



Member Organizations: Association for the Protection of the Adirondacks,  
Citizens Campaign for the Environment, National Audubon Society,  
National Parks & Conservation Association, Natural Resources Defense  
Council, The Wilderness Society

# Adirondack Council

Celebrating Our 25th Anniversary

## Throttled?

## It's Up to You!

Turn the page for details on a bill awaiting the Governor's signature that would allow villages and towns to regulate personal watercraft or even ban them.

### Inside...

- Jet Ski Bill Ushers New Era
- 25th Anniversary Celebration
- Community Enhancement Funds
- Timber Co. Earns Green Badge
- Acid Rain Bill Becomes Law
- Monitoring Program Saved
- Gore Mountain to Expand
- Council Helping Local Groups





## Protecting the East's Last Great Wilderness for 25 Years

Dear Members and Friends:

As the Adirondack Council celebrates its 25th Anniversary, we reflect on the many significant achievements in the protection of the Adirondack Park that have come about over the last two and a half decades. Working with the Governor, the Legislature, the Adirondack Park Agency, the Department of Environmental Conservation and other policymakers and conservation groups, the Council has helped to bring about the addition of hundreds of thousands of acres to the Forest Preserve in the Adirondacks, as well as significant new state and federal programs which contribute to the preservation of the Park.

We are also celebrating recent victories. The past 12 months alone have produced some exciting advancements in Park protection and sustainable community development.

Governor Pataki recently signed legislation that will reduce the number of pollution allowances that are used in the Midwest to generate acid rain in the Adirondacks. The new law came only a few months after the Governor ordered all utilities in New York to make substantial sulfur dioxide and nitrogen oxide cuts -- cuts that would solve the acid rain problem if they were adopted nationwide.

The Adirondack Park Agency received an increase in funding in the state budget to help deal with its enforcement backlog. Adirondack and other New York State communities were authorized to regulate the use of personal watercraft (jet skis). The Adirondack North Country Community Enhancement Program will provide grants and loans to communities and businesses in the Adirondacks. And, perhaps most importantly, 41,600 acres of Forest Preserve in the Adirondacks have recently been classified as Wilderness.

We're also looking forward to a bright future for the Adirondacks. The Adirondack Council will continue to be involved in promoting new land acquisitions for the Forest Preserve, conservation easements on working farms and forest lands and programs to help Adirondack communities thrive. We'll also play a significant role in ensuring that Forest Preserve lands in the Adirondack Park are properly managed.

Over the past 25 years, the Adirondack Council in partnership with many individuals and groups has contributed greatly to the Adirondack Park's preservation. We are all part of a proud tradition that goes back over a 100 years, of New Yorkers working to keep the Adirondack Park clean and green for this generation and many to come.

Sincerely,

Timothy J. Burke  
Executive Director

### On the Cover

Love them or hate them, you'll get a voice in their fate: A personal watercraft (a.k.a. jet ski) rider races across the surface of an Adirondack lake in late July. Thanks to the Adirondack Council and a host of other supporters, a bill passed by the Legislature would allow communities to decide where, when or if they may be used. See opposite page. Photo by Gary Randorf.



*The Adirondack Council*

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## Our Mission

The Adirondack Council is an 18,000-member, privately funded not-for-profit organization dedicated to protecting the natural and human communities of the Adirondack Park through research, education, advocacy and legal action.

# Legislature to Give Towns, Villages Right to Regulate or Ban Jet Ski Use

Thanks to the efforts of the Adirondack Council and the entire Adirondack conservation community, a bill passed on the final day of the 2000 legislative session allowing local governments to regulate, or even ban, personal watercraft (a.k.a. jet skis).

The bill was sponsored by Sen. Carl Marcellino, R-Syosset, and Assem. Thomas DiNapoli, D-Great Neck. It grants "Home Rule" power to cities, towns and villages to control personal watercraft use up to 1500 feet from the shore in non-federal waters.

Local governments previously had no ability to directly regulate jet skis. Existing law allowed them to create "Vessel Regulation Zones" that could only impose speed limits on any and all types of watercraft. Localities can now create jet ski-specific zones. Communities in the Park and on Long Island have been especially interested in the legislation.

Several towns, as well as the Adirondack Association of Towns and Villages, issued resolutions in support of the bill.

Several bans had been in effect briefly in the Adirondacks, before legal challenges struck them down. In Chester, Warren County, for example, Loon Lake and Friends Lake both had bans in place.

Opposition to the legislation came from manufacturers, who aggressively lobbied both houses of the Legislature, right

up to the final gavel in the early morning hours of June 23.

The Council and other groups sought help from GOP Senators Ronald Stafford, R-Plattsburgh, Marcellino, Vincent Liebell, R-Brewster, Guy Vellella, R-Bronx, and others who delivered the bill after a hard-fought battle in the Senate. DiNapoli led the charge in the Assembly.

**Contact the Adirondack Council's Albany office for a copy of the new law and/or an explanation of how it works.**

**Call 518-432-1770.**

Jet skis and similar craft are disturbing to many Park residents and visitors. They impact the quality of life of other boaters and shoreline owners, due to their noise and often aggressive and unsafe operation. While they account for less than 10 percent of boat sales, they account for 30 percent of boating accidents.

