

# State of the Park 2005



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

ly three times the size of Yellowstone National Park.

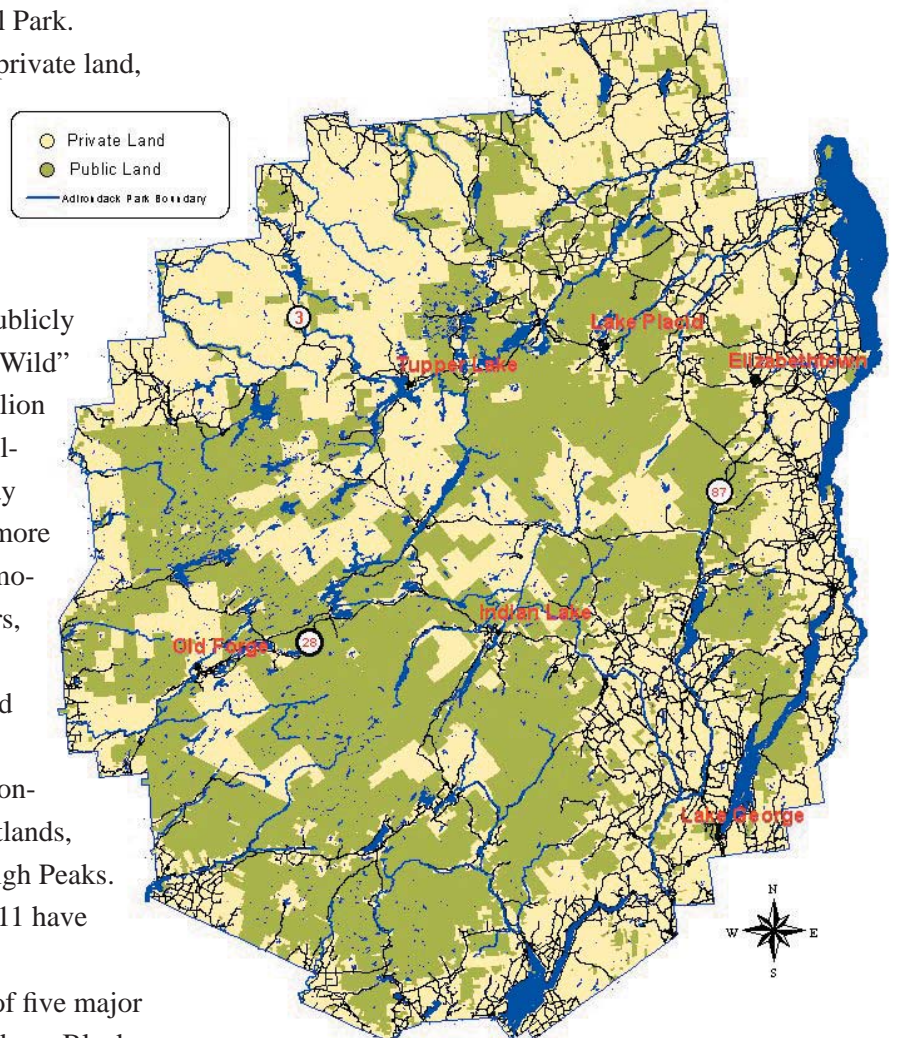
More than half of the Adirondack Park is private land, devoted principally to hamlets, forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts ten million visitors yearly.

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.



# State of the Park 2005

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

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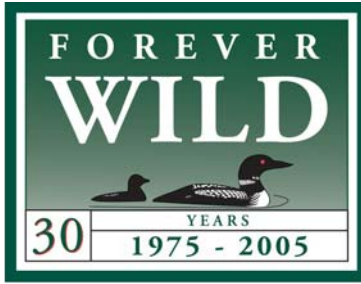
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**T**he mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park. We envision the Adirondack Park composed of large core wilderness areas, connected to working farms and forests, and augmented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



## State of the Park 2005

### THE ADIRONDACK COUNCIL

*Defending the East's Last Great Wilderness*

Dear Council Members and Friends:

In honor of the Adirondack Council's 30th Anniversary, this 2005 State of the Park Report is the largest and most comprehensive we have published since our first edition in 1982. I believe you will find it a useful tool in judging how local, state and federal officials – both elected and appointed – have helped or harmed the Park's ecological integrity, wild character and economic vitality over the past 12 months. No other regional environmental organization publishes a non-partisan annual review like this one.

This report is also a fair means of judging the scope and nature of environmental and social issues that the Adirondack Council's staff of 14 professionals tackles on a regular basis. All of the praise and criticism in this report reflects weeks or months of vigilance by our conservation team, government relations team, media campaign, board of directors and the tireless efforts of our 18,000 members.

In this report, you will see that Governor George Pataki again performed well, although there are some uncertainties over issues such as tower construction that could have an impact on his legacy. Attorney General Eliot Spitzer received yet another perfect rating, focused primarily on his courtroom efforts to curb acid rain.

The Department of Environmental Conservation had one of its best years in some time. The Adirondack Park Agency, with limited staff and overwhelming applications, is struggling through a difficult time, punctuated by some poor decisions.

Local governments again gained more praise than criticism – a gratifying trend – as did the courts and New York's Congressional delegation.

While the Adirondack Council's diverse and all-encompassing passion for protecting the Park is a source of pride, we know we cannot be everywhere at once. Our Tip of the Hat section will give you a sense of what other organizations have accomplished in terms of Park protection this year. This too, is unique among environmental organizations, which too often view one another as competitors.

I hope you like what you read in the following pages. If you are not already a member of the Adirondack Council, please use this opportunity to learn why you should be.

Sincerely,

Brian L. Houseal  
Executive Director

*On the Cover: This beaver pond at the foot of Lyon Mountain is at the heart of 104,000-acre Domtar Industries property that became the subject of a conservation agreement and Forest Preserve purchase made by the Adirondack Nature Conservancy and Lyme Timber on behalf of New York State in 2005. (See Governor section Domtar Deal Saves 104,000 Acres.) The groups acted to protect the lands as Domtar retreated to Canada as part of a corporate consolidation that included mill closings in Ontario and Quebec. The Adirondack Council has been urging the state to protect these lands since 1993. Photo by Bill Brown, The Adirondack Nature Conservancy.*



# The Governor



## Domtar Deal Saves 104,000 Acres

The Adirondack Council has been urging state officials to protect the vast timberlands of Domtar Industries Inc. since 1993. The Council's wish came true on January 4 when Governor George E. Pataki and the company announced they were working with the Adirondack Nature Conservancy and Lyme Timber Company to grant permanent protection to 104,000 acres of forests and waters in the Park's northeast corner. Some of the land will become Forever Wild Forest Preserve and the remainder will be protected through a conservation agreement with the new landowners. New York State will acquire nearly 20,000 acres of the Sable Highlands property. The centerpiece of the purchase is Lyon Mountain – the tallest peak in the northern Adirondacks. It also includes undeveloped shoreline on Chazy Lake and a tract that adjoins the Forest Preserve at Ellenburg Mountain. The Nature Conservancy has purchased the 20,000 acres from Domtar and will hold the land for future transfer to New York State.



## Expanding Protection Fund (EPF)

The NYS Environmental Protection Fund will grow from \$125 million to \$150 million in 2005 and remain at the higher level in future years, according to an agreement reached between the Governor and Legislature. The agreement will create a substantial increase in the state's open space protection account, from just above \$30 million to \$40 million annually. The Governor will use the increased funding to complete the Domtar sale, the 260,000-acre International Paper Co. conservation agreement and other important open space projects. The 2005-06 EPF also included \$3 million for community planning assistance, which is an urgent need in most of the Park's 92 towns.



## Nonpartisan Bash

Governor Pataki and Attorney General Eliot Spitzer held a joint press conference to announce the success of New York State's lawsuits against in-state power plants that had violated the federal Clean Air Act. The suits were brought in the 1990s against some of the state's biggest air polluters. Pataki endorsed the filing of the suits and Spitzer carried them out. The settlement announced at the January press conference in the Governor's office suite at the Capitol requires deep cuts in acid rain-causing air pollutants.



## New Commissioner, Same Outlook

When Environmental Conservation Commissioner Erin Crotty resigned in January, Governor Pataki chose Crotty's long-time executive deputy Denise Sheehan to serve as acting commissioner. In September, Pataki formally appointed Sheehan to be commissioner. Her confirmation by the NYS Senate is pending. Sheehan is a strong conservationist who worked well with Crotty and has earned the respect of the Adirondack Council.



Sheehan



## Paddling the Trail

The Governor in May announced nearly \$500,000 in grants from the state's Environmental Protection Fund to help towns in Warren, Washington and Saratoga counties preserve land, revitalize waterfronts and create more recreational opportunities.

In Warren County, the Town of Bolton received \$250,000 to begin Lake George watershed management projects to improve water quality and preserve wetlands. Bolton will use a second award for \$65,000 to develop the "Lakes to Locks Passage," a project linking the waterfront

communities of Lake George and Lake Champlain to the Hudson River with a "blueway" (waterway trail). The Town of Johnsbury will use its \$150,000 award to develop a website, kiosks and displays for the First Wilderness Heritage Corridor, a 40-mile stretch of the northern Hudson River that will boost tourism for communities from Corinth to North Creek. The town of Lake Luzerne received \$75,000 to create a comprehensive plan that will manage growth in second home ownership and tourism on its Hudson River and Sacandaga River waterfronts.



## Inlet Taps Wilderness Outlet

The Town of Inlet has won a \$125,000 grant from the Environmental Protection Fund to conduct regional planning for tourism and economic development based on its proximity to wilderness waterways. Grant funds will help support identification and development of blueway trails (canoe routes) to link rural Adirondack communities. Inlet will work on the project with the Center for the Advancement of Sustainable Tourism (CAST) in Saranac Lake. The Adirondack Council successfully lobbied the Legislature and Governor Pataki to make Inlet eligible to receive the grant through the Department of State's coastal program. Inlet is at the southern boundary to the Adirondack Council's proposed 408,000-acre Bob Marshall Great Wilderness. The Council wants to assist communities at the edge of The Bob in taking advantage of their status as gateways to what will be one of the largest and most diverse wilderness areas.



## Vital Veto

At the urging of the Adirondack Council and other environmental organizations, Governor Pataki in April vetoed a section of the budget that would have imperiled the most important source of acid rain research funding to which the state has access. Earlier in the year, Legislative leaders drafted and passed a bill that would have subjected the NYS Energy

Research and Development Authority (NYSERDA) to an annual budget approval by lawmakers, which the Council and others pointed out would subject research and other long-term monitoring projects to political negotiations. Failure to pass an on-time budget could interrupt the flow of data to long-term monitoring projects began decades ago. NYSERDA has both a board of directors and a citizens' advisory board watching over its spending.



### Pumping Up Clean Air

In January, the Governor sent a joint letter with California Governor Arnold Schwarzenegger to members of the US Senate Environment and Public Works Committee urging them not to erode the right of individual states to petition the US Environmental Protection Agency for relief when upwind states cause so much pollution it is impossible for the downwind state to meet federal air quality standards. Currently, states can file Section 126 Petitions (a reference to its location in the Clean Air Act) seeking deeper cuts in sulfur dioxide and nitrogen oxides from upwind states. Congress decided not to change that part of the Act.



