 26 and 35. The signs displayed a message in both English and French. The Adirondack Council had suggested this temporary measure while cell service providers worked with the Adirondack Park Agency to install new communication towers in this area. (See APA, "No Weak Signal.")

New Rule Book for Highways

In August, the NYS Dept. of Transportation (DOT) issued a new set of internal guidelines that will help protect the Adirondack Park's natural resources as the state agency carries out its mission. The "Greenbook" will explain the special status of Forest Preserve lands and the unique, fragile nature of many Adirondack ecosystems to DOT officials, so they can avoid harm when maintaining, rebuilding,

relocating and widening state highways. DOT consulted with the Adirondack Park Agency and Dept. of Environmental Conservation in creating the new guidelines. Two years ago, DOT employees caused a furor when they illegally cut down more than 1,000 roadside trees on Forest Preserve lands along Route 3 between Tupper Lake and Saranac Lake. The new guidelines were, in part, meant to prevent similar incidents.

The Adirondack Council does not accept government or taxpayer funding of any kind. The Council's work is funded entirely by your private donations, strengthening our advocacy efforts.

Attorney General



Cuomo Lands Lunker Settlement

In October 2007, Attorney General Andrew Cuomo followed through on a lawsuit initiated by former Attorney General Eliot Spitzer and seven of his colleagues in Northeastern states, winning a \$4.6-billion settlement from one of the nation's largest



Cuomo

and dirtiest power companies. American Electric Power Co. (AEP) agreed to install acid rain emissions controls and donate money to help protect Lake Champlain, in what government officials called the nation's largest environmental settlement. AEP's 16 coal-fired power plants must comply with the Clean Air Act provisions requiring the same strict emissions standards for formerly exempt plants that are expanded or rebuilt. The case against AEP began in 1999 when eight states and a number of environmental groups joined forces with the US Environmental Protection Agency's crackdown on energy companies accused of rebuilding coal-fired power plants without installing pollution controls.

AG Leads Strong Charge v. EPA's Weak Air Standards

In May, Attorney General Cuomo joined 13 other states and two cities in suing the US Environmental Protection Agency (EPA) over new air standards in the Clean Air Act for smog. The lawsuit was filed in the US Court of Appeals in the District of Columbia. Cuomo said he was leading the group of plaintiffs in the litigation regarding "watered-down standards," which were adopted in March by EPA. The new standard would lower the acceptable limit of ground level ozone from 84 parts per billion (ppb) to 75 ppb. However, EPA's own scientific advisors had recommended a level between 60 and 70 ppb. The Clean Air Act requires regular

review by the EPA of two sets of air pollutant standards. The primary standard governs the upper limit of smog which, if exceeded, can be dangerous to human health. The secondary standard relates to the limit beyond which plants and animals may be harmed.

Lawsuit Would Rev-Up Auto Emissions Rules

In January, Attorney General Cuomo led 14 of his colleagues in suing the federal government for blocking the states' efforts to reduce vehicle greenhouse gas emissions. The lawsuit seeks to reverse the US Environmental Protection Agency's December 2007 decision, which kept California from adopting stricter emissions standards for cars and trucks. Under the federal Clean Air Act, states can follow federal standards or California's more stringent rules. California also sued EPA to reverse the denial.

Cuomo Shuts Down Coal Plant for Clean Air Act Violations

Attorney General Cuomo reached a settlement in February with Rochester Gas and Electric (RG&E) ensuring that the polluting, coal-fired Russell power station in Greece, NY, will be shut down and replaced with a cleaner plant. RG&E also will pay \$700,000 to settle a state claim that the company made major upgrades to the coal-burning plant in the mid-1980s without installing required pollution controls. Of the money RG&E will pay the state, \$500,000 is to be used for energy efficiency or pollution reduction projects in the Rochester area. The other \$200,000 will be paid to the state Department of Environmental Conservation as a civil penalty. RG&E said it intended to replace the 60-year-old Russell station with a natural gas-burning plant. The plant's smokestacks were among the Adirondack Park's closest sources of acid rain-causing emissions.