Nearly all jet skis are powered by two-stroke engines. They emit large amounts of air pollution and deposit 20 percent or more of their fuel into the water unburned. Perhaps most impor-

tant, jet skis are disruptive to wildlife, fish and shore nesting birds because their shallow draft allows them to operate at high speed very close to shore.

In addition, the legislature passed a bill that will help reduce the amount of pollution that jet ski engines produce. The bill mimics a California measure that significantly speeds up the timetable for emission reductions from the federal requirements for jet skis.

## Council's Acid Rain Battle Featured on PBS

**60 Minutes Star Morley Safer to Host Program, Slated to Reach Nationwide Audience This Fall**

The Adirondack Council will be featured in a mini-documentary on acid rain that is slated to air this fall on public television stations nationwide. The show is hosted by Morley Safer, veteran CBS news broadcaster best known for his work on 60 Minutes. It is part of the American Environmental Review series, developed by an independent production company and distributed to the entire Public Broadcasting System. This edition is sponsored by the Rivendell Foundation, which works to protect alpine environments. The program illustrates the damage done by acid rain, with particular emphasis on the destruction of forests, waters and high-elevation ecosystems in the Adirondack Park. The film will illustrate both the rugged beauty of the Adirondack mountains and the ecological damage caused by decades of acid rain. The five-minute film will begin appearing at the end of the summer and in early fall, during prime time.



*Film crew interviews Covewood Lodge owner C.V. "Major" Bowes for television special on acid rain. Photo: Gary Randorf.*



## Community, Business Fund Created

Adirondack Council Executive Director Timothy J. Burke has been named to the advisory committee of a brand new program dedicated to providing small business loans and community revitalization grants inside the Adirondack Park.

One component of the Adirondack North Country Community Enhancement Program (ANCEP) will provide \$750,000 in loans to small- and medium-sized businesses in the Adirondack region. The other will provide grants to communities, using two separate million-dollar appropriations from Sen. Ronald Stafford, R-Plattsburgh, from the Environmental Protection Fund. The grants will be for community enhancement, parks, the cleanup of derelict properties and other open space/revitalization efforts.

A subcommittee of Adirondack Initiative Roundtable members will form an advisory panel chaired by Empire State Development Corporation. The advisory panel will render recommendations to participating banks on the viability of particular loan projects and forward grant applications to the state Division of Housing and Community Renewal. Burke was a member of the roundtable and was appointed to the committee by Gov. George E. Pataki.

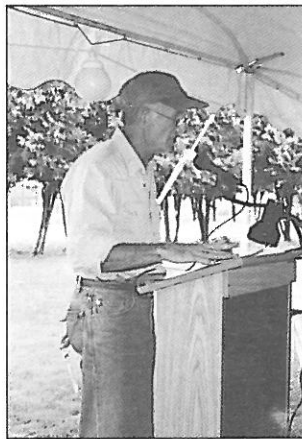
## Council Supports Experiment To Rid Lincoln Pond of Eurasian Milfoil, Using Moth

**T**his summer, the Adirondack Council is assisting a unique research project, designed to find an environmentally acceptable solution for the control of Eurasian milfoil.

Cornell University, Cornell Cooperative Extension, the Lincoln Pond Association and the Boquet River Association are conducting the project with funding from the Lake Champlain Basin Program.

The Council hopes that this project will provide Adirondack communities a means to safely and inexpensively control milfoil, while avoiding chemical pesticides.

Eurasian watermilfoil, *Myriophyllum spicatum*, is a waterweed that can infest vast areas of a lake and change the whole ecosystem. A biological control agent that will be tested this summer on Lincoln Pond is an aquatic micro moth, *Acentria ephemerella*. This moth occurs in Russia where Eurasian milfoil originated, but it has become naturalized in the United States. It occurs throughout northeastern North America including Lake Champlain and Lincoln Pond, but so far it is found in small numbers. A research/demonstration project is being conducted on Lincoln Pond in



## Fort Ticonderoga Shows Colors for Council's 25th

Council Chairman David Skovron addresses the Council's members and guests at the Council's 25th Anniversary Annual Meeting July 15 at Fort Ticonderoga. Photo by Gary Randorf.



Above, Fort Ticonderoga's Fife and Drum Corps escorts guests to dinner at the Council's Annual Awards ceremony. Photo by Gary Randorf.



Male moth munches milfoil. Photo: Cornell Coop. Ext.