### California Schemin'

In May, Governor Pataki proposed that New York State meet the same rigorous automobile standards for greenhouse gas emissions as those currently in effect in the State of California. Tough vehicle emissions standards are critical since the automobile sector is one of the single largest contributors of pollution which causes global climate change. The adoption of these updated regulations will ensure New York is following the strictest rules on the books anywhere in the nation, and our state is doing its part to mitigate global warming, which will have devastating consequences on the Adirondack Park.



### Digging Up an Industrial Past

Thanks to a grant from the 1996 Clean Water/Clean Air Bond Act St. Lawrence County received \$180,000 to investigate the former Jones & Laughlin Steel facility at Route 3 and County Route 60 in the town of Clifton. The Jones & Laughlin property consists of a 54-acre iron ore

processing facility that, during its operating life, consumed approximately 7,000 gallons of No. 2 fuel oil daily to fire its furnaces. In addition to fuel oil, other environmental concerns include PCB-contaminated soil, abandoned mercury switches, and asbestos. The county is interested in redeveloping the property as a business and light industrial park.



*Clarence Petty Intern Holli Edgley met Governor George Pataki at the Council's annual Lighthouse gathering in Essex.*



### Big Money for Natural History Museum

In August, the Governor provided a \$5 million grant to the Natural History Museum of the Adirondacks, which is currently under construction in Tupper Lake. It was the final piece of funding needed to open the facility's doors next summer. This money puts the museum over the \$22.5 million mark since the campaign to build it began in 2002.



### High Quality Grants

Also in August, the Governor handed out \$264,000 in Quality Communities grants for eight North Country municipalities. They included \$35,000 for Lake Placid, \$40,000 for Saranac Lake and \$22,000 for Tupper Lake. The grants will be used to spur economic development and bolster environmental protection efforts. Lake Placid will be using its grant money to implement planning goals, which include revising joint land use codes to better preserve the unique character and rich history of the town. Saranac Lake plans to use its funding to coordinate

an economic development strategy in partnership with the neighboring towns of Harrietstown, St. Armand and North Elba.



### Not a Capital Idea

The Governor once again proposed spending money from the Environmental Protection Fund on day-to-day expenses rather than the capital projects for which the fund was created. The fund was meant as a means to pay for large, one-time expenses related to open space protection, landfill closure, recycling facilities and parks. The Governor's plan would have weakened the fund by allowing government to use it for salaries and operating expenses at state agencies.



### Rangers Unbound

The Governor vetoed a bill that would have provided binding arbitration for Forest Rangers during contract negotiations. The rangers are an important segment of the Park's interpretive and law enforcement community and deserve treatment similar to police officers and other state law enforcement officials.



### Free Pass for Frankenpine

The Governor remained silent while his Adirondack Park Agency and Lake George Park Commission voted to permit a fake pine tree cell tower (or Frankenpine) on the eastern shore of Lake George. Allowing the APA and the LGPC to approve such a project will certainly be remembered as a dark chapter in an otherwise environmentally progressive administration's history.



### Return to Sender

Two years after a successful conference on the need to reform the APA Act, a draft proposal was released two weeks prior to the end of the legislative session. The timing of the release did not give legislators or the public a sufficient opportunity to seriously consider the important changes before session concluded. Furthermore, the changes proposed did not adequately protect the Park's waters and other natural resources. In fact, some portions of the proposal would actually weaken current law.



# State Legislature



## Both Houses

### A Little Late, a Lot Better

Although they waited until after the April 1 budget was completed to negotiate a revenue plan for the NYS Environmental Protection Fund, both houses reached an agreement with Gov. George Pataki two weeks later. The deal ensures the fund will grow from \$125 million to \$150 million. The EPF contains a substantial increase in the state's open space protection account, from just above \$30 million to \$40 million annually. In addition to open space funding, the EPF included funding for community planning in the Adirondacks, and was not subjected to offloads (funding used for non-environmental programs.) The fund will remain at the higher level in 2006 and onward.

dramatically the quality of drinking water in the isolated hamlet of Raquette Lake. The resolution was sponsored by Senator Betty Little, R-Queensbury, Assembly Environmental Conservation Committee Chairman Thomas DiNapoli, D-Great Neck, and Assemblywoman Teresa Sayward, R-Willsboro. Because Constitutional Amendments must be approved by two separately elected Legislatures before being placed on the statewide ballot, the sponsors intend to introduce it again in 2007. If approved then, it would be placed on the statewide ballot during November 2007 general election.



DiNapoli

and help sustain employment in the wood products industry.

### Gateway to a Brighter Future

A bill sponsored by Adirondack representatives Assemblywoman Teresa Sayward and Senator Betty Little includes the Fulton Chain of Lakes and the north and middle branches of the Moose River within definition of "inland waterways." This will allow communities along those southwestern Adirondack waterways to qualify for waterfront revitalization funding through the Department of State. The Council is encouraging the state to provide planning assistance grants so towns and hamlets can take advantage of the tourism opportunities created by the proximity of the state's largest and most remote Wilderness Areas – including the proposed Bob Marshall Great Wilderness, just north of the Fulton Chain and Moose River Valley. Due to the passage of this legislation, the towns around those waterways, including Inlet, will be eligible to receive grants specifically for that type of planning.



Little



### A Reasonable Swap

The Adirondack Council worked with the Town of Long Lake, the Adirondack Association of Towns and Villages, the Association for the Protection of the Adirondacks, Citizens Campaign for the Environment, Environmental Advocates of New York, and Audubon New York this spring to gain the NYS Legislature's approval of a land swap that will improve

### A Burden Abated

Included in this year's state budget was an appropriation of \$3.3 million to reimburse Adirondack and Catskill taxpayers in towns where more than 1 percent of the annual property tax levy was forgiven by the state through tax abatements to timber companies and other large landowners. Such timberland tax abatements help prevent the fragmentation of large forests

### Sign Me Up

As part of the budget process, the Senate and Assembly agreed to mandate time of sale registration for ATVs purchased at dealerships. The lack of this requirement in the past has led to some confusion about the need to register and made the process more difficult for the buyer. With an estimated 50% of all ATVs in the state not registered, this provision should assist law enforcement with identifying those riders who trespass or otherwise violate the law. This idea had been proposed for the last two years by both Gov. George Pataki and Assemblyman Joseph Morelle, D-Rochester.



## Dropping Thermometer

The Environmental Conservation Committee Chairmen of each house (Senator Carl Marcellino, R-Syosset, and Thomas DiNapoli) passed a bill that could ban the sale of a host of consumer products containing mercury. The Department of Environmental Conservation would have to certify that comparable non-mercury alternatives were available at a similar price. Organic mercury is highly toxic.



Marcellino



## Money Flows, Water Next

Senator Little, Assemblywoman Teresa Sayward and New York State Environmental Facilities Corporation (EFC) President Thomas J. Kelly in August announced that Westport and Elizabethtown have been awarded \$8.8 million in funding for municipal drinking water projects. The funds were provided from the New York Drinking Water State Revolving Fund (DWSRF). As these communities repay the low-interest loans, the funds will again be available for the next municipality whose application is approved. Westport and Elizabethtown have closed on interest-free, long-term loans of \$1.9 million and \$2.5 million, respectively, for their drinking water projects. In addition, the two Essex County towns each will receive a state grant of \$2 million, while Westport was also awarded a Small Cities grant of \$400,000.



## Rangers Unbound

Assemblywoman RoAnn Destito, D-Utica, and Senator Betty Little worked together to pass a bill that would extend binding arbitration in labor negotiations to Department of Environmental Conservation Forest Rangers, who currently have no such option. Other state law enforcement agencies have this option when collective bargaining reaches an impasse. Rangers, due to their isolation and small numbers, find it difficult enough to reach

agreements on employment contracts. They should have the same tools other agencies have to reach a speedy agreement. The bill was vetoed by Gov. George Pataki.



Destito



## Out to Pasture

Senator William Larkin, R-New Windsor, and Assemblyman William Magee, D-Oneida, joined forces to pass legislation that would increase the penalties for ATV riders who trespass on agricultural lands. With more than 20 agricultural districts in the Adirondack Park, this legislation will allow the Park's farmers to deter trespass and better protect surrounding public and private lands. Often, those who trespass on the Forest Preserve with ATVs gain access by illegally crossing farm fields and pastures.



Magee



## Ab-SERDA

Seeking tighter controls over public authorities, Legislative leaders drafted and passed a budget bill that would have subjected the NYS Energy Research and Development Authority (NYSERDA) to an annual budget vote by lawmakers. The Council and others pointed out that the annual state budget is always the subject of political negotiations. Too often, field research and long-term monitoring projects are pushed aside in favor of more visible, politically attractive spending options. NYSERDA's long-term monitoring programs include those that measure Adirondack lakes and rivers for acid rain and mercury contamination. The failure to pass an on-time budget (this year's was the first in 21 years to meet the April 1 deadline) could interrupt the flow of data to monitoring projects that date back decades. NYSERDA has both a board of directors and a citizens' advisory board watching over its spending.



## Protecting the Home Front

Both houses introduced their own version of a Community Preservation Act and could not come to an agreement by the end of the session on a single bill that could be signed into law by the Governor. The goal of both legislative proposals was to allow towns to establish a fund for protecting important natural features, open space and historic sites by imposing up to a 2-percent real estate transfer fee on the portion of the purchase above the median home price in the county. This program has been implemented in 5 towns on the east end of Long Island with great success. Statewide funding programs such as the Environmental Protection Fund (EPF) have worked well for preserving large landscapes in the Adirondacks, but there is little money available for local protection efforts that have a lasting impact on the character of the Park's small villages and hamlets. The state real estate transfer tax is the state's source of revenue for the EPF. A local transfer tax would generate the most revenue in places with the hottest home sales and highest prices, providing a counterbalance to runaway development.



## Opportunity Down the Drain

Both houses of the Legislature failed to take action this year on legislation that would require periodic inspection of septic systems. Such inspections would require that the systems are working to purify household wastewater and prevent water pollution in lakes and streams. Currently, state law only requires a health inspector to look at septic systems when they are first constructed. After that, it is up to the homeowner to keep the system functioning. Most of the Adirondack Park's problems with septic systems occur when older, seasonal camps are converted to more intensive use. The addition of bathrooms, kitchens and laundry facilities exerts enormous stress on existing septic systems. Legislation has been introduced that would require inspection at the time of a home sale or transfer (when other mandated inspections are done), which could allow repair costs to be rolled into the financing for the property purchase.



## When It Snows, It Pours

Despite mounting evidence that above-ground and below-ground water supplies around the state are being contaminated by sodium and chlorine, the Legislature took no action on bills that would ensure the proper storage of road deicing compounds (usually salt and sand). Currently, plows drop 48 tons of salt per mile of road every winter in New York. Scientists have found elevated chloride concentrations more than 100 times higher than expected in typical Adirondack lakes, which is likely to cause destruction of native lake species and the promotion of non-native species. High sodium content in drinking water tastes bad and is hazardous to the health of individuals with high blood pressure.

