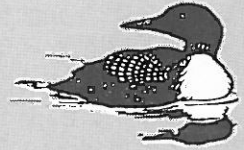




The Adirondack Council SPECIAL REPORT



February 1984

STATE OF THE PARK - 1983

A Review of The Year's Actions and Trends in the Adirondack Park

INTRODUCTION

This is the second annual review of the state of the Adirondack Park. These reviews are intended to measure how effectively the state government is protecting the Park and its resources. In addition, they identify the need for new programs and directions. It is our hope that these reports will act as a barometer, measuring the quality of the Park and warning of changing conditions in time to act.

This review covers six critical aspects of the Park: The Forest Preserve; The Private Lands; State and Federal Stewardship; Air and Water Quality; Forests, Waters and Wildlife; and Overall Park Quality. Taken together, these indicators reflect the open space and natural resource base that is the essence of the Adirondack Park.

For each of these six indicators of the state of the Park, the report cites specific state actions - or lack of action - in the past year that have significance to the Adirondack Park and that are to the credit or discredit of the state agency involved.

The agencies primarily responsible for the Park are the:

- (1) *Adirondack Park Agency*, which regulates the use of the 3,600,000 acres of private land in the Park, develops general policy for the forest preserve and serves as a forum for developing state policy concerning the Adirondack Park;
- (2) *Department of Environmental Conservation*, which is charged by law with the care, custody and control of the 2,400,000 acres of Adirondack Forest Preserve; and
- (3) *Department of Transportation*, which has responsibility for over 1,100 miles of state highways within the Park.

Other agencies that occasionally undertake actions significantly affecting the Park will also be cited, as will the state legislature and the Governor.

THE PARK

In size, diversity and ownership pattern, the Adirondack Park is unique in the United States. It is our largest park by far outside of Alaska, encompassing one-fifth of the total land area of New York State and including an extraordinary blend of forests and farmlands, towns and villages, mountains and valleys, 2,800 lakes and ponds, and 30,000 miles of rivers and streams. The Park is home to 125,000 permanent and 90,000 seasonal residents. Some 40% of the Park is state owned forest preserve while the rest is private land. The public and private lands are intermingled in a 9,000 square mile patchwork pattern. Thus the destiny of the public and private lands of the Adirondacks are inextricably linked.

Yet for all this the Adirondack Park cannot be described solely in numbers or physical and biological terms. It is a symbol of New Yorkers' belief that the human race can live in harmony with nature. It represents faith in the future. It represents foresight and vision.

There is nothing like the Adirondack Park anywhere else in the world.

THE YEAR IN REVIEW

Concern over the Park stems not only from the danger of a single major threat but comes from the cumulative effect of many smaller threats that, taken over time, will eventually destroy the Park. The past year has seen the continuation of a slow but serious erosion of Park values.

THE FOREST PRESERVE

Condition: Good

Trend: Stable

Constitutionally protected as "forever wild", New York's Adirondack Forest Preserve is not only a symbol of faith in the future but a tangible proof that society is capable of controlling its appetite for the consumptive use of all our natural resources.

The forever wild provision of the state constitution prohibits the sale of forest preserve and the cutting of timber on it. The quantity of forest preserve that this generation passes on to future generations, and the condition of that preserve, depend on the following kind of decisions, all of them made within the past year.

The state took fewer protective actions in 1983 than in 1982 and more actions that indicated less certainty regarding the role of the forest preserve in the Park. Thus, the trend, although rated as "stable", bears watching.

To its credit:

-The *Department of Environmental Conservation*, after years of little progress, is now committed to assigning resources to the preparation of unit management plans. Individual plans will be prepared for each major tract of forest preserve. These plans will detail the management techniques to be used to protect the wilderness or wild forest values of the unit.

To its discredit:

-The *Department of Environmental Conservation* has conspicuously failed to develop and pursue an aggres-

sive, innovative forest preserve acquisition policy. The present policy appears to be a wholly reactive one based on reviewing parcels for their desirability as they come on the market. Even then the review focuses heavily on administrative ease rather than the needs of future generations. The Department has failed to develop a long range acquisition policy based on the public need for: 1) open space preservation, 2) canoe route access, 3) rounding out the designated wilderness areas, 4) highway corridor protection, 5) natural shoreline preservation, and 6) scenic vista preservation. After identifying its needs, the state should then use more innovative approaches that include discussions with land owners about various real estate transactions that might meet the needs of both the state and the owner. Such techniques include not only outright purchase but also life estates, the purchase of development rights and individually crafted conservation easements.