An Exhaust-ing Effort

In April, a year after a divided US Supreme Court ruled carbon dioxide from cars is air pollution that can be regulated, Attorney General Cuomo and colleagues from a dozen states and several environmental groups petitioned an appeals court to force the US Environmental Protection Agency to act on the decision. The Supreme Court's divided April 2007 ruling (5-4) required the EPA to decide whether or not to regulate greenhouse gas emissions, including carbon dioxide, from motor vehicles. The EPA has not yet acted. The petition asks the US Court of Appeals for the District of Columbia Circuit to require the EPA to act within 60 days. In last year's decision, the Supreme Court ruled the EPA has the authority to regulate emissions from new cars and trucks under the Clean Air Act, and said the reasons the EPA gave for declining were insufficient.



Illustration ©Sheri Amsel

Federal Government



👍 Schumer Fights for Acid Rain Monitoring Funds

Sen. Charles Schumer, D-NY, led the effort to restore \$2 million in federal funding to aid in crucial acid rain reduction and monitoring programs in the Adirondack Park. Funding for the Clean Air Status and Trends Network (CASTNET) as well as the Temporally-Integrated Monitoring of Ecosystems and Long Term Monitoring programs (TIME/LTM) were quietly slashed by the US Environmental Protection Agency last fall (the former analyzes air samples for pollution levels, while the latter charts lake and river chemistry changes). In January, Senator Schumer persuaded members of the Senate Appropriations Committee to replace the funding cut by the Bush Administration.



Schumer

Congressmen John McHugh, R-Pierrepont Manor and Michael Arcuri, D-Utica, as well as both Senator Schumer and Senator Hillary Clinton, said they would fight to restore these essential funds this fall, as the proposed budget would again slash these vital programs. The Adirondack Council will assist the Congressional delegation in this effort.

👍 McHugh Bill Would Restore Multi-State Clean Air Rules

In October, US Rep. John McHugh introduced federal legislation that would require deep cuts in acid rain-causing power plant emissions. The bill would also require strict limits on mercury and carbon dioxide



McHugh

outputs from those same power plants. If passed, this measure would require the Environmental Protection Agency to submit reports to Congress regarding their plans to protect sensitive ecosystems. The bill would require a 75 percent reduction in sulfur dioxide and nitrogen oxides by 2010, and a 90 percent reduction in mercury emissions by 2011. In addition the measure would seek to reduce carbon emissions by 80 percent by the year 2050.

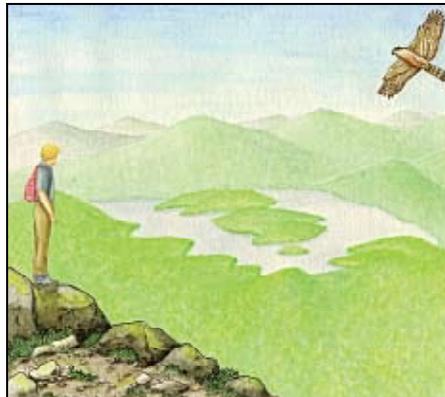


Illustration ©Sheri Amsel

👍 Digital Tour Guides for Scenic Byways

In January, US Rep. John McHugh announced that the US Department of Transportation awarded grants totaling \$603,920 to scenic byways projects proposed within Franklin, Hamilton, Fulton, Oneida, Lewis, Clinton, Essex, and St. Lawrence counties. The grants are designed to improve tourism. The Podcasts Pilot will receive \$24,240 to fund the development of podcasts with interpretive information about the three byways in the Adirondack North Country: the Adirondack (State Route 30), Olympic, and Central Adirondack Trail (State Route 28) scenic byways. Travelers will have the opportunity to download the podcasts from the byway websites. The Byway Bike Map and Day Trip Planning Guide project will receive \$98,500 to create a bicycle touring map for 13 byways of northern New York and an Adirondack Trail day trip planning guide.