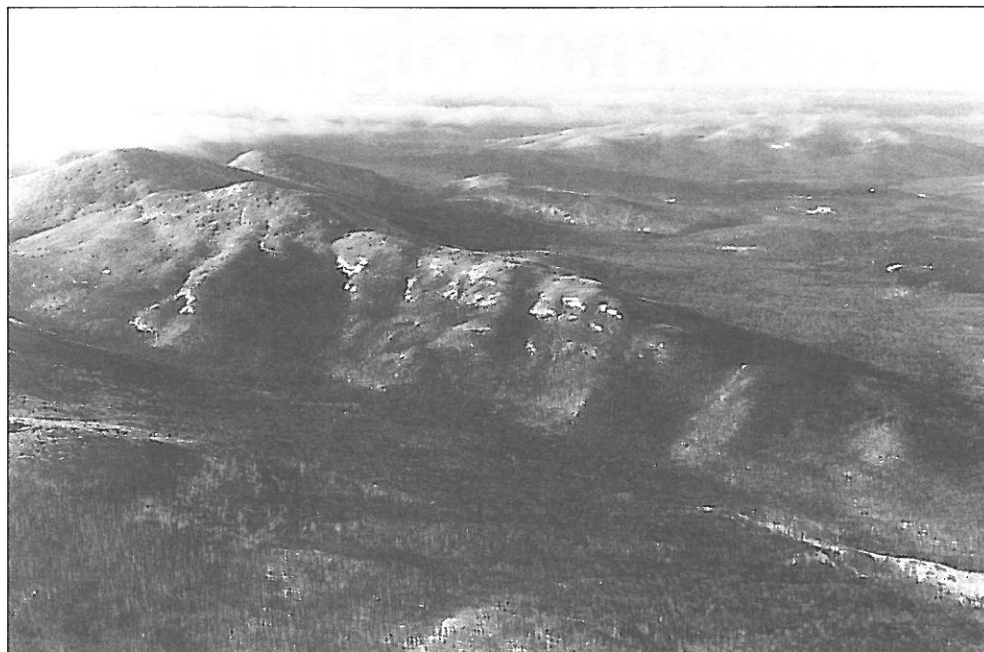
Elizabethtown to try a supplementation of moths in a quarter-acre section of the lake, to determine if this insect can effectively control milfoil. High numbers of this moth have been associated with milfoil declines in some lakes. In the laboratory, the moth significantly reduces the vigor of milfoil, while having minimal impact on other plants.

*Acentria* lays its eggs near the bottom of watermilfoil plants. When the caterpillars hatch they crawl up the plant and dine on the lush growing tips. For more information on the project, call coordinator Anita Deming at Cornell Cooperative Extension, (518) 962-4810.





*Loon Lake Mountain, at the southwest corner of Domtar Inc.'s 105,000 acres of timberland in the Adirondacks, as seen last winter. Domtar became the Park's first commercial timberland owner to seek and obtain "green certification." Such programs are designed to ensure there will be a healthy forest left to manage in the decades and centuries ahead. Photo by Gary Randorf.*



## Domtar Lands Managed for Sustained Harvest

In April, Domtar, Inc. became the first industrial forest land owner in New York -- and one of the first in the Northeast -- to receive "green certification" from the SmartWood program for its 105,000-acre Adirondack Park holdings.

Earlier in the year, all 700,000 acres of New York's state-owned "multiple use" public forest lands outside the Adirondack and Catskill Parks were certified by SmartWood, which was the first such recognition for any state in the country. Last October, Paul Smith's College became the first academic institution in the nation to gain certification for its lands, which total more than 11,000 acres in the north-central Adirondacks.

Certification has become the focus of much activity in the nation, and some influential Adirondack Park landowners are leading the way along a path many others are certain to follow.

In keeping with the Council's commitment to help promote sustainable stewardship of private Adirondack lands, we have been involved in developing and implementing forest certification in the region.

Adirondack Council Director of Research and Education Mike DiNunzio serves as one of 13 members of the Northeast Working Group of the Forest Stewardship Council's (FSC) United States initiative, which is charged with developing a set of forest certification standards for New York and New England. Based on his experience with this group, and on his background in forest ecology and land use planning, Mike also joined the 4-member National Wildlife Federation/SmartWood team that audited Domtar's Adirondack forest and recommended they be certified.

Certification is essentially an environmental seal of approval

for products and business practices which meet an objective set of standards. It is a vehicle for encouraging and rewarding ecologically appropriate, socially beneficial, and economically viable forest management. And it is a perfect complement to the Council's other land protection efforts.

SmartWood, a nonprofit program of the Rainforest Alliance, was initiated in 1989 and is now the most extensive forestry certification program in existence. The program works through a network of regional nonprofits, including the National Wildlife Federation's (NWF) regional office in Montpelier, Vermont, which conducted all the certification audits in New York.

Certification by SmartWood is voluntary, and all producers of timber and companies processing or selling forest products from certified forest management operations are eligible to apply for this label.

The forest management standards under which the NWF/SmartWood program operates were developed by the independent, worldwide Forest Stewardship Council. These standards consider key environmental issues such as minimizing clear-cuts, striving to eliminate pesticide use, and the protection of forests with high conservation value such as wetlands and the habitats of rare or endangered species.

To become certified, Domtar, Paul Smith's, and New York's Department of Environmental Conservation had to meet more than 50 rigorous criteria that adhere to the principles of sustainable forestry established by the FSC. While there are other sustainable forestry certification programs, only FSC provides for an annual independent audit. Other systems allow forest owners themselves -- or organizations with a natural conflict of interest -- to conduct their own forest certification audits.





# Governor Signs Acid Rain Bill

**O**n May 24, Gov. George E. Pataki signed into law a bill designed to prevent New York's utility companies from wiping out the benefits of New York's own clean air laws by exploiting shortcomings in the federal acid rain program.

