

**State of the Park
2000**



The Adirondack Park

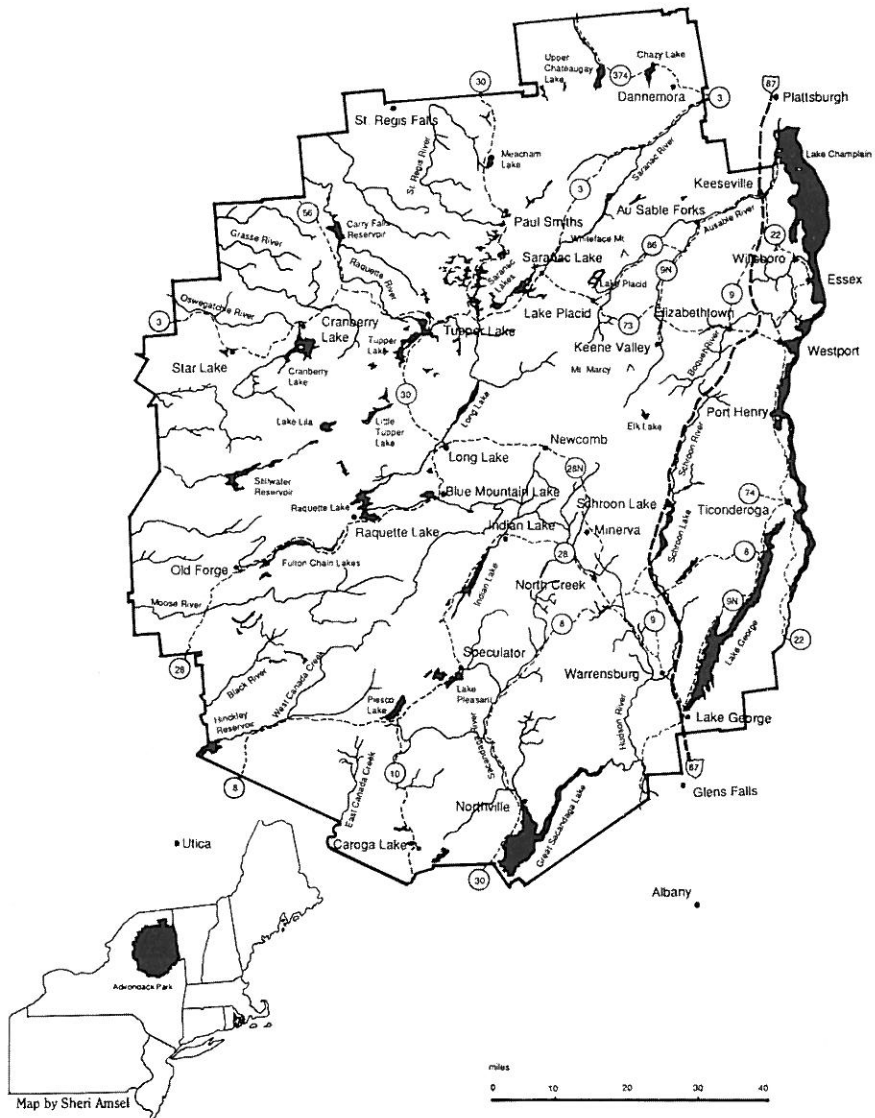
Six million acres of public and private land containing the largest assemblage of Old Growth forests east of the Mississippi River as well as 105 villages and towns...

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. Few people realize that 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 forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts an estimated nine million visitors each year.

The remaining 45 percent of the Park is publicly owned Forest Preserve, protected as "Forever Wild" by the NYS Constitution since 1895. One million acres of these public lands are designated as Wilderness, where a wide range of non-mechanized recreation may be enjoyed in an incomparable, natural setting. The majority of the public land (more than 1.3 million acres) is classified as Wild Forest, where motorized uses are permitted on designated waters, roads and trails.

Plants and wildlife abound in the Adirondack Park, many of them found nowhere else in New York State. Never-cut ancient forests cover more than 100,000 acres of public land. Ironically, much of the Park is wilder and more natural today than it was a century ago, when irresponsible logging practices and forest fires ravaged much of the yet-unprotected Adirondack region. Someday, all native wildlife species, including those lost in the last century (the wolf, moose, lynx and cougar) may live and breed here.



Map by Sheri Amsel

The western and southern Adirondacks are a gentle landscape 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 timberline.

Nothing characterizes the Adirondack Park like its waters. 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.

Embodied in this and other Adirondack Council reports is a vision of the Adirondack Park that will serve as a

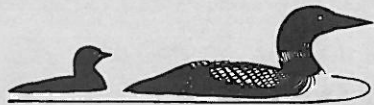
global model for integrated land use and conservation.

In the next century and beyond, the Adirondack Park must continue to offer vast areas of undisturbed open space as a sanctuary for native plant and animal species, and as a natural haven for human beings in need of spiritual and physical refreshment. It must also provide for sustainable, resource-based local economies and for the protection of community values in a Park setting.

This publication is but one step in the Park-protection process. Through continuing public education and advocacy for the protection of the Park's natural character, the Adirondack Council hopes to advise public and private policy-makers on ways to safeguard this last remaining great expanse of open space.

On the Cover

With this spectacular flourish of autumn colors and clear skies, nature seems to be signaling its approval for enormous progress made this year on a number of environmental fronts in the Adirondack Park. Photo by Gary Randorf.