-The *Department of Environmental Conservation* in acquiring a vitally important 6000 acre forest preserve parcel that consolidates the existing Five Ponds and Peepbox Wildernesses, entered into a contract allowing the seller to cut the timber on the property over the next 8 years and *requiring* the construction of 12 miles of gravel roads through this tract which should be designated wilderness. The reasoning for this bizarre transaction stems from archaic state acquisition requirements that, for appraisal purposes, result in giving a positive value to roads. Requiring roads, therefore, brought the parcel's appraised value up to a level acceptable to the seller. The irony, of course, is that the roads will actually make the land less valuable for the purpose for which it was acquired -- wilderness preservation. The Department believes that the roads will never be built and, as a result, the state may receive a refund. The end result is a gamble, a gamble that may save some money but may also lose a wilderness.

-The *Department of Environmental Conservation*, in a needless but perhaps symbolic attack on the wilderness concept, proposed amending the wilderness requirements of the State Land Master Plan to allow motorized vehicle use within wilderness areas in order to lime just 3 acidified lakes -- and thus to replace one artificial aquatic environment with another -- while hundreds of lakes and ponds outside designated wilderness exhibit similar acidic conditions and could just as easily have been chosen for such treatment.

THE PRIVATE LANDS

Condition: Fair

Trend: Declining

Most Adirondack Park landowners have been, and continue to be, good stewards of their land. This is evident in the beauty of the Park today. At the same time, the exceptions -- garish commercial developments -- detract from the natural character of the Park. The Adirondack Park Agency was created to insure that private development would not adversely affect the natural environment and open space character of the Park.

To its credit:

-The *Adirondack Park Agency* demonstrated sensitivity and professional competence in its review of the large Top O' World residential development in Warren County. The Agency provided support to local officials regarding access to Lake George and required the developer to preserve vegetation necessary to screen the development from the lake.

To their discredit:

-The *Adirondack Park Agency* has undercut its own planning process and the legislated process for amend-

ing the Private Land Use and Development Plan Map by allowing local sentiment to weigh heavily when considering proposed map amendments. The amendment process should be based on the original planning factors. These included soil, slope and biological considerations that reflect the land's capability to withstand development, the public need for open space, and the availability of adequate local services to deal with any proposed increased development potential. Furthermore, the Adirondack Park Agency Act requires the Agency to determine what land use classification, as defined in the law, most accurately describes the land in question. The result of factoring in the amount of local support or opposition has made an erratic pattern of map amendments that accurately reflected the land's capability in some cases but had little relationship to the land in other cases.

-The *Local Government Review Board* continued to discourage local governments from working with the Agency and from developing local land use programs that would allow them to shift many of the Adirondack Park Agency's regulatory powers to the local level. Since the Review Board's legislative mandate is to assist the Agency in carrying out its functions, one of which is to assist and encourage local governments to develop local land use programs, such actions raise questions about the Review Board's ability to carry out its purpose and about the desirability of its continued existence.

-The *Adirondack Park Agency*, in reviewing large development projects, has failed to address the basic question of a project's compatibility with the legislated description and purposes of the land use area in which it is proposed. Specifically, in reviewing the proposed 376 unit Best Club development that could triple the population of the Franklin County Town of Duane, the Agency staff not only failed to address the compatibility question but also allowed the developer to piecemeal his proposal, contrary to the Agency's own regulations, in order to avoid both Agency and public scrutiny. Such actions could destroy the remoteness and open space character of large segments of the Park that were classified by the state legislature according to these very characteristics. (The Adirondack Council is presently litigating the Best Club case).

STATE & FEDERAL STEWARDSHIP

Condition: Fair

Trend: Stable

Government development and actions in the Park can be as destructive of natural qualities as the most misguided private actions. New electric transmission line locations, highway reconstruction, administrative facilities, prisons and a host of other actions not only create their own effects, but they influence private actions. For example, a prison might increase the housing demand in an area due to increased employment but, at the same time, decrease the desirability of nearby land for residential uses.

Although no negative actions are reviewed this year, the trend cannot be considered to be any more than stable since many longstanding failures to act still remain in such areas as park interpretation. This year there were, however, several hopeful signs relating to government stewardship.

To their credit:

-The *Adirondack Park Agency* uncovered and brought to public attention the fact that the federal Department of Energy (DOE) is considering the vast amount of crystalline rock in the Adirondack Park as a potential national high-level radioactive waste repository. The Agency

continues to exert pressure on DOE to exclude major designated parks from use as repositories.

-The *Department of Transportation*, working closely with the Adirondack Park Agency, has located alternative sites, screened from public view, for their Hoffmeister and Cranberry Lake maintenance and sand and salt storage areas as part of a sincere effort to improve the Park's highway corridors.