For years, New York utility companies had been selling leftover pollution rights to Midwest companies whose emissions caused acid rain in the Adirondacks. Midwest companies are stockpiling allowances from other states. Because the federal limit on sulfur dioxide pollution is still far too lenient, allowances are cheap (less than \$200 per ton) and easy to obtain from states where local emissions limits are tighter than federal standards.

The U.S. General Accounting Office (Congress's investigative arm) reported in March that Midwest utility companies were buying and using huge numbers of leftover sulfur dioxide allowances from New York and other Northeast states. Between 1996 and 1999 alone, more than 200,000 allowances moved from the Northeast to the Midwest and went up a smokestack. Some of the resulting pollution fell on the Midwest and the rest landed back in the Northeast, carried by prevailing winds. So, New Yorkers lost much of the benefit of their in-state clean-up, in which they have been investing -- in the form of higher utility bills -- since 1985. Finding a solution was not easy.

**A**fter three years of negotiations between Senator Carl Marcellino, R-Syosset, and Assemblyman Richard Brodsky, D-Elmsford, the two environmental conservation chairmen persuaded their houses to vote in favor of a unique plan -- a plan first developed by the Long Island Lighting Company (Lilco) and NYS Environmental Conservation Commissioner John P. Cahill.

Prior to 1998, Lilco had sold tens of thousands of allowances to Midwest companies. The Adirondack Council worked for years with Long Island residents and the Citizens Campaign for the Environment, based in Farmingdale, demanding that Lilco stop. In spring of 1998, Lilco agreed to sell all of its allowances under a special contract that prohibited their use in the Midwest.

Importantly, Lilco stated later in the year that the restrictions hadn't affected the price buyers were willing to pay. Consequently, the Adirondack Council asked every utility company in the state to sign a similar agreement. None agreed.

**T**he bill passed into law this May simply requires all other utilities in the state to live by the same rules as Lilco. In short, if the pollution from an allowance issued to a New York company goes up a Midwest smokestack, the NYS Public Service Commission can assess a penalty equal to the amount of the sale price.

The new law will keep as many as 6 million tons of allowances issued to New York companies out of the hands of Midwest polluters over the next 20 years alone. The allowance-trading program is expected to continue indefinitely. The Council will work with organizations in other states to enact similar measures.

The New York bill is designed to be repealed if the federal government orders cuts in sulfur dioxide of 50 percent below current standards and cuts in nitrogen oxides of 70 percent below 1990 rates. If Congress acts, the New York law will no longer be needed.



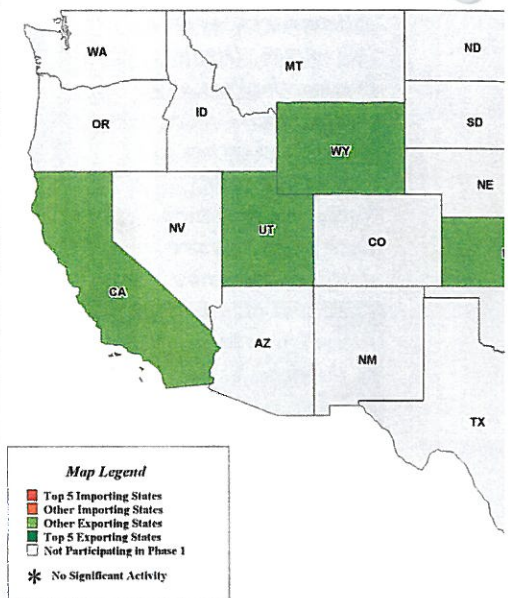
Marcellino



Brodsky

## POLLUTION RIGHTS : WH

Flow of Sulfur Dioxide  
Participation  
Federal A...



Data Source: US General Accounting Office  
Date: 2000

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## Vital Monitoring Pro

**I**ll-advised budget cuts at the U.S. Environmental Protection Agency (EPA) resulted this year in the interruption of a vital acid rain monitoring program across the East Coast. Thanks to fast action from the New York Congressional delegation and Governor George E. Pataki, the program is once again fully operational.

Cloud water bathes Adirondack mountain summits for nearly 50 percent of the year, whether precipitation is falling or not. Clouds can be more than fifty times as acidic as the rain and snow that falls from them, and more quickly depletes soil chemicals needed for plant growth. The Park's mountain slopes have already lost roughly 80 percent of their red spruce forests and an unknown percentage of alpine plants.

**W**hen the Adirondack Council heard that the cloud water program's funding had been cut, the local station had already been shut down for twelve months. There was no warning from EPA. Data were uncollected. Monitors sat unused.

Our first phone call upon learning of this problem was to U.S. Senator Daniel Patrick Moynihan's office. The senator had been instrumental in the creation of all federal acid rain monitoring programs. In addition, he had taken instant and decisive action.