## ATVs? What ATVs?

The Legislature left the Dept. of Environmental Conservation to fend for itself on the issue of all-terrain vehicles, with neither house considering legislation to ban them from public lands nor to increase penalties for trespass on public lands. Instead, DEC had to issue a policy and take the heat for a decision the Legislature should have made long ago. ATV damage on public lands is pandemic in New York. DEC policies are reviewed and changed by each successive gubernatorial administration. Only a state law banning ATVs from public lands could provide permanent protection.

## Senate

### Million Dollar Effort

Sen. Betty Little, led the effort to include in the EPF \$1 million in new spending on a program to remove invasive species infestations. The money will be made available through grants to municipalities and groups wishing to employ non-toxic control methods for aggressive, non-native plant and animal species that threaten to destroy native ecosystems.

### Ah, Hamlet

Senator Little gained passage for a bill that would encourage people purchasing property in the Adirondack Park to center their attention on existing communities that need redevelopment. The

legislation would provide a graduated tax exemption for residents who buy or build homes in hamlet or moderate intensity use areas in the Adirondack Park. The property tax exemption for such residents will begin at 90% and each year decline by 10% until the exemption runs out. Furthermore, the state would reimburse the local communities for the shift in tax base associated with the exemption from an existing revenue source, which will ensure local governments are not adversely affected. This legislation will help better direct development to the areas of the Park where it is appropriate.

### Protecting Water Supplies

Sen. Hugh T. Farley, R-Schenectady, has provided \$42,500 in grants from the state budget over the past two years to assist the Village of Northville and Town of Northampton, Fulton County, to build a single municipal salt storage facility. Uncovered salt piles, stored on the ground for highway deicing can cause groundwater contamination when rain washes salt into nearby wells and streams.



### Issue Still Smolders

Despite an effort by the Assembly to bring the open burning of household garbage under control in the Adirondacks and elsewhere, the Senate did not take action to ban backyard burning. Aside from being a fire hazard in the spring and fall, burn barrels are a significant source of localized air pollution in many Adirondack towns. Low temperature trash incineration releases persistent, toxic compounds that can be inhaled and can contaminate drinking water and food crops. Current law only bans the use of “burn barrels” in communities populated by 20,000 people or more. None of the Park’s 92 towns and 12 villages has a population that high.

### Hot Air

The Senate took no action on two legislative initiatives to further improve New York’s air quality and stem global

warming and mercury pollution. Legislation was passed to restrict emissions of carbon dioxide and mercury from power plants in the Assembly, but both bills stalled in the Senate. Due to inaction at the federal level, New York must take action on its own to ensure plants cut emissions and the state once again sets a precedent on clean air regulation.

## Assembly

### Heady Response to Heavy Metal

Assemblyman Alexander “Pete” Gran- nis, D-Manhattan, gained approval in his house for a bill that would cap the amount of mercury emitted by any power plant or incinerator in New York State with a capacity of 15 megawatts of electricity or greater. Testing of Adirondack lakes for fish contamination from mercury has recently expanded and the results are not encouraging. This year, the NYS Dept. of Health issued a warning that people avoid eating all pike, pickerel, bass, yellow perch and walleye from Adirondack and Catskill waters until further notice. Elevated levels of mercury have also been found in the signature bird of the Adirondacks, the common loon, which lives in lakes and ponds, and the Bicknell’s Thrush, mountaintop dweller and “species of special concern” that breeds in the Adirondacks.

### Spotlight on Pollution

Assemblyman Grannis again passed a bill aimed at reducing light pollution. The control of artificial light in open space areas, such as the Adirondack Park, would benefit the tourist economy and the natural environment. Ensuring artificial light is properly directed in the Adirondacks would preserve the scenic and wild character of the Park and would benefit plants and wildlife that thrive in darker conditions. This bill would also decrease air pollution in the Adirondack Park caused by the generation of electricity at fossil fuel power plants by decreasing demand through the use of energy efficient lighting.





*NYS Sen. Betty Little, R-Queensbury and Assemblywoman Teresa Sayward, R-Willsboro, help Adirondack Council Executive Director Brian Houseal cut the cake at the Council's 30th Anniversary Legislative Reception at the Legislative Office Building in June.*



*Former Clarence Petty Interns Hayley Beers, Morgan Weinberg and Kevin Sauerbier attended the Council's legislative reception at the state capitol in June to help us celebrate our 30th Anniversary.*



## Bigger, Better Bottle Bill

Assembly EnCon Chairman DiNapoli gained approval in his house for a bill that would reduce litter and the burden of solid waste removal on localities, while also providing additional revenue for the Environmental Protection Fund. The Returnable Container Act, also known as the "Bottle Bill," in its current form, has produced great results in the area of litter control and conservation of raw materials in New York State. However, non-carbonated beverages such as bottled water and sports drinks and juice, have become more popular and thus given rise to a new wave of litter and the increased disposal problems. This bill would require deposits on all non-carbonated beverages, excluding liquor, wine and milk. All unclaimed deposits would be directed to the State's Environmental Protection Fund.



## Curbing Carbon

Chairman DiNapoli guided a bill through his house that would regulate emissions of carbon dioxide from electric generating facilities by setting a permanent cap for such emissions at 25 percent less than the state's total emissions in 1990. The bill authorizes the Commissioner of the Department of Environmental Conservation to establish a system to assist facilities with compliance. That includes the development of an emission credit-trading system similar to the one established for sulfur dioxide and nitrogen oxides to combat acid rain. Climate change is expected to have a profound impact on Adirondack Park ecosystems within a century. As was the case with acid rain, Congress's refusal to act before disaster strikes leaves New York and other Northeast states with no other choice but to become leaders, passing state laws and crafting cooperative agreements to reduce greenhouse gases.



## Let's Try a Little Plan

The Assembly did not act on a Senate bill that would have simplified the requirements for landowners participating in a state timberland tax abatement program. Senator Betty Little's legislation would have allowed those who have obtained third-party green or sustainable certification of their harvesting and management practices to substitute that certification for a complex and expensive five-year management plan required by DEC. Third-party certification would ensure that the lands are being operated and harvested in a sustainable fashion. This truly independent certification must be renewed each year. The state's five-year plans are poorly overseen and rarely enforced.



# Courts



## A Decision to Howl Over

U.S. District Court Judge Garvin Murtha, of Brattleboro, VT, gave new hope to wildlife advocates in August when he ruled that the Bush administration violated the Endangered Species Act when it reduced protection for gray wolves across the 48 contiguous states in 2003. National Wildlife Federation successfully argued that the



administration improperly declared victory for gray wolf recovery based solely on the Northern Rockies and Great Lakes wolf populations.

This violated its Endangered Species Act obligation to recover endangered species across a “significant portion” of their historic range, its policy on

protecting “distinct population segments” and its legal obligation to obtain public comment on removing protection from the Northeast portion of the wolf’s historic range.

## Clearing Things Up

In June, the District of Columbia Federal Circuit Court of Appeals rendered an important decision in a case brought by a coalition of coal-fired power plant owners. The plant owners asked the court to throw out charges from several states that any net increase in pollution from an unregulated power plant triggered the Clean Air Act’s New Source Review provision. NSR requires those plants to modernize and meet the same emissions requirements as a brand new plant. Plant owners argued that NSR could not be invoked until the average hourly emissions rate increased. In other words, a plant should be allowed to operate longer hours and increase its annual emissions as long as its average hourly emissions remained the same or decreased. The court rejected the argument, breathing new life into

cases dropped by the US Dept. of Justice, which recently claimed newfound uncertainty over the hourly vs. annual emissions question. However, another decision in a similar case left onlookers wondering what standard will be applied in future cases (see Unclearing Things Up, below).

## Polluters Sent Packing

In October 2004, State Supreme Court Justice Bernard Malone, in Albany, dismissed a challenge to state air pollution rules. The suit sought to invalidate New York’s air pollution regulations just days after the Department of Environmental Conservation mandated them on an emergency basis in August 2004. The regulations reduce the amount of sulfur dioxide and nitrogen oxides allowed to be emitted from coal burning power plants. Those compounds are key elements of acid rain. The regulations are among the most stringent in the nation and allow half as much sulfur dioxide as allowed under federal standards. The standards also require year-round controls on nitrogen oxide, which had previously been controlled only during the summer. The new standards – which Governor Pataki ordered his staff to create at the request of the Adirondack Council – became permanent in December 2004.

## Court Sides with APA

State Supreme Court Justice David Demarest of St. Lawrence County issued a five-page ruling in December 2004 that sided with the Adirondack Park Agency and gave Tupper Lake seasonal resident Tim Jones 30 days to apply to the APA for a permit for the cabin he built near the Raquette River. Failure to comply could result in Jones owing the state’s taxpayers more than \$1,500 a day in fines. In 1991, Syracuse-area resident Jones started building a cabin on a regulated section of Raquette River shoreline, in a wetland. Jones did not seek the APA’s approval because, he said, his property was part of a subdivision that pre-existed the agency’s formation. While the APA has offered to

negotiate a permit settlement with Jones, he has refused to recognize the Agency’s jurisdiction over his parcel. The APA’s main concern was Jones’ plan to build a septic system in a wetland.

## No Longer the Road Less Traveled

In March, Essex County Court Judge Andrew Halloran ruled that snowmobiles could be allowed on a portion of the Jack-rabbit Trail (formerly the Old Mountain Road) between Keene Valley and Lake Placid. The route passes through the Sentinel Range Wilderness Area, where motorized vehicles are prohibited. Judge Halloran ruled that the state hadn’t proven that town officials had formally abandoned the road, despite a lack of use and no maintenance for decades. Rather than appeal the case to a higher court, the state has decided to complete the formal abandonment process according to Judge Halloran’s instructions so the road can legally revert to a foot trail.

## Unclearing Things Up

At the same time that the US Court of Appeals for the District of Columbia Circuit was ruling that any increase in annual emissions from a power plant triggered clean-up requirements, the Fourth Circuit of the very same court reached the opposite conclusion. It ruled that in order to prosecute Duke Energy for apparent violations of the Clean Air Act’s New Source Review provision, the Justice Department had to prove that Duke’s hourly emissions rate increased. Simply proving that Duke’s annual emissions were higher was insufficient, the court ruled. Both sides claimed victory following the conflicting rulings, saying the case that favored their opinion would set the precedent for subsequent cases.

# Local Governments



## Needling Frankenspine

The Adirondack Park Agency Local Government Review Board – a statutory watchdog of the APA that represents the Park’s 12 county governments – passed a resolution in July opposing the construction of the Nextel/Sprint fake-tree cell tower (a.k.a. Frankenspine) on the eastern shore of Lake George. The LGRB’s resolution cited the Town of Fort Ann’s opposition to the project. It also cited the Adirondack Council’s opposition to the project as a reason the Park Agency should deny the permit.



## Hamilton County Sends Clear Signal

Hamilton County officials are acting responsibly when it comes to improving vital radio communications equipment used by emergency, fire and rescue personnel. They are building a series of low-frequency radio towers at a height of 40 feet or less. By keeping the towers short, and out of highly visible locations, Hamilton County stands to gain immediate approval from the Adirondack Park Agency, or a ruling that no APA permit is needed. Hamilton County’s plan uses a technology that doesn’t require each tower to be visible from the other. They can be placed on roadsides and on existing structures in developed areas. The system employs a radio frequency that can overcome mountainous terrain.