The Adirondack Council

*State of the Park
October 2000*

Dear Members and Friends,

The year 2000 has been a great one for the Adirondack Park. This review of government actions affecting the Adirondack Park recognizes significant steps forward in the protection of the Park for future generations. Classification of 41,600 acres in the western Adirondacks as Wilderness is a major milestone in the ongoing effort to create the 400,000-acre Bob Marshall Great Wilderness.

The Governor, the State Legislature, and New York's Congressional delegation continue to do all that they can at the state and national level to stop emissions that are causing the acid rain that is killing the lakes, ponds and forests of the Adirondacks. Other states are beginning to follow New York's example by requiring cuts in acid rain causing emissions from power plants, and a coalition of utilities is calling for the entire northeast to follow suit. Meanwhile, the Legislature, the Adirondack Park Agency and the Department of Environmental Conservation have all taken actions over the last year that will contribute to a positive future for the Adirondack Park.

The adoption of legislation enabling municipalities to regulate or ban the use of personal watercraft on local waters is a victory not only for the environment but also for local control. We hope that local governments and lake associations take advantage of this legislation to forge new partnerships to deal with jet skis as well as other problems on Adirondack lakes.

This past year has also seen significant improvements in the economy of Adirondack communities. Unemployment is lower than it has been in decades and the state is aiding in the establishment and growth of businesses that are compatible with the Adirondack environment.

This report also takes note of some actions that were not in the best interest of the Park. The Adirondack Council will continue to advocate for strict adherence to Article 14, the Forever Wild clause of the New York State Constitution, and an open process in the review of all development proposals, especially when they involve state land.

While we celebrate the progress made over the past year in protecting the Adirondack Park, we must continue to work together to ensure that government at all levels gives the Park the future that it deserves.

Sincerely,

A handwritten signature in black ink that reads "Tim Burke".

Timothy J. Burke
Executive Director



The Governor

Adirondack Council Executive Director Tim Burke addresses a crowd in Riverhead, Suffolk County, that gathered to witness Governor Pataki's signing of legislation allowing local governments to regulate jet skis. Burke is flanked by the Governor, right, and Senate sponsor Carl L. Marcellino, R-Syosset.



Takes Heat, Stays in Kitchen



Despite enormous pressure from personal watercraft manufacturers and from the owners of electric power plants, the Governor signed two significant bills. In August, he signed one that allows local governments to ban jet skis. In May, he approved a bill that discourages New York's utility companies from allowing their federal pollution credits to be bought and used by Midwestern power companies that pollute the Adirondacks with acid rain.

Big Step Toward Wilderness



The Governor signed a plan, prepared after months of hearings and wrangling, that created the William C. Whitney Wilderness Area, by combining the state's Little Tupper Lake purchase (14,700 acres) with the nearby Lake Lila Primitive Area (7,200 acres). Little Tupper and Lila are now the largest motorless lakes in the Park. In addition, more than half of the 23,000-acre Watson's East Triangle was declared roadless Wilderness. The state also abandoned a plan to eliminate the 2,000-acre Alice Brook Wilderness. Instead, only a single snowmobile trail will traverse the area, while the rest remains Wilderness. In all, Governor Pataki created 41,600 new acres of Wilderness.

Management Money



Governor Pataki vowed this year that he would provide the money and personnel to complete the long-awaited, site-specific management plans for more than three dozen distinct blocks of Adirondack Forest Preserve. These Unit Management Plans were required under state laws passed in the 1970s, but they remained a low priority for DEC. The plans allow the state to create special rules for each area, based on the special natural resources and/or recreational opportunities available in each location. The plans are especially important when endangered or threatened plants and wildlife are present.

Help for Struggling APA



The Governor made a good start in his response to the Adirondack Council's report on under-staffing at the Adirondack Park Agency by adding enough money to his Executive Budget to hire three new staff to aid APA's enforcement. The Council's 1999 report "After the Fact: The Truth About Environmental Enforcement in the Adirondack Park," detailed the APA's inability to keep pace with land-use violations and proposed expanding the staff by up to six people.

Park-Oriented Economics



The Governor and Sen. Ronald Stafford, R-Plattsburgh, teamed up to create a new economic development initiative, aimed specifically at Adirondack Park communities not served by urban-oriented economic development plans. The Adirondack North Country Community Enhancement Program is designed to fund community improvement projects and help small-to medium-sized businesses by providing loans for start-up and expansion. In September, Governor Pataki announced 107 awards totalling \$2 million to assist local governments and not-for-profit organizations. The Governor has appointed Adirondack Council Executive Director Tim Burke as a member of the advisory panel that works with local banks to provide a total of up to \$1,250,000 in financing. There are already signs that the Adirondack economy is growing stronger. In September, the unemployment rate in Essex County was 3.7 percent. In Hamilton County, the only other county located entirely inside the Park, the jobless rate was 2.9 percent. Both counties have seen jobless rates three times as high within the past five years.

Clamping Down on Tailpipes



Last November, the Governor said he would impose emissions standards on new cars that are stricter than federal requirements. The new standards, which mirror California's strictest-in-the-nation rules, will be phased in from 2004 to 2010. The move will help clean up nitrogen oxide emissions that contribute to smog and acid rain. Reductions for trucks and sport-utility vehicles would be even greater than for passenger vehicles.

Unclouded Commitment



In the spring of 2000, the Governor intervened when the Adirondack Council was struggling to convince the federal government to replace the funding for much-needed cloud-water research at Whiteface Mountain. Cloud water chemistry is different from the rain and snow that falls from clouds. Clouds that linger at mountain tops are often much more acidic than rain, and bathe alpine vegetation for up to 50 percent of its life. Pataki chastised the U.S. Environmental Protection Agency for cutting the funds and offered to replace the money from his own budget. Less than 48 hours later, EPA declared it had replaced the monitoring funds for Whiteface and two more sites in the southern Appalachians.