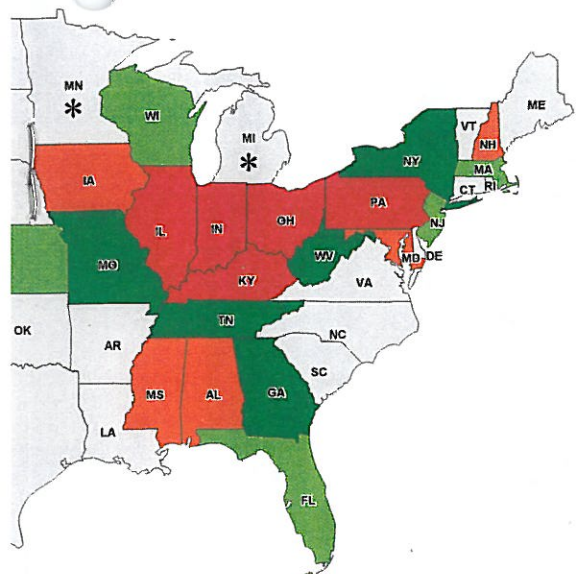


The Adirondack Council



## WHO'S BUYING? WHO'S SELLING?

allowances used by 25 states  
in Phase 1 of the  
in Pr (1995-98)



The Adirondack Council

Map Prepared by:



## Removed From Budget Cuts

the last time EPA cut funding to an acid rain program in the Adirondacks, a few years ago.

Back then, his demand for an explanation resulted in major news stories and the restoration of the funding within a month. We also contacted Congressmen John Sweeney of Clifton Park and Sherwood Boehlert of Utica and John McHugh of Watertown, who have been outspoken advocates in the acid rain fight. We spoke to the Governor's staff and the Associated Press as well.

Less than two weeks later, as a few of our Congressional leaders were quietly taking EPA to the woodshed, Governor Pataki decided he didn't want to wait for EPA to reopen the Adirondack monitoring station. He appropriated sufficient funds from his own budget to meet the shortfall. The very next day, EPA replaced the federal funding for the program.

When it cut the funding, EPA had said the program had been temporary and that 15 years was enough. By the time it replaced the funding, EPA was calling the program "essential" to understanding and fighting acid rain.

All three stations -- Whiteface Mountain in the Adirondacks, Whitetop Mountain, Virginia, and Cannon's Dome, Tennessee -- are now staffed and running.

# Mercury Contamination Found in Acidic Waters Around New York State

The NYS Health Department issued nine new "do not eat" warnings this summer for fish found to be contaminated with mercury, a toxic metal. Women of child-bearing age, children, the elderly and those with weak immune systems should avoid such fish.

Healthy adult males are cautioned by the state to eat no more than one serving of the fish per month.

In the Adirondacks and Catskills, mercury contamination of fish is directly linked to acid rain. While only 25 percent of the waters tested statewide had mercury problems, all of the mercury-tainted lakes and ponds in the Adirondacks contained acidic water or were fed by acidic streams.

Acid water causes heavy metals to leach out of rock and soil, where it would otherwise have remained harmless.

There is also a significant amount of mercury deposited each year by the same smokestacks that cause acid rain. It is unclear how much of the mercury found in fish comes from soil leaching versus airborne deposition.

In the Adirondacks, the newest lake listed with mercury contamination is Beaver Lake, Lewis County, where chain pickerel of all sizes are contaminated. Lake Champlain was tagged for all walleye 19 inches and larger, adding to the existing warning on lake trout 25 inches and larger.

At Schroon Lake, warnings were placed on yellow perch 15 inches and larger, as well as all smallmouth bass. Schroon Lake, which spans Warren and Essex counties, has an existing warning for lake trout 27 inches and larger.

In the Catskill Park, all four major reservoirs, providing 90 percent of the drinking water for New York City, now contain contaminated fish. The Pepacton Reservoir was tagged for smallmouth bass 16 inches and up this year. The Ashokan, Neversink and Rondout were identified over the past two summers.

Just west of the Catskill Park line but within the city's drinking water system, the Cannonsville Reservoir also received a bass warning. Also on the list were three rivers near Binghamton: the Unadilla, Chenango and Susquehanna rivers all contain contaminated walleye.

In this year's state budget, the Council convinced lawmakers to add \$100,000 to the health department's mercury testing program. That will allow the department to double the pace at which it tests the state's surface waters.

The Council is also pressing for federal legislation that includes cuts in sulfur and nitrogen, as well as a mercury monitoring program and a directive for federal regulators to present Congress with an airborne mercury control program.

## Mercury Rising

To the Editor:

Your July 12 news article about the recent report on mercury emissions correctly identified the need to reduce mercury emissions from electric power plants to protect human health. However, mercury contamination in freshwater fish cannot be controlled solely by reducing mercury emissions.

In the Adirondacks and Catskills, the lakes and rivers with contaminated fish are either acidic or have acidic water entering them from feeder streams. Acidic water leaches mercury from otherwise harmless rocks and soil. To prevent mercury contamination in fish, we must prevent acid rain as well. That means stricter, national controls on sulfur dioxide and nitrogen oxides from the same power plants emitting mercury.

Congress must act soon. As you reported in a June 15 news article, six more upstate water bodies, including two that provide drinking water to New York City, have been contaminated with mercury.

TIMOTHY J. BURKE

Elizabethtown, N.Y., July 12, 2000  
The writer is executive director of the Adirondack Council.