-The *Public Service Commission* upheld its decision to require a transmission line crossing the Boquet River to be placed underground despite intense pressure to change. The beneficial results of the underground crossing and the negligible effects on the fishery resource have proven the PSC decision correct.

AIR AND WATER QUALITY

Condition: Good

Trend: Declining

The fresh, pure air and the sparkling, clear waters of the Adirondacks, long a lure to urban dwellers, are basic to the Park's economy and its residents' quality of life.

These two resources are threatened not only by activities within the Park but by activities many miles distant. Outside the Park, sulfur emissions from industry and nitrogen oxides from automobiles react with moisture in the atmosphere to pose the most ominous threat of all to the Park--acid rain. It is because of the lack of positive action to control acid rain that the air and water quality in the Park must be considered declining.

To their credit:

-The *Adirondack Park Agency* has taken a leadership role in the fight against acid rain. Specifically, the Agency has: 1) sought strong acid rain control amendments to the federal Clean Air Act; 2) supported (along with the *Attorney General*) the proposed state Coal Conversion and Acid Precipitation Act that prohibits any net increase in sulfur dioxide emissions for coal conversions and would also require utilities to reduce by 50% their current allowable annual maximums by the year 2000; 3) sought court permission to enter a lawsuit against the *Department of Environmental Conservation* for allowing the *Eastman Kodak Company* to increase its sulfur dioxide emissions in Rochester; 4) brought the extent of sulfur dioxide emissions from sources within New York State (almost 1,000,000 tons per year) to public attention; 5) challenged a *Department of Environmental Conservation* finding that a 20,000 ton per year increase in sulfur dioxide in 20 New York counties would not have a significant effect on the environment; 6) requested the *Department of Environmental Conservation* to impose a moratorium on granting permission for the use of high sulfur coal; and 7) formally requested the *Department of Environmental Conservation* to seek federal designation of the Adirondack Park as a class I air quality area, a designation that would result in strict emission standards on any major new air pollution sources that might affect the Park.

-*Governor Cuomo* has strongly supported acid rain control amendments to the federal Clean Air Act. The Governor testified in support of H.R.3400 but requested a strengthening amendment to increase the required annual sulfur dioxide reduction to 12 million tons.

To their discredit:

-The *Department of Environmental Conservation* and the *Department of Public Service* have opposed the proposed state Coal Conversion and Acid Precipitation Act.

-The *Department of Environmental Conservation*, despite its charter, has taken a curiously timid role in acid

rain matters (with the Consolidated Edison coal conversion decision being a notable exception) while the Governor, Attorney General and Adirondack Park Agency have provided the state's leadership instead. Specifically, the Department has: 1) allowed the *Eastman Kodak Company* to increase its sulfur dioxide emissions and build two new tall stacks that will increase long range transport of these emissions; 2) granted permission to use high sulfur coal in 20 counties in and near the Adirondacks resulting in a 20,000 ton per year increase in sulfur dioxide emissions; and 3) proposed Clean Air Act amendment policies insufficient to control the effects of acid deposition on the Adirondacks.

FORESTS, WATERS & WILDLIFE

Condition: Good

Trend: Improving

The diverse forests, waters and wildlife are the very essence of the Adirondacks. The mere word Adirondack instantly evokes images of a vast forest rich in wildlife, laced with rushing rivers and studded with glistening lakes and ponds. Government laws, regulations, policies and actions can either protect or degrade these qualities.

To their credit:

-The *Department of Environmental Conservation* has continued its emphasis on restoring populations of extirpated wildlife species such as the peregrine falcon, bald eagle and moose.

-The *Adirondack Park Agency*, after detailed consultations with the forest products industry and environmentalists, issued wetland regulations solidly based on sound biological values such as water purification, water storage and wildlife habitat. The regulations protect the resources while at the same time not unnecessarily hampering legitimate uses. The Agency also completed the mapping of almost all Adirondack Park wetlands to enable landowners to determine accurately if they are affected by the new regulations.

-The *Adirondack Park Agency* hosted a pesticide forum attended by users, manufacturers' representatives, environmentalists and a broad array of scientists, to debate the myriad issues concerning potential effects of various pesticides on both the human and natural resources of the Park. In addition the Agency has aggressively asserted its jurisdiction over pesticide spraying in wetlands and has requested utilities to cease using pesticides in their right-of-way management programs.

-The *Public Service Commission*, with support from the Adirondack Park Agency, *Department of Environmental Conservation* and the *Attorney General*, has ordered the preparation of an environmental impact statement evaluating the use of herbicides for electric transmission line maintenance.