👍 Feds Won't Sacrifice Endangered Species

The US Fish & Wildlife Service in June issued a warning to wind power developers that those who planned to build turbines near known migratory bird and bat habitats would have to move their projects before approval is granted. The announcement was made in response to a "notice of intent to sue" petition filed in April by the Center for Biological Diversity, the Adirondack Council and several other groups and individuals. The petition called for the federal government to stop issuing "incidental take" waivers to turbine builders until better studies were conducted regarding their effects on birds and bats. The waivers allow the builders to ignore the accidental killings of federally protected species by their power turbines. The Center and Council filed the petition in response to the massive loss of endangered Indiana bats to "white nose syndrome," a mysterious illness indicated by a band of white fungus on the face. The Fish & Wildlife Service agreed that the danger of extinction is sufficient to halt, for now, the creation of any additional stresses to Indiana bat habitat.



Little Brown Bat in flight. Photo © Merlin D. Tuttle, Bat Conservation International

Waiver Goodbye to Cleaner Air

In December, after a two year delay, the US Environmental Protection Agency refused to grant a waiver to California that would allow it to impose regulations stricter than the federal standards for greenhouse gas emissions from cars and trucks. New York and 15 other states were poised to adopt the California standard, which is the only option beside the federal program. EPA claimed that the federal authority was adequate and that California had not presented a compelling case for the granting of a waiver. The states, along with environmental organizations, have filed a lawsuit against the EPA for its poor decision.

No to Caps

In June, the US Senate again voted down a bill that would require reductions in the country's output of carbon dioxide emissions. After lengthy debate and maneuvering, a procedural vote to continue

consideration of the bill was required. To move forward, 60 affirmative votes were needed but the bill's supporters were only able to muster 48 positive votes. Several key figures were absent from the vote, including John McCain, R-Arizona, and Barack Obama, D-Illinois. The Presidential candidates each submitted a letter stating that they would have voted in favor of the action to move the bill forward. The legislation was sponsored by Barbara Boxer, D-California, Joseph Lieberman, I-Connecticut, and John Warner, R-Virginia.

Painful Cuts

For the second straight year, the Bush Administration proposed devastating cuts to two crucial acid rain monitoring programs. The nearly \$2 million reductions proposed by the President would eliminate the TIME/LTM program completely and reduce the CASTNET program by over 25 percent. These programs, which have been in place for decades and are effective, currently operate on extremely small budgets.



Acid rain continues to damage the forests and waters of the Adirondack Park.



GIVE AT THE OFFICE!

Take advantage of an easy and convenient way to support the Adirondack Council! You can make a gift to the Adirondack Council by payroll contribution through Earth Share of New York's workplace giving program at numerous private companies, many state and municipal government organizations, and in the Combined Federal Campaign (CFC), by selecting #22101 on your pledge form. Contributions to Earth Share of New York support a broad range of charities committed to protecting public health and our air, land, water and wildlife.

The Adirondack Council is a member of Earth Share of New York, a statewide federation of our state and this country's most respected environmental and conservation charities. To find out more about how you and your workplace can support the Adirondack Council through an Earth Share of New York charitable giving campaign, please call Diane Fish, Director of Fund Development at 518-873-2240. You can also visit Earth Share of New York's web site at: www.earthsharenyc.org.

Thank you to all our members for your activism and financial and moral support. As you can see from all of the successes in the Park over the last year, your involvement really does make a difference. Thank you for your continued support!

Ecology Update



The State of Easements in the Park

Conservation easements are permanent agreements in which a landowner sells the development and sometimes other rights (e.g., hunting, water, timber, mining, etc.) in his/her property to the state or a land preserving organization, i.e., a land trust. The state or land trust holds those rights forever, effectively extinguishing them. The public benefits from protected open space and the landowners may receive a tax benefit. In the Adirondack Park, the NYS Department of Environmental Conservation (DEC) often purchases both development rights and some recreation rights, allowing the public to access the property either by foot or some type of motor vehicle, which may also vary from easement to easement. The landowner, usually a timber company, may continue to harvest trees. Since the 1983 legislation that has permitted New York to acquire conservation easements, more than half a million acres have been at least partially protected by this increasingly popular tool.