New York Times, July 18, 2000





# Keene Valley Land Exchange With State Nearing Completion After Five Years

A bill that brings 144 new acres of Forest Preserve into public hands was finally approved by the NYS Legislature during the last days of the 2000 legislative session, after a five-year delay.

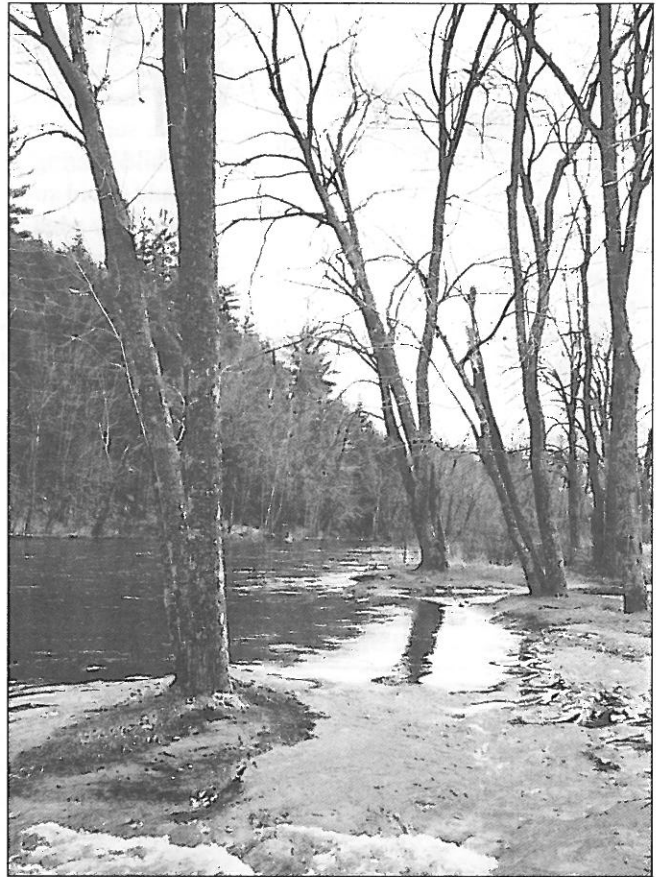
The bill allows the state to move forward with a land swap approved in a Constitutional Amendment and state-wide ballot in 1995. The deal granted 12 acres of isolated Forest Preserve to the Town of Keene for expansion of its cemetery in Keene Valley. In exchange, the town turned over 144 acres of riverbank and forest east of State Route 73 and south of U.S. Route 9, along the Ausable River, also in Keene Valley.

The town will demolish the highway garage currently standing south of the current river access lot. The existing parking area, picnic site and fishing access will be maintained by the state.

## North Creek Ski Bowl United With State's Gore Ski Area

The final days of the legislative session brought welcome news to North Creek, when a bill was approved giving the Olympic Regional Development Authority permission to manage the Town of Johnsburg's Ski Bowl, also known as Little Gore, adjacent to Gore Mountain Ski Area.

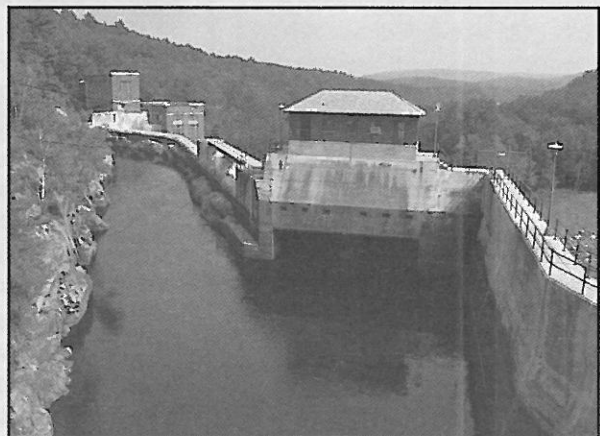
ORDA already manages the Gore operation. It has promised town residents that it will provide night skiing, tubing and free skiing to town children, and will incorporate the Ski Bowl into the Gore operation. Lift ticket buyers can use both facilities.



*Along the east bank of the East Branch of the Ausable River, Keene Valley, in April 2000. This stretch is slated to become Forest Preserve. Photo by John F. Sheehan.*

## ***Federal Settlement: Great Sacandaga Shore is Forest Preserve***

In the first such arrangement in the nation, the state's Hudson River/Black River Regulating District board will jointly manage water levels and water quality on the Great Sacandaga Lake (as well as the operation of two more dams downstream) with dam owner and hydro-power license co-holder, Orion Power. The licenses remain in effect for 40 years. Orion, of Maryland, bought the Sacandaga system's power dams from Niagara Mohawk Power Corp. last year. Under most federal licenses, the power company alone holds the federal license and has sole discretion over water levels, hours of operation, downstream releases, and most importantly, discretion over all use of the land around the lake. In this case, those functions will be shared by the power company and regulating board, in recognition of the land's Constitutional protection under New York law. The federal license negotiated by the Adirondack Council and a host of other parties over the past nine years (115 meetings) requires: Higher and more consistent water levels, new racks at the dams to protect fish from the turbines, coordinated releases for whitewater recreation, increased funds and water for fisheries management and other environmental enhancements. The lake was created in 1932 to prevent flooding in the Hudson Valley. Photo by Gary Randorf.