Bob Emmons, Daily Gazette

Cleaner Waters



The Governor spread some of the state's Clean Water/Clean Air Bond Act money around, approving \$2 million in projects to clean up Lake Champlain, as well as several million dollars more for water and sewer systems in Park communities. So far, the bond act has been used for 23 Lake Champlain projects, with a total of \$15 million dedicated to the effort. The Governor also provided money from various sources to clean up septic waste at state campgrounds and other "stewardship" efforts.

Still Short at APA



For a year now, the Governor has left empty one seat on the APA board of commissioners. The vacancy must be filled by a Park resident. In addition, two members, Frank Mezzano of Lake Pleasant and Katherine Roberts of Garrison, are serving on expired terms. Those whose terms have expired may be replaced by the Governor at any time, but they may continue to serve until they are replaced.

Santanoni's Slippery Slope



For 17 years, the Adirondack Council and others have been concerned about potentially illegal restoration efforts at Camp Santanoni in Newcomb. The entire estate sits on the "forever wild" Forest Preserve, where such structures would normally be torn down. A tightly worded amendment to Article 14 of the NYS Constitution would have assured that the restoration effort at Santanoni was legal.

Instead, the Pataki Administration pushed through a reclassification and management plan built on slippery legal footing, exposing the entire project to a potential citizens' lawsuit.



NYS Legislature



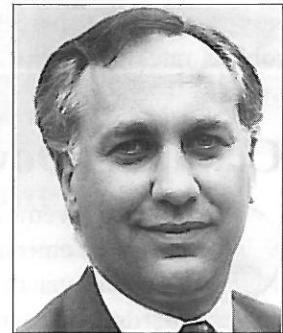
Left to right, Sen. Ronald Stafford, R-Plattsburgh, Adirondack Council Executive Director Tim Burke and Sen. Carl Marcellino, R-Syosset, celebrate the Senate's unanimous approval of acid rain legislation.

Acid Rain Progress



After two years of arguing over the details and passing one-house bills, Sen. Carl Marcellino, R-Oyster Bay, Sen. Ronald Stafford, R-Plattsburgh, and Assemb. Richard Brodsky, D-Elmsford, persuaded overwhelming majorities in their houses to approve a bill that prevents New York utility companies from squandering the public benefit of federal acid rain laws.

New Yorkers began cleaning up their power plants in 1984, long before other states or the federal government developed standards. Since



Brodsky

New York utilities are so much cleaner than federal law requires, New York companies receive many more federal pollution credits than they need.

Sadly, some companies sold those credits upwind to companies in the Midwest. The bill imposes a fine equal to the purchase price for any credit (a.k.a. allowance) issued to a New York company that is used to produce pollution in the Midwest. The bill will keep more than six million tons worth of New York credits out of Midwestern hands over the next 20 years alone.

New Power to Curb Jet Skis



Assemb. Thomas DiNapoli, D-Great Neck, and Senator Marcellino worked together to pass legislation giving local governments the right to regulate or even ban personal watercraft (jet skis) within 1,500 feet of the shore on non-federal waters. The bill takes effect in October. Previously, local laws could be used only to regulate speed and hours of operation on all vessels. The new law allows the noisy, highly polluting, shallow-draft watercraft to be regulated as a special class of boat. Special rules can be created simply by amending a town's or city's laws. Senate Finance Chairman Stafford, whose district encompasses more than half of the Park, was also a strong proponent of this bill. Sen. Ken LaValle, R-Port Jefferson, and Assemb. Naomi Matusow, D-Bedford, gained approval for another bill that requires jet ski manufacturers to substantially tighten emissions from their products by 2006. Most jet skis employ two-stroke engines that allow 30 percent or more of their fuel to escape unburned into the water and air.



DiNapoli

Money for Land



Working with Governor Pataki, the Legislature approved a \$12-million package of stewardship projects that will help the state repair and improve recreational facilities across the Adirondack Park, including money to fix septic systems at state campgrounds that have been polluting Adirondack lakes for years. The Legislature also provided nearly \$72 million in funding for open space projects in the Bond Act and Environmental Protection Fund sections of this year's state budget. Just seven years ago, the state's land acquisition fund was completely empty.

Little Bit of Help



After languishing in an Assembly committee for three years, a bill sponsored by Senator Stafford and Assemb. Elizabeth O. Little, R-Queensbury, passed both houses, allowing the Olympic Regional Development Authority to take over the North Creek Ski Bowl. ORDA will make it part of the state-run Gore Mountain Ski Area. The bill will provide the village of North Creek with an economic boost, plus a chance to rebuild its warming hut and town hall in a central location. Environmental organizations joined with local businesses in lobbying for this bill. The local effort was led by the *North Creek News Enterprise*, which produced dozens of faxes and letters in support.

No Relief for Taxing Problem



Senate and Assembly leaders once again ended the legislative session without an agreement on how to reimburse local governments for property taxes they lose to state-mandated timberland tax abatements. For several years running, Governor Pataki has proposed taking \$3.3 million from the Environmental Protection Fund to reimburse the local governments hardest hit. While the Senate wants reimbursement for all towns, it supports the Governor's plan. The Assembly likes the reimbursement scheme, but refuses to diminish the EPF, seeking money instead from the general fund. The Assembly has expressed a desire to revise the program as well.