## A More Secure Future

The Town of Day, Saratoga County, and the Town of Northampton, Fulton County, are each nearing the completion of new comprehensive land-use plans. In each case, the new plan would help to protect water quality in the Great Sacandaga Lake and scenic vistas on both sides of the 29-mile-long reservoir. Each town is experiencing unprecedented growth and a sharp rise in property values due to an influx of second-home buyers.



## Salient Cooperation

The Village of Northville and Town of Northampton, Fulton County, are working together to build a single municipal salt storage facility. Uncovered salt piles, stored on the ground for highway deicing, can cause groundwater contamination when rain washes salt into nearby wells and streams. By working together, the village and town are preserving open space, consolidating services to reduce costs and creating a better facility than either municipality could afford on its own.



## Auto Clash

The Town of Johnsbury, Warren County, voted to drop a proposed new local law that would have allowed all-terrain vehicles to use the town’s dirt roads. At least five town residents officially complained about the proposed law. The town attorney confirmed that the proposed law would have violated the NYS Vehicle & Traffic Law, which prohibits ATVs from sharing public highways with registered automobiles. Exceptions can only be made for travel over short distances of road to gain direct access to ATV trails that are open to the public.



## Shift to Neutral (pH)

The Village of Saranac Lake took measures to increase the pH of its drinking water supply this summer when the pond from which the village draws its water was found to be heavily degraded by acid rain. As a result, drinking water became cor-

rosive and began leaching lead from the pipes and plumbing fixtures in residents’ homes. Testing showed the lead content in some homes to be many times higher than levels considered safe by the NYS Health Department. The Village is also seeking funding for a new sand and salt storage facility, which will further improve water quality.



## Brighter Future for Village

The Keeseville Village Board and the not-for-profit group Friends of the North Country together created a community revitalization plan that is expected to transform the main street (Front Street) and make the village a more attractive place to live and work. Using money from the Community Development Block Grant and the New York State Main Street Program, the village intends to bury all utility lines, build a Veterans Memorial Park on the river, preserve historic homes, set up tours of historic areas and improve the appearance of Front Street businesses.



## Good Advice is Rarely Appreciated

Indian Lake Town Attorney Frank J. Williams Jr. told the Town Board in November 2004 that a plan to open several town roads for use as an ATV trail would violate the NYS Vehicle & Traffic Law. In a letter addressed to Supervisor Barry Hutchins, Williams wrote: ‘It is my opinion that such action would be illegal. I reach this conclusion because of the apparent availability of other access.’ The only time public highways can be used as ATV trails is, for very short distances, to gain access to places where access is “otherwise impossible.” In January, the town board voted to allow ATVs to legally travel only on a section of Jerry Savarie Road from Oct. 18 to April 18 each year to reach a public trail on private land.





## Staying Connected to the Lake

The Bolton Town Board is working with the Department of Environmental Conservation to buy the Norowal Marina on Sawmill Bay to ensure public access to Lake George and its islands. Dozens of Bolton Landing tourist accommodations have been converted into private homes, swallowing access to the shoreline and nearly 300 public campsites on Forest Preserve islands accessible from Sawmill Bay, where the marina is located. Property values have skyrocketed in Bolton over the past five years.



## Swamp Gaslight

The Lake George Town and Village Boards are planning to convert the site of the former Gaslight Village amusement park into a 7-acre artificial wetland. The wetland would purify storm water by allowing silt, road salt, spilled fuel and nutrients to settle out of runoff before it reaches Lake George. The plan is a significant improvement over previous plans to develop the site for commercial uses. Additional businesses and pavement at Gaslight Village would only worsen Lake George's water quality.



## VanBusted

The Lake George Town Board was poised (as this publication went to press) to impose the largest fine in its history on a developer for clear cutting near the summit of Prospect Mountain. Keith Van Buskirk, CEO of Sinzibukwud of Lake George, faces a fine of at least \$25,000 and as much as \$56,000 after his company cleared more than two acres without the appropriate permits and illegally widened a 6,500-foot logging road to 16 feet, at least double its original width. The property borders state land and a 500-acre parcel owned by the Village of Lake George. Van Buskirk may never be able to build houses on the property because the new road he built rises at a more than 10 percent incline.



## Tupper Lake: Portal to the Heavens

The Tupper Lake Town Board passed a resolution in June which will allow the Adirondack Public Observatory to pur-

chase 1.5 acres of town-owned land at the intersection of North Little Wolf and Big Wolf roads. The 1.5-acre plot sits on top of a 5.8-acre town parcel. The parcel is well outside the Village of Tupper Lake, in an area of the Park that has one of the darkest night skies in the Northeast. Absence of artificial lights on the ground is crucial to the operation of high-powered telescopes and other equipment designed to measure faint light sources far beyond our solar system. In addition, the Village of Tupper Lake is retrofitting town lighting with full cutoff fixtures that prevents light pollution by directing all light from the fixture downward.



## Sunny Outlook

The Essex County Board of Supervisors in August voted to exempt the purchase of residential solar power equipment from county sales taxes. The decision supports a similar state action concerning state sales taxes. Financial incentives for alternative fuels can make them competitive with fossil fuel systems in terms of price and operational costs, reducing the nation's dependence on imported and non-renewable energy.



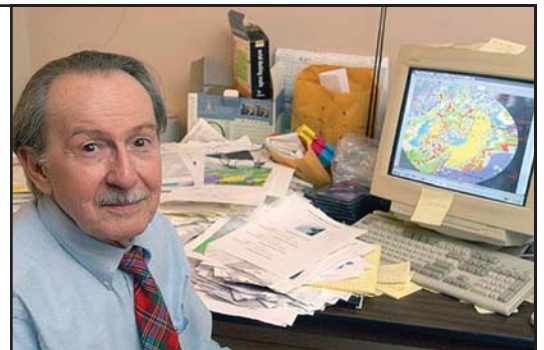
## Worth Another Try

Turf disputes between Village of Speculator and Town of Lake Pleasant officials halted progress in July on a joint comprehensive development and land-use plan that would benefit both municipalities. The town and village received a \$92,000 grant from NYS Sen. Betty Little, to complete the plan. Officials in the two Hamilton County governments could not agree on the potential benefits and risks of joining their planning efforts. It is unclear whether they will have to repay the grant if they fail to complete and approve a new plan. The town and village should try again to work out their differences and devise a plan acceptable to everyone in order to protect their municipalities from mounting development pressure.



## Pushing Rope up Mt. Anthony

Saratoga County officials are browbeating the Adirondack Park Agency for permission to construct an emergency communications system atop three mountains. The proposal would violate the APA's tower construction policy, which discourages visible mountaintop towers. The County is insisting on utilizing antiquated technology and the series of mountaintop towers they are proposing would rise above the surrounding trees. At least two of the sites would require extensive road construction and disturbance of rare wildlife habitat, both at the summits and in wetlands crossed by the roads. Consequently, Saratoga County is now facing an adjudicatory hearing. The hearing could result in its permit application being denied.



*Retired General Electric research scientist John Bergeron owns the top of Mt. Anthony. He is working with the Adirondack Council and others to prevent the installation of radio towers on the summits of Mt. Anthony and two others around the north end of the Great Sacandaga Lake. Photo by Jim McKnight.*



## Hankerin' for a Bridge

Town of Colton Supervisor Hank Ford refused to sign off on a 34-town conservation easement deal that would open 260,000 acres of International Paper Co. lands to public access and preserve them forever. Ford is upset by and opposed to the state's decision to close virtually all Forest Preserve lands to all-terrain vehicle (ATV) riders. He enlisted three other St. Lawrence County towns to refuse as well, slowing progress on the largest conservation agreement with a private landowner in the history of the Adirondack Park. But Ford also wants the state to approve a snowmobile and ATV bridge across the Carry Falls Reservoir into the Jordan River basin and the heart of the Adirondack Council's proposed Boreal Wilder-

ness Area. It would be located off a lonely stretch of State Route 56, near the mouth of the Jordan River. Ironically, a route across IP lands much closer to the Village of South Colton, just north of the reservoir, would allow snowmobilers to connect to large public recreation tracts in Franklin County and would bring commerce to the community – all without a bridge. Instead, Ford is insisting on a bridge that one of his own town council members referred to in 2004 as “a bridge to nowhere.”



*Extensive damage from all-terrain vehicles has already been documented in the rare and sensitive, low-elevation boreal forest identified by the Adirondack Council as an ideal location for a 73,000-acre Boreal Wilderness.*



The Senate passed in May Resolution No. 2084 “to recognize and pay tribute to the Adirondack Council upon the occasion of its 30th Anniversary” and “to congratulate its board and staff for three decades of successful Park protection and advocacy.” The resolution, introduced by Senator Betty Little, can be viewed in full on our website [www.adirondackcouncil.org](http://www.adirondackcouncil.org).

## Save the Date! July 8, 2006

*Plan ahead and spend a weekend at Great Camp Sagamore in Raquette Lake.*

The Adirondack Council will host our annual members' meeting, outings and Forever Wild dinner at Great Camp Sagamore on July 8, 2006. Come for the day or spend the weekend and enjoy this National Historic Landmark in the Adirondacks and myriad activities in the surrounding area. To learn more about Great Camp Sagamore or to make reservations for overnight accommodations contact the Sagamore at [www.sagamore.org](http://www.sagamore.org), [sagamore@telenet.net](mailto:sagamore@telenet.net), or 315-354-5311.



# Adirondack Park Agency



## Enough is Enough

After bending over backward repeatedly to accommodate the desires of Saratoga County officials to build a new emergency radio system around Great Sacandaga Lake, the APA's commissioners in August called for an adjudicatory public hearing on the plan. The county wants permission to construct three mountain-top microwave towers. The Adirondack Council has been critical of the county's plan, and has urged it to seek alternatives that could minimize visual impact by placing equipment along roadways and not on mountaintops. The owner of one of the mountains that would be seized has designed such an alternative. Currently, there is no ridgeline development in the Sacandaga Valley, and this project would mar the otherwise intact upland forest. For nearly a year, APA commissioners avoided calling for a lengthy public hearing, urging County officials to amend their proposal and make approval possible. Instead, the county continued to press for the mountaintop locations and towers 40 to 50 feet higher than the surrounding forest, with empty sky behind them. In August, the APA gave up on its quiet negotiations and called for an adjudicatory public hearing. Such a hearing is required before the APA can deny a permit. The Council plans to participate in the hearing, which was slated for the end of September.



## Great Non-Decision

A deadlocked vote by APA Commissioners in March halted a plan by Barton Wind Energy Partners to build a 164-foot-tall wind meter at the top of Pete Gay Mountain, in an area zoned as resource management (RM) land. Barton eventually wants permission to construct ten 420 ft. tall wind turbines on Pete Gay, but wind meters are first needed to measure the potential for energy generation. Barton's proposal is to build half of the towers on Barton Mines industrial lands, next to the defunct garnet mine and the rest would be on neighboring RM lands, the Park's strictest private land-use category. Any structure higher than 40 feet on RM lands

requires an APA permit. Because the commissioners' vote ended in a tie, the only way to get permission for the tower would have been to submit the plan to a public hearing. Barton balked, opting to erect a wind meter only on the industrial site that did not require an APA permit, which will

be removed after two years. After reviewing the plans for the 10 wind turbines, the Adirondack Council is opposed to the project. It would be visible from half of the Park's 16 Wilderness Areas, several scenic highways and many of the southern High Peaks.