*Conklingville Dam, Great Sacandaga Lake, will be managed jointly by Orion Power and state officials.*







*Waterfront revitalization grants can help small communities along five gorgeous Adirondack rivers capitalize on local scenic beauty without using up open spaces by rebuilding and improving their downtowns. Above, the South Branch of the Grass River, just a few miles from the community of Cranberry Lake. Photo by Gary Randorf.*

## River Towns Can Fix Up Downtowns With State Grants

Tupper Lake, Wanakena, Moody, Long Lake, Piercefield, Cranberry Lake, Fine, Newton Falls and a host of other small, river-edge Adirondack communities are now eligible for grants to help spruce up their waterfronts and reinvigorate their local economies.

The State Legislature has approved and Governor Pataki is expected to sign a bill, supported by the Adirondack Council, that will extend the scope of the New York State Coastal Management Program far inland. The legislation was sponsored by Sen. Raymond Meier, R-Utica.

Adirondack communities along the Black, Grass, Indian, Oswegatchie and Raquette rivers will now qualify for local waterfront revitalization grants from the Department of State.

## Park Agency, Champlain Shore, Small Projects Are Big Winners As Pataki & Legislature Agree on 2000-01 State Budget Details

This fall, the Adirondack Park Agency will add three new staff members, thanks to a robust response by the Governor to the Adirondack Council's release of a report that was highly critical of environmental enforcement at the agency.

"*After the Fact: The Truth About Environmental Enforcement in the Adirondack Park*," was released last fall by the Adirondack Council in an effort to show that the APA needed additional personnel to complete its mission. By documenting that the APA has become overwhelmed by illegal construction projects, the Council persuaded Gov. George E. Pataki to add more than \$188,000 to his initial 2000-01 budget submittal, allowing the APA to hire at least three new staff members.

In May, the Legislature approved the Governor's proposal. In addition, Attorney General Eliot Spitzer released a statement indicating that he would reorganize his staff to make it more available to the Park Agency for assistance with disputed cases.

A full copy of the report "*After the Fact: The Truth About Environmental Enforcement in the Adirondack Park*" is available at our website ([adirondackcouncil.org](http://adirondackcouncil.org)) or by contacting our offices in Elizabethtown or Albany.

### Environmental Projects

Tapping into the interest earned by funds allocated, but not yet spent, in the state Environmental Protection Fund, the state Legislature in May increased the EPF's total to \$33.5 million for open space protection projects.

Lake Champlain shoreline was added to the list of open space protection projects eligible for EPF funding, while a separate category for acquiring small parcels (under \$200,000) was included as well. The latter will allow the state to bid more quickly and easily on small parcels in important locations, such as private inholdings within large blocks of Forest Preserve. Such lands are often sold before the state can react.

The Assembly and the Governor de-

cided that open space projects listed as eligible for "working forest" funds from the EPF could be used for conservation easements on such Adirondack timber company holdings as Domtar Inc., Cedarlands, Boesclager Forestry and the Clerical Medical property.

Another \$1 million from the Clean Water/Clean Air Bond Act was slated for Lake Champlain shoreline protection, along with another \$30 million for open space projects statewide, \$60 million for safe drinking water projects, \$26 million to improve air quality, \$10 million to rehabilitate contaminated commercial sites and \$16.5 million for solid waste projects.

### Other budget highlights include:

\$100,000 for increased mercury testing in surface waters;

\$25,000 for the Association for the Protection of the Adirondacks' new Adirondack Research Library in Niskayuna; and,

\$25,000 for the proposed Natural History Museum of the Adirondacks, Tupper Lake.





*Below, a flat section of the East Branch of the St. Regis River beckons paddlers to a stretch of river that had been closed to the public for a century prior to the state's recent purchase of the river corridor and surrounding forest. Right, the South Branch of the Grass River meanders through the northwestern Adirondacks toward its terminus at the St. Lawrence River. The Deer and Oswegatchie rivers were also part of the state's purchase, for a total of 29,000 acres of new Forest Preserve. A recent court ruling will prevent a small number of dissatisfied lessees from halting the state's purchase. See article below.*

*Photos by Gary Randorf.*



*The purchase added 29,000 acres of Forest Preserve, including four major river corridors, to the Adirondack Park's "forever wild" public lands. It also added 110,000 acres of conservation easements, giving the public access to these private timberlands for recreational purposes.*

## Court Dismisses Suit vs. Champion Deal

A legal challenge to the largest public/private land acquisition in New York State history has been dismissed by a judge who ruled that opponents waited too long to question the validity of the \$24.9 million deal with Champion International.

The purchase added 29,000 acres of Forest Preserve, including four major river corridors, to the Adirondack Park's "forever wild" public lands. It also added 110,000 acres of conservation easements, giving the public access to these private timberlands for recreational purposes.