NYS Senate

Green Programs Only



Senate budget negotiators managed to remove from the Environmental Protection Fund a raft of non-environmental items proposed by the Governor's team that would have drawn money away from environmental initiatives.

Stafford Lends a Hand



Senate Finance Chairman Stafford used his influence to win passage for several environmental initiatives this session. Stafford and his aides pushed hard for bills restricting acid rain, giving local governments the power to ban jet skis and

providing \$2 million to Adirondack communities for pollution clean up and beautification.

Timber Program Needs Work



The Senate continues to refuse to take up the Assembly's request to negotiate programmatic changes to the state's tax-abatement program for timber companies and other major landowners in the Adirondacks. Among the Assembly's concerns are the lack of comprehensive rules for the siting and construction of cabins and roadways on the lands leased to hunting clubs and others.

NYS Assembly

Open Space Initiative



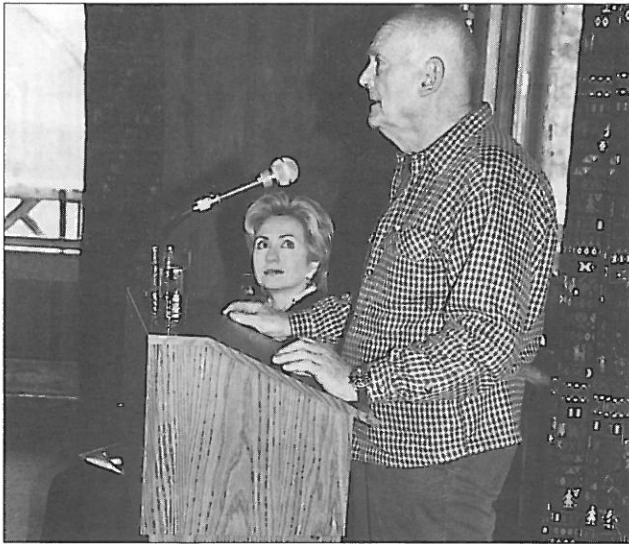
Assemb. Brodsky spent part of July talking with newspaper editors about the need to increase the state's Environmental Protection Fund from \$100 million to \$150 million per year. Brodsky said he was concerned that most of the open space money from the 1996 bond act had been spent. Brodsky's plan would increase the EPF's open space category from \$30 million to \$80 million per year to cover the shortfall. That would be slightly more than the Legislature has appropriated from the EPF and bond act. A spokesman for Governor Pataki said he would consider the plan carefully.

Rustling Posse Scattered



The Assembly halted all progress on legislation designed to increase penalties for timber theft from public lands by insisting at the session's end that theft on private lands be added to the bill. The Senate, Attorney General's office and Assembly seemed headed for an agreement until the last-minute demand scuttled the discussion for another year. To its credit, the Assembly had already passed a timber theft bill that ironically addressed only public land. Unfortunately, that bill had no Senate sponsor. This was the first year that such legislation had the public support of the state's timber industry.

Council Enjoys Another Momentou



Covewood Lodge owner C.V. "Major" Bowes addresses a crowd that came to his Big Moose Lake resort in April to see First Lady Hillary Clinton talk about acid rain. Photo by Ken Rimany. Below, left, Conservationist of the Year Sen. Carl Marcellino poses proudly at the awards dinner in July with his new loon and with key staff members Laura Hartman and Fred Andersen. Photo by Gary Randorf. Below right, Council Capital Campaign chairs Curt Welling and Trisha Winterer at the Annual Meeting. Photo by Gary Randorf.



Council Legislative Director and Pataki used to sign acid rain le, leftover pollution rights to the Mic Kessell of the Long Island Power DEC Commissioner John Cahill



Adirondack Council former board chairs are recognized for their service upon the Council's 25th Anniversary in July. From left are former chairman Peter Borrelli, long-time board member Clarence Petty, former Chairwoman Barbara Glaser, current Chairman David Skovron and former Chairman John Ernst. Photo by Gary Randorf.

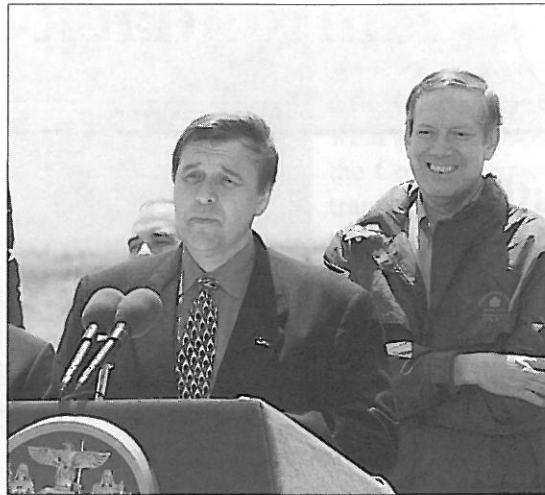


Ruth Skovron, wife of Chairman De Council Development Director Ann the Frederic Church exhibit at the 1 New York City. Photo by Julie Ball