-The *Department of Environmental Conservation* and the *Adirondack Park Agency* have taken a strong, firm stand with the *Federal Energy Regulatory Commission* that public interest has already been defined by New York State and no new dam proposal involving forest preserve or a designated wild, scenic or recreational river can possibly meet the public interest requirement of the *Federal Energy Law*. Therefore, the Department and the Agency conclude, the Commission cannot license new dams in such cases.

To its discredit:

-The *Adirondack Park Agency* has already misused the "overriding economic and social needs" safety value of its wetland regulations by allowing the Village of Tupper

Lake to fill an important wetland for use as a snow storage area.

OVERALL PARK QUALITY

Condition: Good

Trend: Declining

The park ambiance and open space character that annually attracts millions of visitors to the Adirondacks is more than the sum of the specific resource components discussed above. It assumes an overall atmosphere or quality that sets it apart from the rest of the northeast. This park ambiance is inextricably linked to the economy of the region. To foster the quality of the Adirondacks as a park is to foster the economy of the region.

To their credit:

-The *Legislature* and the *Governor* enacted a conservation easement law that clarifies the validity of conservation easements in New York State and, in doing so, provides the state and conservation organizations a valuable new tool for preserving open space, agricultural lands, historic sites and productive forest lands. Conservation easements can be tailored to each individual situation and can take into account both the public and the landowner's interest.

-The *Adirondack Park Agency* has aggressively sought reaffirmation of the prohibition against large new transmission lines being built in the Adirondack Park in this year's update of the State Energy Master Plan.

To their discredit:

-The *Adirondack Park Agency*, in a move that totally confounded its supporters, opposed the conservation easement legislation passed this year and nearly persuaded the governor to veto what is the decade's most important piece of land use legislation. Despite efforts to pass such legislation by the Agency in past years, a strong recommendation by the Adirondack Study Commission, and a 13 year all out effort by major Adirondack environmental groups, the Agency this year saw fit to oppose the bill on factually discredited grounds relating to tax implications, while timidly supporting "the concept."

-The *Governor* and *Legislature* shackled the Adirondack Park Agency with a budget totally inadequate to fulfill its legislated mandates or to protect the quality of the Park. The result was a 14% personnel reduction from the previous year and a 44% reduction from the Agency's 66 staff positions of several years ago when various government employment programs (e.g., CETA) were available to supplement state authorized positions. The Agency itself compounded the situation by not reorgan-

izing in a manner that would retain the natural resource specialist positions so vital to its mission.

-Neither the *Adirondack Park Agency*, the *Department of Environmental Conservation*, nor any other state agency has provided information about the Park and its wealth of recreational and educational resources through the use of visitor information centers, visitor interpretive centers, limited range radio transmissions, publications or other methods. In addition, the *Department of Transportation (DOT)* has not undertaken the much needed and relatively inexpensive program of identifying, with road signs, the Park's natural landmarks as seen by the motorist. While being unobtrusive, such signs would enhance the visitor's appreciation and understanding of the Park.

-The *Adirondack Park Agency*, the *Department of Environmental Conservation* and the *Department of Transportation* have failed to protect the 40 designated scenic vistas along the Park's highway system or to provide parking facilities at most of them.

-The *Public Service Commission*, while showing sensitivity to the beauty of the Park when considering the location of new electric transmission lines, has done nothing to reduce the visual blight of the many existing utility distribution lines in the Park.

-Neither the *Adirondack Park Agency* nor the *Department of Environmental Conservation* has stressed park management expertise within its organization or developed a park management program.

THE FUTURE OUTLOOK FOR THE PARK

The future of the Adirondack Park is in the hands of the citizens of New York State. A knowledgeable citizenry, as quick to praise sound policies as to denounce unsound ones, can influence state actions. A silent, uninformed citizenry can not. The new administration in Albany is only now turning its attention to Adirondack policies; the policies they set and the actions they take will reflect their perception of the desires of New Yorkers.

There is still time to alter these destructive trends and preserve what remains of the most spectacular open space reserve in the Eastern United States: the Adirondacks. We need only the will to do so. With the support and vigilance of the citizens, the future of the Adirondack Park will be secure; it will provide proof that people and the natural environment can co-exist productively and harmoniously.

This report was prepared by George D. Davis, Executive Director of The Adirondack Council, under contract to Wild Wings Foundation. It has been reviewed and adopted in its entirety by The Adirondack Council. Additional copies are available from The Adirondack Council, Box D-2, Elizabethtown, New York 12932.



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A coalition of the National Audubon Society; The Wilderness Society; The Natural Resources Defense Council; The Association for the Protection of the Adirondacks; National Parks and Conservation Association; and other concerned organizations and individuals.

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