In theory, this all sounds great. But for whom do these working forest easements work? Can forests remain in their natural state while logging persists within them? While acquiring conservation easements can be cheaper than buying the fee title to land and adding it to the Forest Preserve, the protections on the land are also reduced. And, can an understaffed DEC effectively monitor and enforce the conditions on roughly 570,000 acres now under easement protection?

A growing number of conservationists, led by the Wildlife Conservation Society (WCS), Open Space Institute (OSI) and the Adirondack Nature Conservancy (ANC) are attempting to answer these very questions. The recent study and report by WCS, *Conservation Easements and Biodiversity in the Northern Forest Region*, has taken great strides to begin finding answers. Using this study and adding our own perspectives, we believe easements can be improved in the following ways:

1. Conservation easements now afford partial protection of some of the

most important lands in the Adirondack Park, including major wetland complexes and low-elevation boreal forest. However, these lands may also contain roads for logging activities, which damage habitat connectivity and harm interior forest-dependent species. Road use should be limited to allow for safe migration of these species.

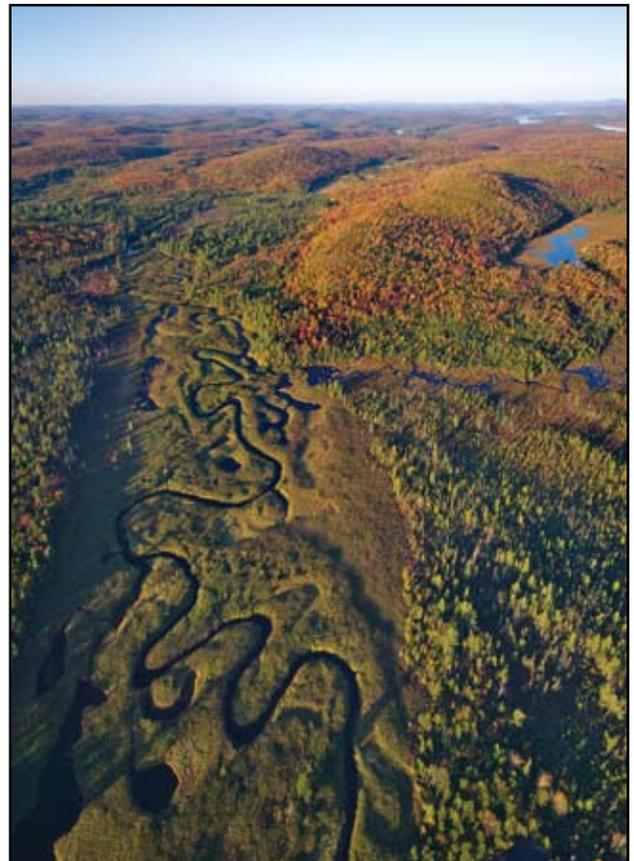
2. Thus far, state-held conservation easements have generally been tailored to maintain timberlands, not to ensure biodiversity. The easements that do require strict biodiversity protection are usually held by land trusts. Stronger ecological protections, such as wider no-cut buffers along and around streams, wetlands, and rare natural communities, would make easements more effective at conserving biological diversity.

3. As explained in the WCS study, biological inventories and biological conservation plans should serve as fundamental elements in easements. This baseline data will be useful for decades to come.

4. Monitoring and enforcement are the keys to successful easements. The DEC's budget needs to be increased to hire more staff to patrol and survey easement lands.

In sum, conservation easements can help to protect the ecological integrity and wild character of the Adirondack Park by helping to maintain a forested landscape. However, they can never replace the Forest Preserve nor supplant the need to

expand it for the preservation of critical wildlife habitats. To complement the Forest Preserve and keep the Park wild enough for wildlife to move easily from one region to another, easement lands need to be expanded too. Easements must be carefully monitored and enforced, and easement terms need to be strengthened and tailored to better maintain biological diversity.