## Frankenpine Doctored

In July APA Commissioners approved a 104-foot-tall fake-tree cell tower for the slopes of Pilot Knob (a peninsula on the scenic eastern shore of Lake George). After a lengthy public hearing, the APA staff who acted as the commissioners' eyes and ears at the hearing submitted a strongly worded report urging the commissioners to deny the permit. However, the formal staff recommendation (prepared by staff who did not attend the hearing) omitted any mention of the hearing staff's report. In addition, the Agency's General Counsel refused to allow the commissioners to see a formal resolution from the APA's own Local Government Review Board, which also urged the commissioners to deny the permit. Instead, the executive staff's

advice directed the commissioners to focus on the agency's new tower-construction policy. Issues such as alternative sites and the potential for stormwater pollution to reach protected wetlands (and Lake George), were not adequately considered. Just like the Town of Fort Ann and the other 91 towns of the Adirondack Park, the Adirondack Council wants improved telecommunications along our highways and in the Park's communities – especially for emergency first responders. But we believe it can be done without harming the Park's ecological integrity or its wild character. The Adirondack Council, local residents, the citizens' group PROTECT and the Town of Fort Ann have filed a lawsuit against the APA, asking the State Supreme Court in Washington County to annul the APA's decision.



*Adirondack Council Executive Director Brian Houseal asked Pilot Knob resident Jeannette Nadeau to address the crowd that gathered in September for the Council's reception at the Hyde Collection. Nadeau is a leader of the residents' organization known as PROTECT, which has worked alongside the Council in our struggle to prevent the construction of a fake-tree cell tower at Pilot Knob. The Hyde is a Glens Falls museum with a vast collection of masterworks from the Hudson River School of Art. The museum commissioned a special exhibit over the summer featuring famous Lake George scenes. The reception allowed the Council to bring together local residents and activists to learn how they could help prevent the proposed "Frankenpine." The exhibit helped to remind the public and the media of the importance of the lake's scenic beauty.*



## Big List for Big Tupper

Following a conceptual review of the 700-unit development proposed by Preserve Associates at Big Tupper Ski Center, the APA staff sent the developers 33 pages of questions that would have to be answered before the group's formal application can be deemed complete. Although the project was reviewed prior to the formal application being submitted, some of the major questions raised during conceptual review remained unanswered.



## Keene Result

The Park Agency's work to secure a \$520,000 award from the NYS Scenic Byways Program paid rich rewards this August when the former Town of Keene Highway Garage was torn down. The decrepit, listing structure had been vacant since March 2004. The grant covered the demolition as part of a beautification project centered on the Marcy Field (town airport) section of State Route 73. The garage's proximity to the river also caused fuel and lubricant spills, and increased the risk of flood damage to town equipment.



## Rare Forest Not So "Well-Done"

The Adirondack Council's 17-year effort to create a 73,000-acre Boreal Wilderness east of Carry Falls Reservoir was dealt a setback by APA Commissioners in August, when they voted to allow motorized traffic on 3,200 acres of recently purchased Forest Preserve containing rare and fragile wildlife habitat. Illegal ATV-riding and snowmobiles that leave the trails have already caused extensive damage to plant life and degraded wildlife habitat throughout the proposed Wilderness Area. The lands are located in the Jordan River basin in St. Lawrence County. Even worse, the APA's decision opens the door to a plan by Colton Town Supervisor Hank Ford to build a snowmobile and ATV bridge across Carry Falls Reservoir. Such a bridge would cause a flood of new traffic into the proposed Wilderness. This low-elevation boreal forest is the largest intact remnant in the Northeastern United States. Nearly all such forests are in the sub-arctic zones of Canada and Siberia. The Adirondack Park State Land Master Plan specifically directs state policymakers to avoid allowing traffic in boreal forests due to the

high likelihood of ecosystem damage. The APA proposal to improperly reclassify this section of the Park must still be approved by the Governor.



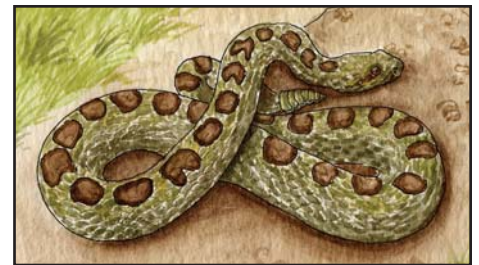
## Snakebike

The APA refused in April to amend or reject the unit management plan it received from the Department of Environmental Conservation for the Split Rock Wild Forest, despite warnings from the Adirondack Council and others that a plan to allow mountain biking in timber rattle-snake habitat was unwise. The Split Rock Wild Forest in the Town of Westport sits atop a huge rock face that looms several hundred feet above the surface of Lake Champlain. Prior to the APA's approval of the management plan, Adirondack Council staff research revealed that timber rattlers were common not just in the area around the main den, but also on adjacent trails where mountain bikes were to be allowed. There are more than 1,000 miles of mountain biking trails and primitive roads available to mountain bikers in the Adirondacks. The timber rattlesnake is a "threatened species" in New York. Since they are unable to regulate their own body temperature, snakes are lethargic when cold and spend long hours sunning themselves in open areas such as trails.



## A Fixer-Upper

The APA refused to take action in June when the Council called upon the APA to improve and refine its tower-construction policies. Over the previous two years, the APA had constantly run into applicants who claimed to have exhausted all viable alternatives to stand-alone communications towers, only to find later that very few, if any, alternatives were considered. Often, applicants looked only at other potential stand-alone sites, ignoring obvious opportunities to place their equipment on existing buildings – where they would be less visible and where neither clear-cutting nor road construction would be needed. The Agency should place the burden of proof on the applicant to explore all co-location alternatives before getting permission for a stand-alone tower in an otherwise undeveloped area. Furthermore, the Agency should formalize this policy by turning it into a regulation or including it as an amendment to the law when it unveils its long awaited package of reforms to the Adirondack Park Agency Act.



*Snake Den Bay*



# Department of Environmental Conservation



## About To Vanish (ATV)

In March, then-Acting DEC Commissioner Denise Sheehan issued a new policy clarifying that none of the Adirondack Forest Preserve was suitable for riding all-terrain vehicles and that the activity would be banned. The only exceptions would be for short distances across areas of the Forest Preserve between two tracts of private land where the state already owns a conservation easement allowing ATV use; for individuals with disabilities; and, for existing rights of way to private lands. While there are only a few places that meet the criteria of the first exception, the Council objected to it, citing the extensive damage to the Forest Preserve documented by Council staff in recent years. The Council will continue to monitor those areas and report any new damage.



## ATVs = Areas Terribly Vandalized

In late September 2004, then-Commissioner Erin Crotty officially began enforcement of road closures in four western Adirondack Wild Forests where all-terrain vehicle (ATV) traffic had caused widespread damage to the forests and to state property (signs, fences, barriers, etc.). The ban on ATVs included the Aldrich Pond, Independence River and Black River and Watson's East Wild Forests, limiting public ATV access on a total of 54 roads in the four areas. DEC concluded that all such roads should be closed to unlimited ATV access by the general public. Environmental Conservation Officers and Forest Rangers will be monitoring ATV access and enforcing the new rules.



## Reggie! Reggie!

The DEC, New York State Energy Research Development Authority and Public Service Commission worked with 9 other states from Maine to Maryland to develop a draft model rule, released in August, for a Regional Greenhouse Gas Initiative (RGGI). The RGGI (Reggie for short) would reduce carbon dioxide emissions to a rate 10 percent lower than the states' current emissions. The cuts would

come between 2015 and 2020. Meanwhile, participating states would stabilize their emissions at current levels beginning in 2009. While the Council fully supports the implementation of the RGGI, the deadlines and depth of cuts could have been improved. In addition, the plan allows up to 50 percent of the cuts to be accomplished through forest conservation and other offset projects. While the Council was not thrilled with these provisions, the model rule must be accepted by all states involved, and the plan reflects the deepest cuts that could be achieved during negotiations with all parties.



## Mellow Marsh Management

After receiving comments from an Adirondack Council member and Champlain Valley resident in March, DEC changed its unit management plan for the Split Rock Wild Forest to prevent the construction and maintenance of an artificial dam at the outlet of Webb Royce Swamp in Westport. Webb Royce is both a rare Silver Maple-Green Ash swamp and shallow emergent marsh – perhaps the finest, least disturbed examples of each in the Adirondacks. Beaver activity that has risen and fallen with a fluctuating population over thou-

sands of years has caused water levels to rise and fall. This alternately pushes back the swamp to create more marsh, and then allows the swamp to expand again. This dynamic tension has created the habitat we have today, which supports a rich variety of terrestrial wildlife, fish and birds. The Adirondack Park Agency approved the management plan in April.



## Smarter than the Average Bear

In May, the DEC announced plans to require overnight campers in the Eastern Zone of the High Peaks Wilderness Area to use bear resistant canisters for the storage of food, toiletries, and garbage during the period of April 1 through November 30 each year. The idea has worked well in national parks such as Yellowstone, Grant Teton and Yosemite, curtailing dangerous encounters between campers and foraging bears. A preliminary study conducted by DEC during the summer of 2004 shows that half of the 400-plus reported bear interactions with humans in the Eastern High Peaks resulted in bears taking campers' food. Only one person who used a bear resistant canister reported a loss of food, due to failure to properly secure the canister's lid.



*Webb Royce Swamp*



## Smokey the Barrel

Last November, the Department signed a resolution with seven other states and the EPA to limit the dangerous health impacts of burn barrels. The proposal included commitments to further educate the public about the hazards of burning household waste, as well as supporting new restrictions and enforcing existing bans.



## An Out-Regis Mistake

The DEC released a badly flawed draft unit management plan for the St. Regis Canoe Area in July that would legitimize the retention of non-conforming structures through spot zoning and would allow seemingly unconstitutional tree-cutting on a Forest Preserve mountain peak. Unit management plans are required by the Adirondack Park State Land Master Plan (SLMP) for each area of state land in the Park and must be completed before new management strategies can be implemented and any new trails, lean-tos, etc. can be constructed. While the State Land Master Plan specifically requires fire towers to be removed from the St. Regis Canoe Area, DEC proposed to have just the summit of the mountain reclassified to “historic area” by the Adirondack Park Agency. DEC used a technicality to subvert the master plan to allow the fire towers to remain. The unit plan also calls for the cutting of vegetation

at the summit of Long Pond Mountain “due to the potential negative impact the vegetation will have on the scenic views from the mountaintop.” The Council considers tree-cutting on Forest Preserve summits to be a violation of the Article 14, Section 1 of the NYS Constitution (a.k.a. the Forever Wild Clause).