Year in Adirondack Park Protection



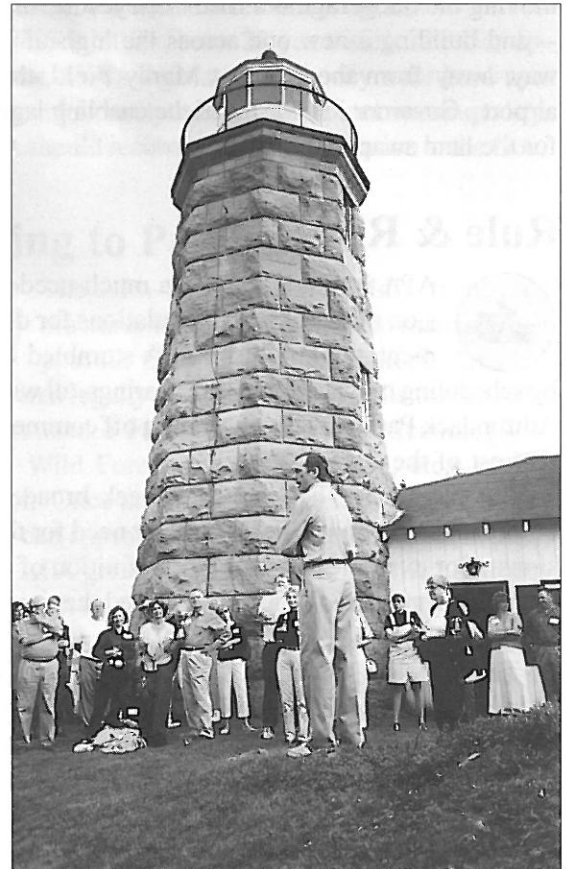
el Bernard Melewski triumphantly waves the pen Gov. George E. on aimed at stopping New York utility companies from selling Left to right are Parks Commissioner Bernadette Castro, Richard Assemb. Tom DiNapoli, Melewski, Pataki, Sen. Carl Marcelino, izens Campaign for the Envir. Exec. Dir. Sarah Meyland.



The Council's Bernard Melewski thanks the Governor and Legislature for approving the acid rain bill.

Below, Council Executive Director Tim Burke addresses a crowd of supporters at the Heurich Lighthouse overlooking Lake Champlain, near Essex. Council board member Gary Heurich holds a Council gathering here each summer.

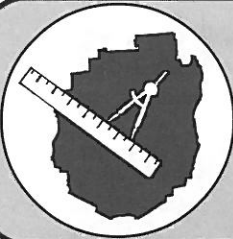
Photo by Gary Randorf.



ovron, and Hitenberg enjoy Till Gallery in



A reporter and photographer from the Beacon-Journal newspaper of Akron, Ohio, survey the acid rain damage at Sagamore Lake, outside Gloria's Cabin, at the Sagamore Institute, in September. Photo by John Sheehan.



Adirondack Park Agency

Scenic Solution



APA staff solved a major dilemma by winning a federal grant for the beautification of the State Route 73 corridor that will hasten a long-overdue land swap between the state and the Town of Keene. In 1995, voters approved a swap of 12 acres of isolated state Forest Preserve for 144 acres of town-owned river frontage along the Ausable. The 12 acres would allow the town to expand its nearly full cemetery, while the 144 acres would then become Forest Preserve.

The removal and relocation of the town's highway garage was a necessary precursor. But the task was expensive and the town balked. APA has stepped in with a federal Scenic Byways grant that will pay for removing the old garage -- a roadside eyesore -- and building a new one across the highway, away from the river, at Marcy Field, the town airport. Governor Pataki signed the enabling legislation for the land swap on October 4.



The Keene Town Highway Department garage on Route 73 lies right next to a stretch of the Ausable River about to be turned over to the state for addition to the Forest Preserve. It will be removed, thanks to a federal grant obtained by the APA. Photo by John Sheehan.

Rule & Reg Redo



APA is embarking on a much-needed revision of its rules and regulations for development and land-use. APA stumbled initially by scheduling only three scoping hearings, all within the Adirondack Park, effectively cutting off comment from the rest of the state.

But the agency has agreed to seek broader input before taking action. There is a clear need for the revisions. For example, the working definition of a "boat house" has grown so broad and tattered that it is essentially useless.

The APA lost a court case last year when it sought to halt the practice of installing sleeping quarters because the legal definition of a boat house did not specifically exclude them.

The boat house definition and others will be on the agenda as the APA reviews its regulations.

Fine Tuning



While it is working out a more comprehensive plan for dealing with an overflow of new permit applications for telecommunications towers, the APA has imposed new conditions on a recent permit. If the tower goes unused for six months or more, the applicant must come back to the APA to justify its continued existence. Future technology may render the towers obsolete. If formalized into general policy, such a provision would curtail speculative tower construction where there is no demonstrated need and ensure unused towers don't remain an eyesore.

Let Three Be



APA commissioners rejected a proposal to eliminate their board/staff "committee of three." The committee reviews proposals to determine whether they need to be judged by the full board of commissioners or whether they can be handled more efficiently by the staff. This monthly sorting process leaves the full board more time to consider projects that are controversial, or more complex in nature.



This 1995 photograph shows that the main camp and its surroundings at Camp Santanoni were the subjects of extensive renovations and landscaping before the APA's classification and the DEC's site-specific management plan were in place. Photo by Tim Burke.

Burst of Speed



Working with limited resources, the APA has managed to substantially reduce the amount of time the average person must wait for an answer on whether they need an APA permit. In past years, such jurisdictional inquiries took as long as six months. Now, most answers are received in fewer than three weeks.

Closed Mind on Open Land



When it was deciding how to classify the 23,000-acre Watson's East Triangle last fall, the APA considered only the two options of Wilderness (motorized access banned) or Wild Forest (motorized access assumed compatible), without considering a more appropriate classification of "Primitive," a middle-ground option. The triangle is part of the proposed Bob Marshall Great Wilderness, but contains some roads and private inholdings. Claiming that the roads precluded the Wilderness classification, APA jumped right to the less protective Wild Forest category for a large portion of the property, in contradiction to the explicit policy in the State Land Master Plan.