Flowing north to the Canadian border, the Oswegatchie River carries water from the Five Ponds Wilderness through low-elevation boreal forests to the St. Lawrence River. This unique and fragile landscape is home to some of the rarest species in New York, including moose, Canada lynx, spruce grouse and insect-eating plants such as the sundew and pitcher plant. Very little of the forest is protected from development between the Five Ponds and the Park's northwest border. Conservation agreements with landowners can permanently protect these magnificent landscapes, while also sustaining the local wood products economy.

Photo © Carl Heilman II/Wild Visions, Inc.

Tip of the Hat



Each year in State of the Park, the Adirondack Council recognizes the positive efforts other not-for-profit organizations, groups, individuals and companies have brought to the Park's environment and sustainable economy over the past 12 months. We offer a tip of our collective hats.

In July, **Lake George Waterkeeper Chris Navitsky** won an Article 78 lawsuit against the Town of Lake George in NYS Supreme Court, proving that town officials acted arbitrarily when they approved a portion of a massive housing subdivision. The court ruled that the town violated the NYS Environmental Quality Review Act, which prohibits approving part of a subdivision without considering the impact of the whole plan. Navitsky won the Adirondack Council's Conservationist of the Year Award in 2005.

The **Adirondack Park Invasive Plant Program (APIPP)** recently celebrated 10 years of fighting exotic species throughout the Park. Led by Hilary Oles and Steve Flint, APIPP has slowed the spread of invasive species throughout the Park through education and eradication efforts. APIPP has become the model Partnership for Regional Invasive Species Management (PRISM) in NYS and is among the most successful organizations of its type in the world. To become involved or to learn about invasive species in your area, please visit their website <http://www.adkinvasives.com/>.

In February, the **Natural History Museum of the Adirondacks (Wild Center)** in Tupper Lake became the first New York museum to win a Leadership in Energy Efficiency and Design (LEED) Silver award. The Wild Center also hosted an important conference on climate change in June.

International Paper Company provided all of the paper and some of the funding for the Adirondack Council's new handbook on preserving water quality, *Adirondack Waters: Resource at Risk*. Copies are still available by calling toll-free at 1-877-873-2240; or online at www.adirondackcouncil.org/library.

The families who own **Brandreth Park** have purchased the Thayer Lake/Shingle Shanty tract between their holdings and the William C. Whitney Wilderness and will preserve it in its natural state. The new owners hired former Adirondack Park Agency Chairman and former SUNY College of Environmental Science and Forestry President Ross Whaley to manage the property and oversee fisheries preservation.

The **Adirondack Watershed Institute**, based at **Paul Smith's College**, has expanded its **Watershed Stewardship Program** this summer to include Long Lake and Blue Mountain Lake. Eight college students and recent graduates educate the public about invasive species at seven boat launch sites and conduct watershed related research. The program began in 2000.

In April, the **Adirondack Nature Conservancy** offered to turn over a parcel of land to the Town of Willsboro to use as a recreation area. Under the plan, the town would assume control of the 110 acre property, which contains 3,000 feet of river front, forest land, wetlands and important species like sycamore trees. The land transferred would be maintained under a conservation easement that limits development.

The **Adirondack North Country Association (ANCA)** received eight marketing grants totaling \$320,000 to promote Scenic Byway communities along special touring routes across the Adirondacks. These projects will stimulate tourist visitation to natural, cultural, historical, scenic and recreational resources in communities and increase visitor spending at businesses throughout the region.

The **Lake George Land Conservancy** announced in December it would purchase the 1,423-acre Berry Pond tract on Prospect Mountain, one of the largest undeveloped tracts in Lake George still in private hands. Once owned by a notorious local liquidation logger and land subdivider, this land will soon become Adirondack Forest Preserve. The Conservancy also recently purchased 331 acres to be permanently protected including the well known Jumping Rock.

In July, the **Adirondack Common Ground Alliance** held its second successful forum in the **Town of Long Lake**, bringing together officials, economic development experts, environmental organizations, state agencies and others to develop a common agenda for state and federal lawmakers. This year's forum drew a special delegation from the **Quebec Labrador Foundation**, who sent observers from South America to learn how competing entities can often cooperate on public policy.