Supreme Court Justice Dan Lamont ruled that any appeal of the purchase deal should have come within 60 days of the state's agreement to purchase the land.

"This court would be hard-pressed to find sufficient reason or excuse constituting good cause for untimely service upon the State of New York -- a respondent that is fairly easy to locate and serve," Justice Lamont wrote.

"Furthermore, with a \$24.9 million dollar land conservation deal hanging in the balance, the extent of prejudice to

the respondents would be enormous," he concluded.

Plaintiffs were arguing, in part, on behalf of some lease holders on the Champion property, who were unhappy with the portion of the sales agreement that required the removal of private structures from the lands. Those with cabins on areas that will become Forest Preserve were given five years to remove them. Those on conservation easement lands were required to move after 15 years.

However, the state's deadline was actually far more generous than Champion had been. Champion's leases ran for only one year and could be revoked at any time. Each cabin owner now has, at minimum, a five-year guarantee.

After a series of public hearings, the Conservation Fund, acquired title to 144,352 acres on July 1, 1999, transferring 29,000 to the state, which was added to the Forest Preserve. At the same time, the Conservation Fund transferred fee title to the easement lands to a timber management company. The plaintiffs waited more than three months to file suit.





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# Adirondack Park Agency News

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## *Communications Towers, Regulation Revisions, Two Mining Applications, Procedural Changes on APA Docket for Summer 2000*

**A**dirondack Council members will recall from the March 2000 newsletter that large communications towers are becoming more numerous each year. They can severely degrade Park vistas, if not properly sited.

The Adirondack Park Agency's Administration Committee is examining the more than 20-year-old policy on the siting of communications towers in the Adirondack Park in light of changing technology. The time-worn policy has given direction to agency commissioners with regard to tower siting, requiring companies to share facilities whenever possible.

But a recent flood of new applications for radio, television, emergency radio and cellular phone transmitters in the Park is causing the Agency to re-evaluate. The Council will continue to monitor all proposals for new towers in the Park and will participate in any and all discussions on changes to the policy.

### **Rules and Regulations Revision**

The Adirondack Park Agency continues work to revise its rules and regulations for the first time in almost twenty years. The latest milestone was the completion of revisions to definitions for frequently used terms that appear in the regulations, like "boathouse," "bed and breakfast," and "guest cottage."

These revised definitions will now go out for final public comment. Recent public hearings held by the Agency featured revisions to ten areas of the Agency's regulations. The Council has been directly involved in the formulation of these revisions as a member of an advisory group.

### **NYCO Actions Questioned**

The APA and the Department of Environmental Conservation have finally taken up the Council's petition to reopen or modify NYCO Minerals' mining permits for its two wollastonite mines in the Town of Lewis, Essex County. Wollastonite is used as an asbestos substitute and as an additive in materials like plastics to give them greater strength.

**D**uring the initial project review process, the Council worked alongside Lewis-based Residents for Responsible Mining to negotiate several conditions to NYCO's permit. NYCO had asked to open a new mine on Oak Hill while the company phased out an existing mine on nearby Seventy Road. But soon after NYCO received an Agency permit for Oak Hill, it applied for a modification to the Seventy Road mine that would allow it to remain open several more years.

Both mines operating simultaneously would have tremendous impacts on local residents (traffic, blasting, noise, dust) that were not contemplated when the Oak Hill mine application was reviewed.

The APA and DEC should review the cumulative impacts of running both operations at once.

### **White Lake Residents Look for Help**

**A**n application has been made to the APA for a granite quarrying operation in the hamlet of White Lake, Oneida County. Residents have mobilized in response to the proposal, and the Council has been enlisted as an advisor. Residents are concerned with wildlife habitat, noise from increased trucking and blasting, possible impacts to water supplies and house foundations and rock crushing noise. Also at risk is the integrity of a local historical site dating back to the American Revolution.

The Agency has declared that the application is incomplete and has issued an Additional Information Request to the applicants. The Council will continue to work with White Lake residents and remain involved during upcoming project reviews by the APA and DEC, should they receive a completed application.

### **New Committee Examines Public's Role**

The Agency's newly formed Administration Committee was set up recently to work on broad policy issues. However, some of the proposals brought before the committee so far involved potential interference with day-to-day staff operations and new limits on public input.

**O**ne recent proposal would eliminate the "Committee of Three," a permit review committee that convenes prior to Agency meetings to review relatively minor permits.

Eliminating the APA committee would force the full Board of Commissioners to review and discuss even the smaller projects, wasting the board's time and delaying applicants.

The Administration Committee has also discussed allowing applicants to make personal appeals to the commissioners regarding projects being reviewed during APA meetings. This would occur after the deadline for public comment has passed. Other interested parties would not be extended the same courtesy.

**I**n addition, the committee has discussed cutting off public comment on substantive issues that arise just prior to Agency meetings. This limit on so-called "11th hour submissions" is particularly disturbing, since the Agency does not mail its monthly meeting agenda to the public until a few days before the meeting. This leaves the Adirondack Council and all other concerned citizens little or no time to review new issues and respond to surprises.

### **Reach Us Online!**

email: [adkcouncil@aol.com](mailto:adkcouncil@aol.com)

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

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