## No Giant Crowds on Giant Mountain, Please

The DEC’s Region 5 office in Ray Brook gave permission to the organizers of a local cross-country race to hold the event

in the Giant Mountain Wilderness Area. Wilderness Areas should never be used for organized sporting events that draw crowds of participants and on-lookers. In general, Wilderness Areas should never host groups larger than a dozen. In certain sensitive areas, group size is limited to eight for overnight camping and other potentially disruptive activities. The Park has more than sufficient private and municipal lands (schools, town parks, county fairgrounds, etc) for organized sporting events and there are several public biathlon trails in the Park, including the state’s Olympic training facilities at Mt. Van Hoevenberg.



*Giant Mountain Wilderness Area*

# Other Agencies



## CP Rail Negotiations on Track

The NYS Dept. of Transportation worked with the Adirondack Park Agency and Canadian Pacific Rail Road (CP Rail) to redraw a plan for new communications towers along the shore of Lake Champlain from Dresden, in Washington County, to Port Kent, in Clinton County. CP’s original plan called for four 15-story towers. CP began building two of them without consultation with the Park Agency. Once construction began, the APA issued a “cease and desist” order. CP Rail immediately sued the APA in federal court. The Adirondack Council prepared a legal case and was about to join the federal lawsuit on the side of the APA when CP Rail dropped the suit and began negotiations

with the APA and DOT. DOT is providing grants for the radio system improvements. The new plan presents several options for the redesign of the project, including a plan for the removal of the two 165-foot-tall towers already constructed without a permit. They would be replaced by a series of shorter towers (75 to 95 feet tall) along the company’s rail line. The Adirondack Council supports that option, since it will have the least significant visual impact on the Park’s landscape. CP Rail has agreed to remove older obsolete equipment along its rail line after construction of the new towers is complete.

childbearing age and children under the age of 15 to avoid eating northern pike, pickerel, walleye, large mouth bass, small mouth bass, and larger yellow perch from all waters in the Adirondack and Catskill Mountain regions due to elevated levels of mercury. This blanket warning builds upon the piecemeal warnings that have been issued in the past as additional lakes were tested. DOH realized that each new test in recent years had resulted in a new health warning, prompting the agency to issue the Park-wide advisory. Mercury is a neurotoxin that accumulates in the blood and tissue of animals and people that eat contaminated food. It cannot be removed and causes a number of serious health problems in humans.



## Wise Warning

In April the New York State Department of Health warned women of





## Right Plan, Wrong Place

The New York State Energy Research and Development Authority made a strong statement in June in favor of protecting the Adirondack Park’s scenic beauty when the state decides where it will allow huge wind turbine power plants to be built. “New York does not need to build large windmills in the Adirondack Park to send a signal that we are serious about renewable energy. The APA has an existing policy regarding the height and visibility of towers in the park, which requires that any proposed tower be ‘substantially invisible.’ This policy was developed to protect the irreplaceable scenic vistas that have become one of the Park’s most important economic engines. The large commercial windmills in use today are often 400 feet tall with very large turbines. It is difficult to understand how such a structure could be made compatible with the APA towers policy,” President Peter Smith wrote in a letter to the Albany Times-Union.



## Pulling Mussels

The Lake George Park Commission announced in November 2004 that it would add \$20,000 to its 2005 budget to fight zebra mussels. The total included \$8,000 to pay two marine inspectors, who will staff boat-washing stations at two public boat launches at the north and south ends of the lake. It also covers the cost of erecting two information kiosks. Zebra mussels are hardy, fingernail-sized species of mollusk that attach themselves to hard surfaces under water. They require calcium and other nutrients to develop shells and thrive. The mussels can quickly clog drinking water pipes and interfere with boat operations.



## Ignoring a Flood of Concerns

Despite clear engineering evidence presented by Lake George Waterkeeper Chris Navitsky, the Lake George Park Commission voted in August to issue a storm water permit to Nextel and Sprint for a fake-tree cell tower (Frankenpine) on Pilot Knob. The commission rubber-stamped a plan for runoff-settling ponds at the site of the tower that Navitsky had demonstrated were too shallow and too small. He predicted they will fail in a moderate

storm and allow sheets of polluted storm water to rush down the slope into protected wetlands, resident’s homes and the lake itself. The slope is too great and the bedrock too shallow for deeper, or wider, settling ponds.

## Hack Job

It became clear in September that the NYS Dept. of Transportation’s right-of-way maintenance supervisors need a refresher course on the NYS Constitution’s Forever Wild clause. Work crews under DOT’s supervision cut 4,000-plus trees, many of them alive, from the Forest Preserve along State Route 3 near Tupper Lake. They were authorized only to clear dead and dying trees that were in immediate danger of

falling onto the roadway. Instead, they used heavy, industrial timber harvesting machines and cut a swath 50 to 75 feet into the woods in some places. The soil disturbance alone could not be justified under any maintenance plan allowed in the Adirondack Park. A DOT truck filled with logs was seen leaving the Park during the cutting. Such an act is a violation of the NYS Constitution’s Forever Wild clause which prohibits the destruction or removal of Forest Preserve trees by anyone.

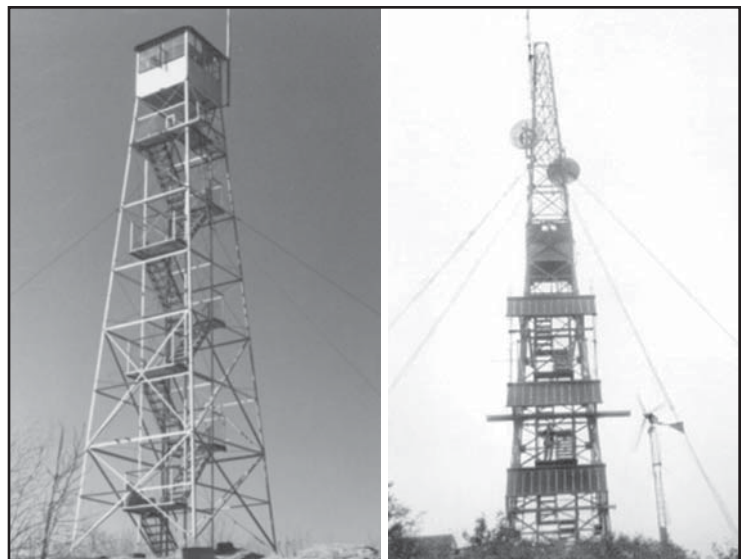


Photo by Dan Plumley/Association for the Protection of the Adirondacks



## What Happened Here?

Sometime between 2000 and 2005, the State Police made substantial modifications to the Cathhead Mountain Fire Tower in Fulton County. The observation deck has been enclosed and an additional tower has been added around the outside of the original tower. The new structure adds nearly 60 feet of height. Attached to the top section of the tower are several radio antennae and microwave communications transmitters. Further down are a set of solar panels and a small, very loud, wind turbine. Both provide power to the equipment. Adirondack Park Agency officials said the police had received a permit to modify the tower to suit their needs. This came as a surprise to APA observers, who could not recall such a permit request or any recent APA action. The permit, the agency said, was granted in 1981, when Hugh Carey was governor.



# Attorney General



## 👍 Tag Team

In January, Attorney General Eliot Spitzer won a major victory by settling with in-state power plants he had sued, or threatened to sue, for violations of the federal Clean Air Act. He and Governor Pataki held a joint press conference to announce the settlements, which require the companies to make deep cuts in their emissions of sulfur dioxide and nitrogen oxides. Spitzer praised the work of the Department of Environmental Conservation in identifying the illegal polluters and in documenting the cases against them. The cuts will assist the state in its struggle to halt the damage caused by acid rain.



Spitzer

## 👍 Cap Yes, Trade No

Attorney General Spitzer filed lawsuits in March and May in an attempt to stop the US Environmental Protection Agency from creating a mercury allowance-trading program. The Attorney General first challenged the EPA's reversal of a Clinton Administration decision to declare mercury a toxic chemical which would have prevented any trading of mercury allowances. The EPA had announced a plan to reduce mercury pollution using the same type of cap-and-trade program currently used to control the sulfur dioxide and nitrogen oxides that cause acid rain. In concordance with the Adirondack Council's assessment, Spitzer argued that allowance trading can lead to temporary increases in pollution in certain geographic areas, or "hotspots", (offset by reductions in other areas of the country). Small, trading-induced increases in sulfur and nitrogen cause little harm to the environment or public health. However, even tiny increases in exposure to mercury can cause extreme health problems.

## 👍 Slamming Sammis

Attorney General Spitzer announced another victory against acid rain in March when he reached a settlement with First Energy/Ohio Edison over violations of the Clean Air Act at the company's Sammis power plant in Ohio. In the settlement, the owners of one of the nation's dirtiest coal-burning power plants agreed to cut emissions by 70 to 80 percent by late 2011. That means more than 200,000 tons a year of pollutants will be removed from the atmosphere. The giant smokestacks at the Sammis plant in Steubenville, including one more than 1,000 feet high, spew pollutants that are carried on prevailing winds into the Adirondacks. Under the agreement, Ohio Edison will invest \$1.1 billion to install pollution-control devices at Sammis and three other coal-fired plants in Ohio and Pennsylvania.

## 👍 Recovering Federal Fumble

In June, Pennsylvania, New York, Connecticut, Maryland and New Jersey together filed a federal lawsuit, charging that the owners of three large coal-fired power plants in Pennsylvania had violated the Clean Air Act. Some of the plants have been operating since the 1950's with inadequate air pollution controls. The Attorneys General charged that Allegheny made major upgrades to improve its plants' power-producing capacity, but failed to install modern pollution controls as required by law. The plants emit tens of thousands of tons of air pollution each year, which creates acid rain and smog in the Northeast. The states' enforcement lawsuit against Allegheny was given a boost earlier in June by the District of Columbia federal Circuit Court of Appeals. That decision rejected an argument from the power industry that only an increase in the hourly emission rate, as opposed to an increase in actual annual pollution, would trigger the Clean Air Act's pollution control requirement.

## 👍 Glad They Asked

The Attorney General's office issued an informal opinion in September that should compel Lewis County legislators to rethink their policy for opening 39 county roads to all-terrain vehicles (ATVs). In response to a February 2004 inquiry from the Lewis County Attorney, the AG's opinion suggests that roads should not be opened to ATVs simply to connect with other roads or commercial parking lots. However, they may be opened to allow access to some private land, the opinion said. County legislators in late 2001 opened portions of 39 county roads, several of which connect ATV-accessible town roads to ATV trails.



*One of the hallmarks of Attorney General Spitzer's career has been his willingness to challenge both polluters and the federal government in a quest to clean up New York's imported air pollution problems. This photo shows what acid rain has done to the ornate, hand-carved, facade of the NYS Capitol. The building's decorations were carved from solid granite -- the hardest rock available -- about a century ago. Carvings located in sheltered areas of the building still look brand-new. This shot shows what has happened to areas of the building exposed to acidic rain, snow, sleet and fog.*



# Federal Government



## Breathing Easier

In March, thanks in large part to the advocacy and dedication of Adirondack Council members, trustees and staff, the US Environmental Protection Agency (EPA) imposed the single greatest advance in air pollution regulations since lead was removed from gasoline nearly 30 years ago. Under the new Clean Air Interstate Rule, nitrogen oxide pollution in 28 states and the District of Columbia will be reduced by 1.9 million tons annually by 2015. Sulfur dioxide pollution must drop by 5.4 million tons. Studies show the cuts will be sufficient to stop the damage acid rain is doing to the Park's ecosystems and allow recovery to begin. In the Adirondack Park ecological damage has resulted from both pollutants, with acid rain ruining soil and poisoning surface waters, while smog harms plants, people and everything else that breathes air.



