

Adirondack Daily Enterprise  
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## Let's talk about APA improvements

Editorial by the Adirondack Daily Enterprise: Publisher Catherine Moore, Managing Editor Peter Crowley

The Adirondack Club and Resort deserves a chance and jumped through all the hoops required to get its permit from the state Adirondack Park Agency, but we, like environmentalists, did see a cause for concern in the APA's review.

Even for huge projects like this one, the APA doesn't require a study of what animals live on the property. Should it? That's a good question for people of the Park to discuss.

On one hand, it seems like kindergarten-level conservation. What's the point of such agencies, after all, if not to make sure new construction doesn't harm plants and animals too much? Of course, there's no sense requiring a critter count for every boathouse or cottage, but isn't it strange that, of all things the APA required for the 6,400-acre, 700-unit ACR, a wildlife survey wasn't one of them?

On the other hand, the APA has so many requirements on so many other fronts that developers are often discouraged from building, even within villages and hamlets where buildings are supposed to be clustered. These regulations were partly why the ACR was tied up in the APA review stage for eight years, and why the Gleneagles resort plan fizzled two decades ago in Lake Placid.

Ideally, developers who care deeply about nature would gather animal habitat information for their own sakes, but since that's unrealistic to expect, and since conservation of nature in the Adirondack Park is in the general interest of New Yorkers, the state charges agencies like the APA with looking out for such things.

The APA does a good job, for the most part, due to the quality of its staff and board, but it has some structural weaknesses.

Is the lack of a wildlife survey requirement for big projects one of those? Could it be reconciled by looking for animals but easing up on other, less important fact-finding?

We want to get a conversation going about those questions.

We've written many editorials on how the APA should be improved, often disagreeing with environmentalists. Still, it's sometimes surprising how much we agree on. That's what struck us most when we sat down recently with John Sheehan, the Adirondack Council's spokesman who lives and lobbies in Albany.

The council, which has the most members and best political connections of any environmental group in the Park, weighed in at various times over the last eight years with recommendations for the ACR, but ultimately the group didn't stand in the way. It also didn't join in a lawsuit some environmentalists and neighbors filed, disputing the permit issued in January. It recognized that the APA couldn't require something its rules don't.

Now, though, the council says the ACR review showed the APA's rules need updating. Mr. Sheehan says that while the agency's regulations were state of the art when they began in 1972, now they're creaky compared with newer agencies of this type around the U.S.

We agree with him that the APA should require septic system inspections for construction on lake and river shores. Even when a small cabin is replaced with a great-camp-style mansion, the old, inadequate sewage pipes can be reused without a look. That obviously allows a great deal of raw sewage to leak into our waterways, something that could and should be stopped. The town of Inlet, which is loaded with lakeside cottages, has stepped up and started its own septic inspection law. The APA should do something similar Park-wide.

More common ground:

The council wants the APA to charge a project review fee, like most zoning-type agencies do, so it doesn't rely so much on state taxpayers and legislators. That makes sense.

APA enforcement officers should be able to write tickets to local courts, as they could in the 1970s, instead of having the agency act as cop, prosecutor, judge, jury and executioner for violations. It would ensure a proper separation of powers and a certain degree of home rule.

Mr. Sheehan was open to something we feel strongly about - that in-Park APA commissioners should be elected by the people of the Park, not appointed by the governor. Our state senator, Betty Little, has suggested that Adirondack town boards vote on in-Park commissioners, but that's not democratic enough for us. We call on Gov. Andrew Cuomo to work toward bringing this about.

So yes, the APA is due for some renovation, but it must be done in a more open, more pragmatic and less radical way than was proposed 22 years ago. Back then a group of officials, advocates and academics rolled out the Adirondack Park in the 21st Century report, built on professional rather than public input. It had some good ideas, but this time, the update should be built on a strong foundation of common ground, with its reach not exceeding its grasp.

And if locals could elect their own APA commissioners, they could take some ownership of this government body - the only one that covers the Adirondacks exactly - instead of feeling like it was foisted upon them.

Already the Adirondack experiment is seen as a worthy model worldwide, but modern outsiders can also tell we have some bugs to work out of the system. With a few changes like those proposed here, our Park would be a brighter beacon of harmony between humans and nature.