The APA's decision potentially opens the entire area to motorized traffic. A more prudent course of action would have been to classify about half as Wilderness and half as Primitive (a sort of Wilderness-in-waiting category), which allows the area to retain a Wilderness character with the exception of only the roads themselves.

Broken Records?



APA staff admitted before the commissioners voted on Watson's East Triangle that they never discussed a Primitive classification, a reasonable alternative to what was proposed. Nine months ago, the Council requested a copy of the transcript of the discussion at that meeting, but the agency failed to honor our official request, filed in compliance with the state's Freedom of Information law. The APA finally released the transcript after the Council filed an appeal.

Legislation Lacking



Despite the fact that a year has passed since the Adirondack Council detailed a host of enforcement problems at the APA, the agency has yet to react with legislative or regulatory proposals. Governor Pataki provided money for more staff, Attorney General Spitzer instructed his staff to work more closely with the APA, but the agency has yet to hire any new staff for its enforcement program.

In addition, it has been 25 years since the last update of the APA's legislative authority over land-use. An overhaul is badly needed to protect water quality. The APA should recommend new legislation to the Governor.

Bowing to Pressure



The APA twice veered wildly from past practices when it approved the management plan for Camp Santanoni Historic Area before the area legally existed. The law calls for the APA to recommend a Forest Preserve classification (Wilderness, Wild Forest, Canoe, Primitive, etc.), to the Governor. Once the Governor signs the classification, the APA can approve a site-specific management plan. Instead, APA greased the skids and rammed both actions through on the same day.

In addition, the APA ignored a series of blatant land-use violations at the camp, which occurred before either the classification or the management plan had been completed.

Work on the main camp and other buildings has been continuing for years. Renovations included roof, porch and foundation repairs and landscaping.

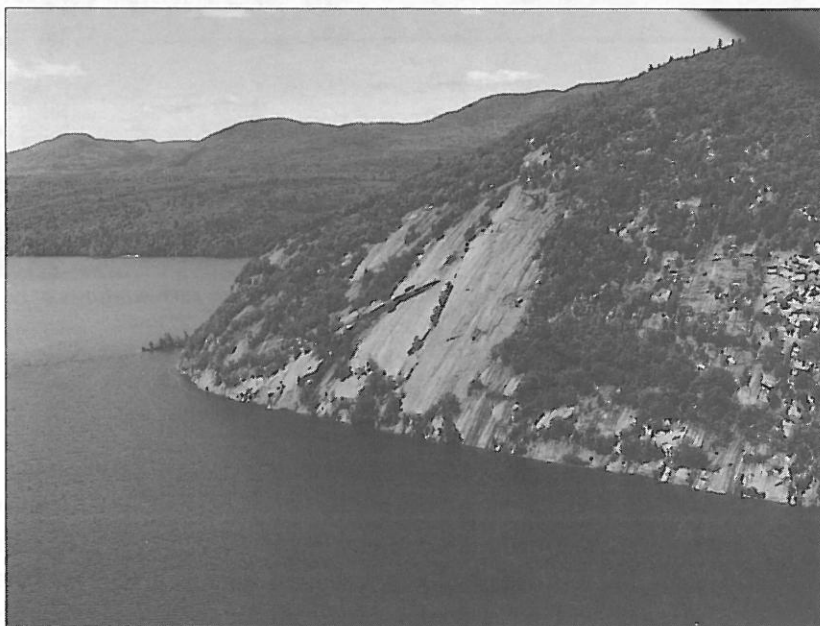


NYS Department of Environmental Conservation

For More Shore



DEC acted quickly this spring to purchase 341 acres and 2 miles of northern Lake George shoreline from the Lake George Basin Land Conservancy. The land is located on both sides of the lake, adjacent to and across from Rogers Rock State Campground and cost the Conservancy \$1.57 million. The state paid the same price to the Conservancy. The state will pay full taxes on this land, as it does on all Adirondack Forest Preserve.



Rogers' Rock, on the shoreline of Lake George in Warren County. It's among the newest additions to the Adirondack Forest Preserve, purchased this year by DEC. Photo: Adirondack Nature Conservancy.

Road Less Traveled



Even though DEC escaped a legal challenge on the issue when a federal judge refused to hear the case, Commissioner Cahill decided to revise the department's policies and practices regarding the use of motorized vehicles on the Adirondack Forest Preserve. DEC will restrict its own personnel and exercise better oversight of permits issued to others. Plus, DEC will report regularly to the Adirondack Park Agency on its use of vehicles in all areas where it keeps public traffic out.

Academic Improvement



For several years, state forest rangers expressed frustration over the fact that their new training academy was a carbon copy of the one for environmental conservation police. They argued that rangers' duties and skills were different. Rangers, formerly fire wardens, spend most of their time answering questions from hikers and campers on conservation, giving directions, conducting search and rescue missions and fighting fires.

ECOs, formerly game wardens, are primarily law enforcement personnel. This year, Commissioner Cahill changed the program to provide new rangers with more specialized instruction on a variety of ranger-oriented subjects, separate from the ECO program.

Avoiding Public Danger



Following a rare fatal avalanche in the High Peaks region, DEC issued a brochure instructing the public on how to avoid susceptible areas. Areas of the High Peaks were extremely vulnerable to avalanche after Hurricane Floyd, which created landslides that stripped away the normally heavy vegetation from the slopes of several mountains last fall.