## Backstop for CAIR

The EPA told 28 states in August that it plans to order specific pollution cuts from their power plants if state officials don't submit their own plans by fall of next year for making the air cleaner for downwind states.

The states have until September 2006 to submit plans for achieving the pollution reductions required under the new Clean Air Interstate Rule. If they miss that deadline, the EPA said it would write the plans for them. The new Federal Implementation Plans (FIPs) came in response to a lawsuit brought by North Carolina and two advocacy groups, Environmental Defense and the Southern Envi-



*Over one hundred Council supporters gathered at the Split Rock Light-house where the Council recognized U.S. Environmental Protection Agency Administrator Stephen Johnson (center) for EPA's efforts to curb emissions that cause acid rain damaging the water, forests and soil of the Adirondacks. Neighbors Libby Pataki and Governor George Pataki (left) joined the evening event hosted by Council Board member Gary Heurich (far right; Brian Houseal, Executive Director, also pictured).*

ronmental Law Center. They sued EPA in November of 2004, arguing that the state can't meet federal air quality standards if upwind states don't clean up their pollution (see EPA Drops Ball, p.20.)



## Senate Listens, Takes Advice

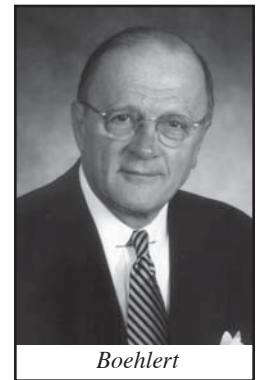
In early February, Adirondack Council Executive Director Brian Houseal was one of only two environmental advocates nationwide invited to testify before the U.S. Senate Committee on Environment and Public Works on pending clean air legislation. While the majority party was attempting to pass the Clear Skies Act from the committee, we pointed out a number of shortcomings in the legislation. They included the long timeframe for reductions, the unwise trading of mercury allowances and potential weakening of New Source Review provisions. After listening to our concerns, the committee agreed to make some of the changes we had suggested, but not all, and was unable to get enough votes to pass the bill from committee. Immediately following the vote, the Council urged the committee to drop the legislation and encouraged EPA

to finalize the Clean Air Interstate Rule. EPA did so the next day.



## Raising the Bar

US Rep. Sherwood Boehlert, R-Utica, with 16 of his fellow House members, introduced a bipartisan bill in March that would reduce air pollution from power plants between 75 and 90 percent by 2010. The legislation (H.R 1451) would reduce power plant emissions of nitrogen oxides and sulfur dioxide by 75 percent by 2010. It would reduce mercury emissions by 90 percent. The bill, known as the Clean Smokestacks Act, also calls for capping emissions of carbon dioxide blamed for global warming at 1990 levels. It would allow the use of market-based mechanisms, such as emissions allowance trading, to achieve reduction in all emissions, except mercury, a toxic pollutant. The bill is similar to Senate legislation (S. 150) introduced in January by Sen. James Jeffords, I-VT. The proposed reductions in each bill are faster, deeper and more comprehensive than the Clear Skies Act and the Clean Air Interstate Rule.



Boehlert



## High Speed Economic Development

US Senator Hillary Clinton, D-NY, announced in July that the federal budget would provide \$200,000 for the Adirondack-Champlain Community Fiber Network. The funding will help Plattsburgh State College work



Clinton

with its private partners to develop, install and operate a nearly 500-mile digital (fiber-optic and wireless) communication network for public/private users in Clinton, Essex and Franklin counties. SUNY Plattsburgh will work closely with the industrial development agencies in Clinton, Essex and Franklin counties, the Northeast Regional Information Center at BOCES and the Plattsburgh-North Country Chamber of Commerce to construct this communication network.

## Clear Need for Clean Water

US Rep. John McHugh, R-Pierrepont Manor, announced in November of 2004 a US Dept. of Agriculture (USDA) Rural Development grant to the Town of Jay for \$532,600 and a loan of \$100,000 from the USDA's Water and Waste Disposal Program. The money will be used to correct the current water problem in the Upper Jay Water District. The project involves drilling new wells, replacing an old water storage impoundment and dam

weakened by an earthquake in 2001. Other grants obtained by the Congressman in November of 2004 included \$1.5 million for the Lake Champlain Basin Program, for the restoration and protection of Lake Champlain; the proposed Joan Weill Student Center at Paul Smith's College will get \$280,000; the Natural History Museum of the Adirondacks in Tupper Lake will receive \$150,000; the Mineville Health Center in Moriah will get \$300,000 to support construction of a new facility. In December, 2004, Rep. McHugh announced that USDA Rural Development funds had been awarded to the Village of Saranac Lake for completion of a major sewer project. The \$600,000 grant and \$207,300 loan come from USDA's Water and Waste Disposal program. In July, McHugh's office produced another \$500,000 each for sewage system upgrades in Speculator and drinking water system improvements in Indian Lake.



McHugh

## Eighth Domino Falls, Seven Left

The Justice Department in March reached a settlement with Illinois Power over Clean Air Act violations that require the utility to spend \$500 million on new pollution controls and to pay \$9 million in fines. It was the largest penalty ever imposed on a power company for excessive emissions. The installation of pollution-control devices at five plants is expected to reduce emissions of sulfur dioxide and nitrogen oxides by 54,000 tons a year. In addition, the company agreed to spend \$15 million to work on the harmful effects of past emissions. The settlement was the eighth since 1999 in cases in which the government has sued utilities, saying they violated the New Source Review provision of the Clean Air Act. Seven other cases are still pending. NSR requires older power plants that were exempted from clean-up rule under the Clean Air Act to meet modern plant emissions standards if they prolong the life of the plant or increase their emissions.

## Clean Water Isn't Free

US Rep. John Sweeney, R-Clifton Park, announced in July that the USDA Rural Development Office would provide the Town of Schroon with a loan and grant package for improvements to the town's wastewater treatment system. The \$100,000 loan and \$500,000 grant will be used to update collection lines and the treatment plant. The Town of Schroon also received a \$4,074,200 loan through the Clean Water State Revolving Fund for the project.



Sweeney

## Two Regs Better Than One

A draft EPA regulation that would gut the New Source Review provision of the Clean Air Act was leaked to the media in August. The draft policy would ease pollution controls on older, dirtier power plants and would allow those that modernize to emit more pollution, rather than less. The

language could undercut dozens of pending state and federal lawsuits aimed at forcing coal-fired plants to cut back emissions of sulfur dioxide and nitrogen oxide, the main causes of acid rain. EPA defended its new position by stating that the Clean Air Interstate Rule would compel deeper reductions than NSR, which is true. All plants, regardless of their age, must comply with CAIR. However, the administration should not be so eager to ignore past violations. The combined effects of CAIR and NSR would bring faster, deeper reductions in acid rain and smog than either program could alone.

## Senate Caps Trading Ban

In September the Senate voted against a resolution that would have overruled the EPA's mercury cap-and-trade regulation. The Congressional Review Act allows the Senate to bring certain proposed regulations to a vote before they are deemed final. Cap-and-trade programs work well for pollutants such as sulfur dioxide and nitrogen oxides. Small fluctuations from one region to the next are insignificant to the overall health of the regions downwind, since those chemicals must accumulate in large quantities, over long periods of time, before causing damage. But even tiny amounts of mercury can cause damage to the environment and human health, as soon as they leave the smokestack. Thus, small fluctuations in mercury levels caused by allowance trades will have immediate environmental consequences. The resolution failed by a narrow margin of 51-47.

## EPA Drops Ball

The Southern Environmental Law Center filed suit in November 2004 when the US Environmental Protection Agency failed to act on a petition from North Carolina requiring EPA to enforce the Clean Air Act and force 13 upwind states to clean up dirty power plants. North Carolina filed a "126 petition," a seldom used tool under Section 126 of the Clean Air Act. The rule has been used recently to force Midwestern and Southern states to curb ozone-forming emissions. Under the law, the EPA was required to act on North Carolina's petition by November 18, 2004, but had not. The case resulted in EPA telling upwind states to submit cleanup plans or EPA would do it for them.



# Tip of the Hat



**The Adirondack Center for the Advancement of Sustainable Tourism** held its first Wilderness Waterways Conference in the Park this spring, helping to explain to local communities how they can derive long-term tourism benefits from the proximity of public lands and waters.

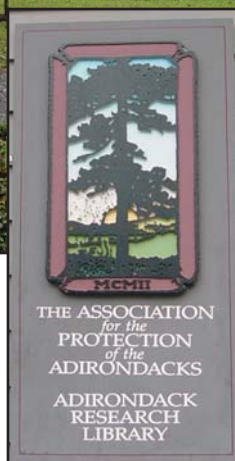
**The Adirondack Nature Conservancy and the Lyme Timber Company** joined forces in January to complete a permanent conservation plan for 104,000 acres of forests and water owned by Domtar Industries, a Canadian paper company. The deal will allow public recreation on lands that had been off-limits to the public for decades.

**The Association for the Protection of the Adirondacks** officially opened its Adirondack Research Center in Niskayuna, near Schenectady, at the home of legendary Adirondack Conservationist Paul Schaefer. Prior to his passing, Schaefer arranged to have his home and collection of historic Adirondack books and papers preserved as a research facility available to the public. The Association added an attractive interpretive wing to Schaefer's fieldstone house and added parking spaces for the center and the adjacent bird sanctuary. The center is located less than a mile from State Route 7 on St. David's Lane.

Atlantic landlocked salmon will have an easier time spawning in Essex County's Boquet River, thanks to a joint project of the **Boquet River Association and the U.S. Fish and Wildlife Service**. The two started working together in November 2004 to remove the remnants of a hydroelectric dam on the Boquet that is preventing salmon from reaching spawning beds upstream. A 1995 study showed salmon were not reaching a prime spawning site on the north branch of the Boquet at low water periods. The dam is located about a mile upstream from the main channel of the Boquet. It provided electric power to the hamlet of Willsboro in the mid 1930s but was shut down and partially removed from the site several decades ago. The Boquet and Saranac Rivers are the only two Lake Champlain tributaries in New York that support natural salmon spawning.



*Boquet River*



*Adirondack Research Center in Niskayuna and new sign (left).*

**Essex resident and former Adirondack Council Executive Director (1990 to 2001) Timothy J. Burke** has been named Lake Champlain Lakekeeper. The position will enable Burke to monitor water pollution and work with local governments and other organizations to stop it. The program is a cooperative effort of the Waterkeeper Alliance and the Conservation Law Foundation.

**Clarkson University** is studying the long-term effects of road salt use around water bodies such as the Cascade Lakes along State Route 73 in Essex County. The lakes contain an endangered species – the round whitefish – whose chances for survival in such conditions are unknown. Recent news accounts indicate that the state Department of Transportation dumps an average of 210 tons of salt on the two miles of highway adjacent to the lakes per year. Much of it ends up in the lakes. On average, plows drop

48 tons of salt per mile of road every winter in New York. Scientists have found chloride concentrations more than 100 times higher than expected in typical Adirondack lakes, and the level is increasing. The Council hopes to use the University's findings, as well as the work of other local scientists and Paul Smith's College, to persuade the NYS Legislature to pass legislation limiting the use of salt and instituting the use of less harmful alternatives.