In November 2007, **Audubon New York** released a new internet-based game as a means of educating young children about migratory birds and their yearly southbound flight for survival. "Mission: Migration" was designed for children grades 3 through 5 who are learning about bird life cycles through science lessons. The game can be found on-line at <http://ny.audubon.org/mission-migration.html>.

New York's **I Love New York** campaign promoted Adirondack tourism through a series of television commercials that compare the Park's size, diversity and recreational potential to the largest national parks in the West. I Love New York, along with the Adirondack Council, also helped to underwrite "The Adirondacks," a two-hour public television documentary released in May. The Council will use a similar theme in television public service announcements it created with the help of **WNED-PBS Buffalo**, the producer of the movie. The PSAs feature the **Bacon Brothers** (composer Michael and movie star Kevin), who narrate the spots and whose music plays on the soundtracks.

2008 Award Winner



Conservationist of the Year Bill McKibben

On July 19, the Adirondack Council presented its 2008 Conservationist of the Year award to environmental activist and author Bill McKibben. The award was presented at the Silver Bay Association, a YMCA facility on the western shore of Lake George, as part of the Council's annual Forever Wild Day. McKibben is the 24th annual winner of the Council's Conservationist of the Year award.

McKibben, who delivered a moving and inspirational speech on climate change to over 200 Council members, received a specially commissioned, hand-carved common loon in recognition of his achievements. The award was presented by Adirondack Council Executive Director Brian L. Houseal and Board Chair Brian Ruder. McKibben was introduced by Congresswoman Kirsten Gillibrand, whose district includes Lake George.

McKibben was raised in suburban Lexington, Massachusetts. After graduating from Harvard in 1982, Bill began writing for *The New Yorker* magazine. His first book, *The End of Nature*, published in 1989, won critical acclaim as being the first book on climate change geared toward the general public. Some of McKibben's other works include *The Age of Missing Information*, *Hope, Human and Wild*, *Maybe One*, *The Comforting Whirlwind*, *Long Distance: A Year of Living Strenuously*, and *Wandering Home*.

In 2007, Bill helped launch the "Step It Up" campaign to both raise public awareness about climate change and spur citizens to take action. Local groups around the country held hundreds of small rallies simultaneously, on both April 14 and November 3, to show their concern about the planet and to call for Congressional action on carbon emissions. This grassroots advocacy effort now goes by the name "1Sky." Bill also wrote about this experience in a book entitled, *Fight Global Warming Now*.



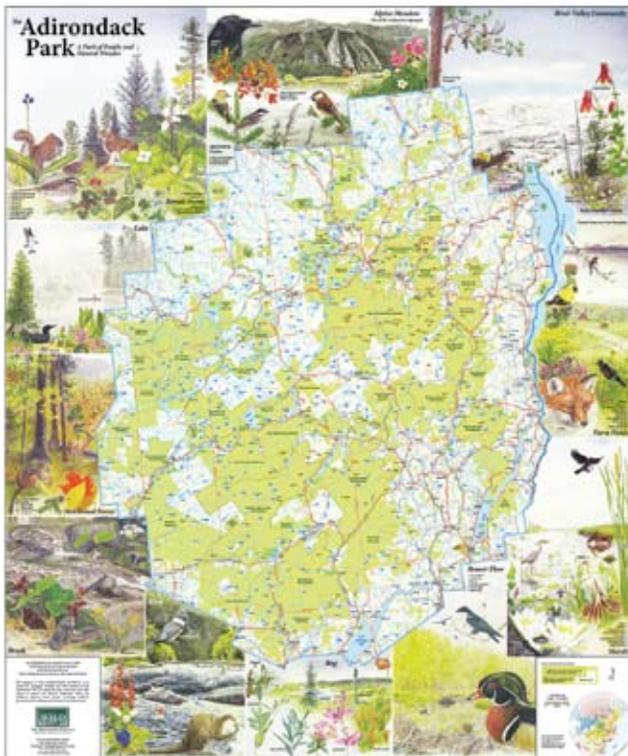
The Council's 2008 Conservationist of the Year, Bill McKibben, accepts a hand carved loon from Council Executive Director Brian Houseal and Board Chair Brian Ruder.