Guardians of the Air



After discovering violations of clean air laws by the Guardian Glass Co. of Geneva, NY, DEC imposed a combination penalty that included a fine and a requirement that the company create an environmental benefit by purchasing and retiring more than 50 tons worth of federal sulfur dioxide credits. The company retired the credits by donating them to the Adirondack Council, which immediately placed them into its "retired" account with the U.S. Environmental Protection Agency.

Wilder Wilderness



DEC has also done an excellent job of publicizing new rules governing the use of the eastern High Peaks Wilderness by hikers and campers. The new restrictions will help stem substantial environmental damage caused by overuse of the area, improve water quality, better protect the forest and curb damage to alpine ecosystems.

Loony Decision



DEC outraged neighbors and visitors to Sacandaga Lake, in the Town of Lake Pleasant, when it granted permission for a local landowner to construct a floating water ski slalom course adjacent to a state Forest Preserve shoreline, near Route 8. Before issuing the permit, DEC received more than 30 letters in opposition and zero letters in favor of the project from local residents. Town Supervisor and Adirondack Park Agency Commissioner Frank Mezzano publicly objected to the permit. Resident Donald Leadley said loons nest on the shoreline and it is the only safe canoe route from Peasley Beach and the northern reaches of the lake on a windy day.

Stumping for Chainsaws



Newly appointed DEC Region 6 Director Sandra LeBarron made distressing public statements that seemed to parrot the erroneous theory that protecting public forests from logging

somehow made them more vulnerable to acid rain. The theory is based on the fact that young, fast-growing trees absorb more nitrogen (deposited by Midwest smokestacks) than older trees. But older, even ancient, forests contain trees of all ages and sizes and nutrient-absorption abilities. In addition, research has proven that removing the trunks of trees from a forest robs it of the trunk's built-up calcium content, leaving the soil with less capacity to buffer acid rain. And stumps don't absorb any nitrogen.

Self-Service Permits



DEC should have recused itself this summer from an Adirondack Park Agency vote on the site-specific management plan for the Santanoni great camp within the Forest Preserve in the Town of Newcomb. While DEC holds a permanent seat on the APA board, DEC is the applicant for such management plans and should step aside to avoid any appearance of a conflict of interest.

Jumped the Gun



DEC authorized and funded restoration work on the buildings at Camp Santanoni long before the Adirondack Park Agency had approved the classification and site-specific management plan for the area. The State Land Master Plan prohibits improvements to any structures in a proposed Historic Area before the classification and management plan are approved.



This ramshackle skeleton is all that remains of the boat house at Camp Santanoni. While reconstruction of fallen buildings is not allowed on the Forest Preserve, DEC plans to rebuild and re-use it, claiming that the project is merely "maintenance." Photo by Gary Randorf.



NYS Attorney General



NYS Attorney General Eliot Spitzer chats with Adirondack Council Communications Director John Sheehan following a press conference concerning acid rain in Westchester County. Photo by Sonya Walter.

Acid Rain Action in Canada



Attorney General Spitzer made a strong appeal to federal officials in the U.S. and Canada this summer to strengthen the Trans-Boundary Air Quality Agreement between the two nations. Spitzer pointed out that by 2003, U.S. standards will be three times as stringent as Canada's. He singled out the coal-fired Nanticoke, Ontario plant (west of Buffalo), which is now the largest source of sulfur dioxide and nitrogen oxide emissions in North America. That plant and others nearby contribute to acid rain in the Adirondacks.

Walking the Talk



Spitzer is following through on his threats to sue coal-burning power plants in Midwestern and Southern states that appear to have made illegal modifications and expansions. All of the plants Spitzer threatened to sue were exempted in the 1970s from modern clean air regulations because their owners said they intended to close them soon. Huge investments in pollution clean-up would be wasteful, they claimed. The plants never closed. Instead, Spitzer asserted that the plants were renovated without new controls -- a violation of the law.

After waiting the required 60 days beyond his September 1999 notice to the defendants, Spitzer filed federal suits against plants in Ohio and West Virginia, and he contemplates additional action this year -- including working with DEC to halt in-state violators.

Rounding Up the Rustlers



Once again, the Attorney General proposed and worked hard to pass legislation that would increase the paltry \$10-per-tree fine for stealing timber from the Adirondack and Catskill Forest Preserves. The law has not been updated since 1909. Negotiations unraveled after the Assembly made an eleventh-hour demand to include thefts from private land in the bill. Private land thefts, while important, should be handled in separate discussions.

Indefensible Defense



While he was obliged to defend the NYS Dept. of Environmental Conservation when the Adirondack Council and three other environmental organizations sued DEC for excessive vehicle use in the Forest Preserve, the Attorney General should have shown more discretion in deciding how to mount that defense. After the Appellate Division of the NYS Supreme Court granted permission for the suit, as the Constitution grants it authority to do, Spitzer's team substituted their own judgement for that of the state court. His team argued successfully, in federal court, that the state could claim immunity from such federal suits brought by its citizens. Thus, the Attorney General damaged the ability of New Yorkers to defend the Forever Wild clause of the state Constitution in federal court cases in the future. Citizens' suits allow individuals to compel the government to enforce laws that are not being enforced. The Forever Wild clause (Article 14) contains the only citizens' suit provision in New York law.



The Court System

Upholding the APA



The Appellate Division of the State Supreme Court ruled in March that the Adirondack Park Agency was right to halt the construction of a home on the Raquette River near Tupper Lake, noting that the owner had violated both the APA Act and the Freshwater Wetlands Act.

For eight years, the APA had been trying to convince owner Timothy Jones to seek a permit for a legal building site. Jones ignored the APA's 1992 "cease and desist" order and refused to negotiate with APA staff.