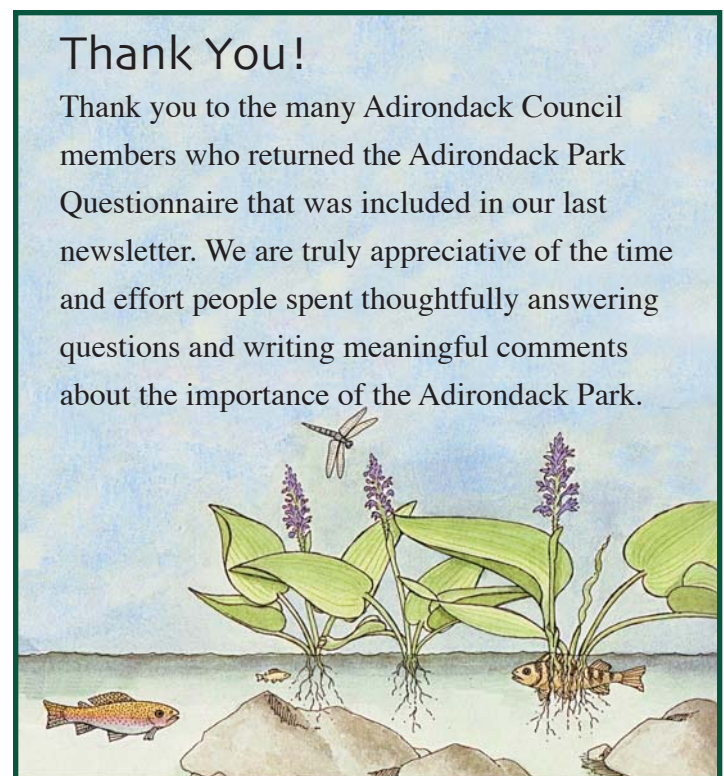
**The Horseshoe Pond/Deer River Flow Association** is working with non-toxic methods to control the spread of Eurasian watermilfoil, an invasive underwater weed that forms dense mats and chokes off native plant life. The groups raised money this spring and summer to pay for professional divers to either pull up the weeds by the root ball or place Benthic mats over weed beds. The mats inhibit plant growth by blocking sunlight. New York State has done little to combat the watermilfoil problem, even though hundreds of water bodies have been infested.

**The Lake Placid Shoreowners Association** has been working hard to keep the lake free of milfoil, which has no natural predators here and crowds out other plants by forming thick mats that can clog boat motors and make swimming a chore. In addition to its routine inspections, the group has asked the Department of Environmental Conservation to install a boat wash at the launch. So far, the DEC has declined. But the association has hired lake stewards organized by Paul Smith's College who will watch over the boats entering the public launch to prevent accidental introduction of milfoil and other invasive species from other water bodies. In August, the association managed to stop the introduction of several strands of Eurasian Watermilfoil stuck to the trailer and propeller of a boat visiting from the Saranac Chain of Lakes. Other groups such as the Upper Saranac Lake Association and the Lake Colby Association have been working to rid their lakes of milfoil through non-toxic control methods.

**Resources for the Future** released a report in September 2004 quantifying the amount of money New Yorkers are willing to pay to mitigate acid rain damage in the Adirondack Park. The study found that state residents are willing to spend between \$50 and \$150 per household annually to ensure the Adirondacks enjoys greater improvement from the smokestack pollution that has already caused severe devastation in the region.

**The Sacandaga Area Alliance for Responsible Growth (SAA-RG)** helped the Adirondack Council and all community preservation activists win a major victory in September when Delaney Development, Inc., withdrew its application for a permit to build a hot asphalt plant on NYS Route 30 above Northville. The group is based in Northville and was concerned that the traffic, pollution and odor from the proposed plant would harm the quality of life and environmental health of the area.

In March, the **Vermont Institute of Natural Science** released a study of the organic mercury contamination it found on mountaintops, reporting that the rare Bicknell's Thrush and other neotropical songbirds were slowly being poisoned by acid rain. The report contained groundbreaking research. Up to now, mercury poisoning was seen primarily as a danger to fish and other aquatic life, and to the animals that prey on them, including loons. Thin soils on mountaintops are quickly depleted of alkaline minerals by acid rain. Acid rain also converts harmless inorganic mercury to the organic form, which can be absorbed into living tissue. The same coal-fired power plant smokestacks that emit acid rain-forming pollution also emit mercury.





# Ecology Update



## Fall Foliage in a Warmer World

*This article first appeared in the Rutland Herald Sunday Magazine, September 2005. Prof. Barry Rock was the keynote speaker at the Adirondack Council's ground-breaking 2003 conference on global climate change and its potential impacts on the Adirondack Park.*  
By Michael J. Caduto

Forest scientists who study global warming in the northeast say that a warmer climate could lead to later and lackluster leaf peeping. Three different things could cause this to happen, acting alone or in combination.

Records kept by the Oceanographic and Atmospheric Administration reveal that the average annual temperature in the region that includes New England and New York has increased by 0.7 degrees Fahrenheit during the past 100 years. Computer models project that the average annual temperature will rise much faster – from between 6 degrees Fahrenheit to 10 degrees over the next 100.

Barry Rock, a professor of natural resources at the University of New Hampshire, predicts that, based on two climate models in a regional climate assessment study, “Within the next 100 years, Boston could have a climate similar to either Richmond, Va., or Atlanta, Ga.” At this rate, says Rock, “In 100 years, New England’s cooler regions will no longer promote the growth of sugar maples, which are well adapted to the region’s current climate.”

That’s the first way that global warming could affect leaf peeping – the loss altogether of the sugar maple, whose wide range of yellow, orange and red leaves makes New England’s foliage so impressive.

David Kittredge, a professor of natural resource conservation at the University of Massachusetts and forest policy analyst at the Harvard Forest, sees several scenarios. “If we get a climate more like that of Pennsylvania, Maryland, or West Virginia, we could still have a sugar maple component in our forests.” Of five computer models created by the U.S. Forest Service to predict the geographic shift in the rang-



es of forest species, only one foretells that global warming will cause sugar maples to disappear from parts of New England. (To view the range maps yourself, visit: [www.fs.fed.us/ne/delaware/atlas/index.html](http://www.fs.fed.us/ne/delaware/atlas/index.html).)

Global warming may also directly affect the hues of autumn leaves. In part, the colors of fall foliage result from the breakdown of chlorophyll, the green pigments in leaves that normally mask the background yellow, orange and brown pigments. Reds and purples, however, are actually created in the leaves each autumn.

Abby van den Berg, a research technician at the University of Vermont’s Proctor Maple Research Center, says that fall leaf colors are initiated by shortening day length and decreasing temperature. “If you change the timing of the onset of cool temperatures, you alter when chlorophyll breakdown starts. Even though we have no good way to predict how climate change will affect the process that creates the colors of foliage season, it will change how the landscape will look over time.”

The first hard frosts, which bring out the most vibrant leaf colors, used to occur around the third week in September. But in recent years, these frosts have arrived later. In 2004, the first hard frost in many parts of the North Country didn’t come until mid-October. Although Columbus Day has traditionally marked the height of foliage season in northern New England, the timing of peak fall leaf color is shifting toward mid- to late October.

Predicting the timing and intensity of

fall foliage colors seems to be as much art as it is science. When trees are stressed, perhaps due to a summer drought or even too much rain, they tend to develop particularly bright red fall leaf colors, regardless of a changing climate. Dr. Tim Perkins, director of the Proctor Maple Research Center, says: “It is premature to ascribe recent muted foliage to global warming. Here in Underhill Center, we had a spectacular and long foliage season in 2004.”

Barry Rock of UNH predicts that foliage season will gradually come later and the intensity of colors will decrease.

Using earth-orbiting satellite data collected by NOAA and NASA from the 1970s to the present, Rock is analyzing the autumn dates of the onset of red hues in the northern forests. This research will paint a picture of how, and whether, the timing and intensity of the foliage season is shifting.

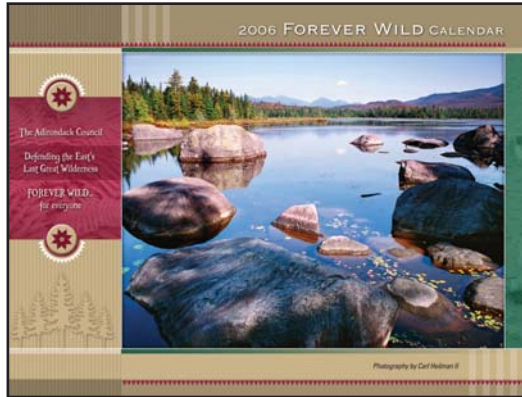
The third possible link between global warming and a reduced foliage display comes from the ongoing threat to the region’s sugar maples from something that forest scientists are calling “maple decline.” Says Rock: “Hot summer months are likely to be poor air-quality months characterized by acid rain events. Ground-level ozone is another pollutant that may predispose trees to being weakened or killed. Sugar maple, red spruce, and white pine are all struggling. Acid rain and global climate change are two faces of the same beast.”

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 2006 calendar to remind you of the Park's wilderness and wildlife...every gift purchase helps the Council protect the natural resources of the Adirondack Park.



### LOON TIE

The Adirondack Council's logo necktie features a mother loon with her chick, the forever wild symbol of the Adirondacks! 100% silk. Available in burgundy or blue. **\$30**



### ADIRONDACK COUNCIL 2006 FOREVER WILD CALENDAR

Featuring the Adirondack landscape photography of Carl Heilman II, the Adirondack Council's 2006 calendar brings you into the Park with Carl's breathtaking images of the Adirondacks. **\$12.99**



### FOREVER WILD MUG

Our almond-colored mug features the Adirondack Council's logo on one side and a "Forever Wild...for everyone" message on the other. This wild 15 oz. mug is the perfect way to enjoy your favorite hot drink and show your support of the Council's efforts to protect the Adirondack Park. **\$12**



### CLEAN AIR CERTIFICATE

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

## GIFT MEMBERSHIP

Please consider giving a gift membership to someone you know who cares about the Adirondack Park, clean air and water, and wild places. Memberships begin at \$35 and recipients receive the Adirondack Council's 2006 Forever Wild Calendar, a packet of recent publications along with a card announcing your gift.

Give a gift membership and help us continue to grow the strength of our advocacy for wilderness, water, and wildlife.

#### To purchase a gift membership you can:

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# The Adirondack Council

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

Adirondack Council memberships begin at \$35. Membership benefits include regular newsletters, annual bulletins such as this one, special reports on important topics of the day, action alerts and the opportunity to play an active role in protecting the Park's precious natural resources and scenic beauty.

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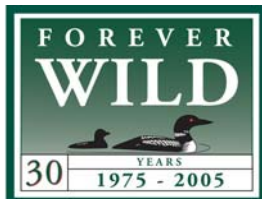
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