His latest book, *The Bill McKibben Reader* is a collection of 44 essays written over the last quarter century. Mr. McKibben continues to contribute to several magazines, such as *The New York Times Sunday Magazine*, *The Atlantic Monthly*, *Orion*, *Rolling Stone* and *Grist*. Bill currently resides in Ripton, VT, and Johnsbury, NY with his wife and daughter and is a Middlebury College scholar in residence.



Conservationist of the Year Bill McKibben addressed Adirondack Council guests gathered at Silver Bay Conference Center during our annual Forever Wild Day.

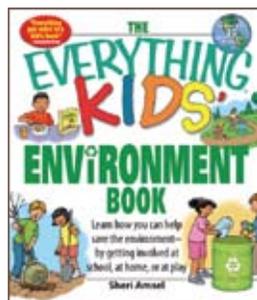
The Adirondack Council offers a small collection of gifts to help raise the funds we need to fight for the Adirondack Park every day. Every gift you purchase...whether it's a Clean Air Certificate to remove a ton of pollution that causes acid rain or our 2009 calendar to remind you of the Park's wilderness and wildlife...helps the Council protect the natural resources of the Adirondack Park.



ADIRONDACK PARK MAP WITH WATERCOLOR ILLUSTRATIONS

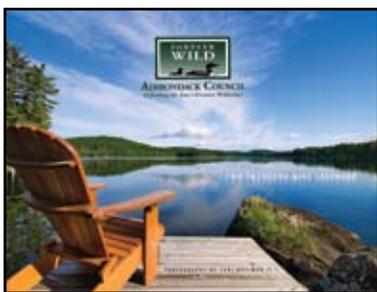
The Adirondack Council has published the 2nd Edition of its popular Adirondack Park map (35" x 43") showing public and private lands, wilderness areas, mountains, rivers, towns and highways. The map is bordered by beautiful, detailed watercolor illustrations by artist Anne Lacy depicting various habitat found in the Adirondacks: alpine meadow, river valley, marsh, bog, river, brook, hardwood forest, lake and boreal forest. Laminated map: \$40 Unlaminated map: \$25

THE EVERYTHING KIDS ENVIRONMENT BOOK



By Sheri Amsel
A book for kids and their parents on how to help save the environment by getting involved at school, home or at play. 130 pages of cool environmental information, activities, experiments and games. Have fun while saving the planet! \$8

ADIRONDACK COUNCIL 2009 FOREVER WILD CALENDAR



Featuring the Adirondack landscape photography of Carl Heilman II, the Adirondack Council's 2009 calendar brings you into the Park with Carl's breathtaking images of the Adirondacks. \$13

IT'S EASY TO PLACE AN ORDER!

- Make your purchase on our secure website at www.adirondackcouncil.org

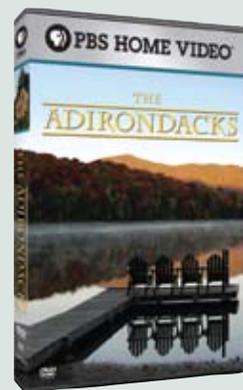
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Additional items are available on our website at www.adirondackcouncil.org

THE ADIRONDACKS A two-hour PBS film on the Park

Through the perspectives of several characters, this movie explores the history, seasonal landscape and current state of the Adirondack Park. It is the first Adirondack documentary recorded in high-definition video, making the most of the Park's majestic beauty and wildness for viewers who might never get a chance to visit. The movie was partly underwritten by the Adirondack Council and created by WNED-TV, PBS Buffalo. DVD \$24



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

Adirondack Council

The Adirondack Park is the largest park in the contiguous United States. Its wild, natural beauty is a sanctuary for wildlife and people in today's world. The Adirondack Council is the leading voice for Adirondack conservation. We are showing the world how people and nature can thrive together.

Not a member yet? Join us! 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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Defending the East's Greatest Wilderness

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