Clearing the Air



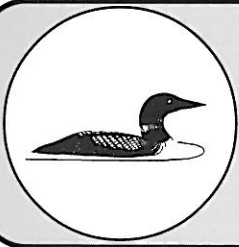
The U.S. Court of Appeals ruled in March that the U.S. Environmental Protection Agency had full authority to impose and enforce tighter air pollution standards in 19 Northeastern and Midwestern states. The rules were set up to prevent nitrogen oxide pollution from drifting from the Mid-

west to the Northeast, where it contributes to smog and acid rain.

Decisions Suit Citizens



The Appellate Division of the State Supreme Court and an Albany-based federal magistrate both upheld the right of the Adirondack Council and several other environmental organizations to bring a cross claim in federal court against the State of New York in an effort to protect the Adirondack Forest Preserve from harmful, state-sanctioned motorized traffic. The Council and other plaintiffs were exercising their right to bring a citizen's lawsuit against the Department of Environmental Conservation for allowing excessive state and private motor vehicle traffic in off-limits areas of the Forest Preserve. Article 14 of the NYS Constitution (the Forever Wild clause) is the only section of state law that allows private citizens to file suits when state government is unwilling or unable to enforce the clause.



Conservationist of the Year

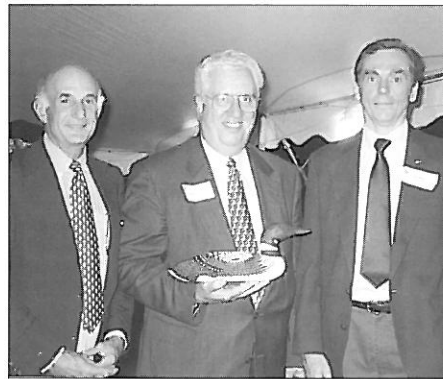
NYS Sen. Carl L. Marcellino

2000

The Adirondack Council presented its Conservationist of the Year Award to New York State Senator Carl L. Marcellino of Long Island during the Council's 25th Anniversary awards dinner, held at Fort Ticonderoga on July 15.

"Senator Marcellino has been an outspoken and outstanding leader on environmental issues since he was first elected to the Senate in 1995," said Adirondack Council Executive Director Timothy J. Burke.

"This session, he outdid himself by sponsoring and securing the Senate's passage of bills to help control acid rain and to allow towns and villages to regulate the use of personal watercraft, or jet skis. Both issues were major priorities for the Council this year."



The Council has been presenting its Conservationist of the Year Award since 1984, making Senator Marcellino the 16th overall winner, but only the second NYS Legislator, to earn the coveted hand-carved loon presented by the Council to each year's winner.

The Adirondack Council

Founded in 1975, the Adirondack Council is a private, not-for-profit organization dedicated to protecting and enhancing the natural and human communities of the Adirondack Park through research, education, advocacy and legal action.

The Council receives moral and financial support from its more than 18,000 members and from private foundations. The Council's national and regional member organizations include the Association for the Protection of

the Adirondacks, Citizens Campaign for the Environment, National Audubon Society, National Parks and Conservation Association, Natural Resources Defense Council and The Wilderness Society, with a combined membership of more than 1.4 million people.

Adirondack Council memberships begin at \$25. Membership benefits include regular newsletters, special reports such as this one, action alerts and the opportunity to play an active role in protecting the Park's future.

New Way to Support the Council & Local Businesses

The **North Country Fundraiser** is a new online catalog where 40 percent of your purchase goes to the Adirondack Council when you specify a recipient. The gifts and products are made by Adirondack artists, authors and

craftspeople, so your purchase produces the double benefit of a donation to the Council and support for arts and small businesses in the Adirondack Park. Visit the site at: northcountryfundraiser.com

Staff

Executive Director, Timothy J. Burke

Lillia Anson
Julie M. Ball
Elaine Burke
Michael G. DiNunzio
Lisa M. Genier
Kathy Kelley
Scott Lorey

Bernard C. Melewski
Radmila P. Miletich
Joseph M. Moore
Gary A. Randorf
John F. Sheehan
Anne Trachtenberg
Linda Whalen

Board of Directors

Board Chairman, David Skovron

Etienne Boillot
David E. Bronston, Vice-Chair
Alison Hudnut Clarkson
Dean L. Cook, Secretary
Joanne W. Dwyer
Betty Eldridge
J. Edward Fowler
Barbara L. Glaser
Alyse Gray
Robert L. Hall, PhD
Gary F. Heurich
George R. Lamb
Ernest B. LaPrairie

Scott L. Paterson
James S. Phillips
Katharine M. Preston
Richard L. Reinhold
Avery Rockefeller III
Brian Ruder
John K. Ryder, Jr.
Ellen Marshall Scholle
Carole Anne Slatkin
Vice-Chair, Thomas D. Thacher II
William Weber, PhD
Treasurer, Curtis R. Welling
Patricia D. Winterer

Where to Find Us

Main Office

P.O. Box D-2
Two Church Street
Elizabethtown, NY 12932
(518) 873-2240
adkcouncil@aol.com

Legislative/Media Office

342 Hamilton Street
First Floor
Albany, NY 12210
(518) 432-1770
tacalbany@aol.com

Web Site:

www.adirondackcouncil.org

State of the Park 2000

Written and designed by John F. Sheehan



The Adirondack Council

P.O. Box D-2
Two Church Street
Elizabethtown, NY 12932

Non-Profit
Organization
U.S. Postage
PAID
The Adirondack
Council