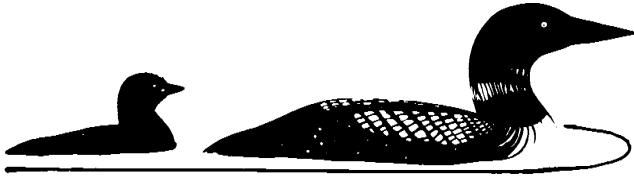


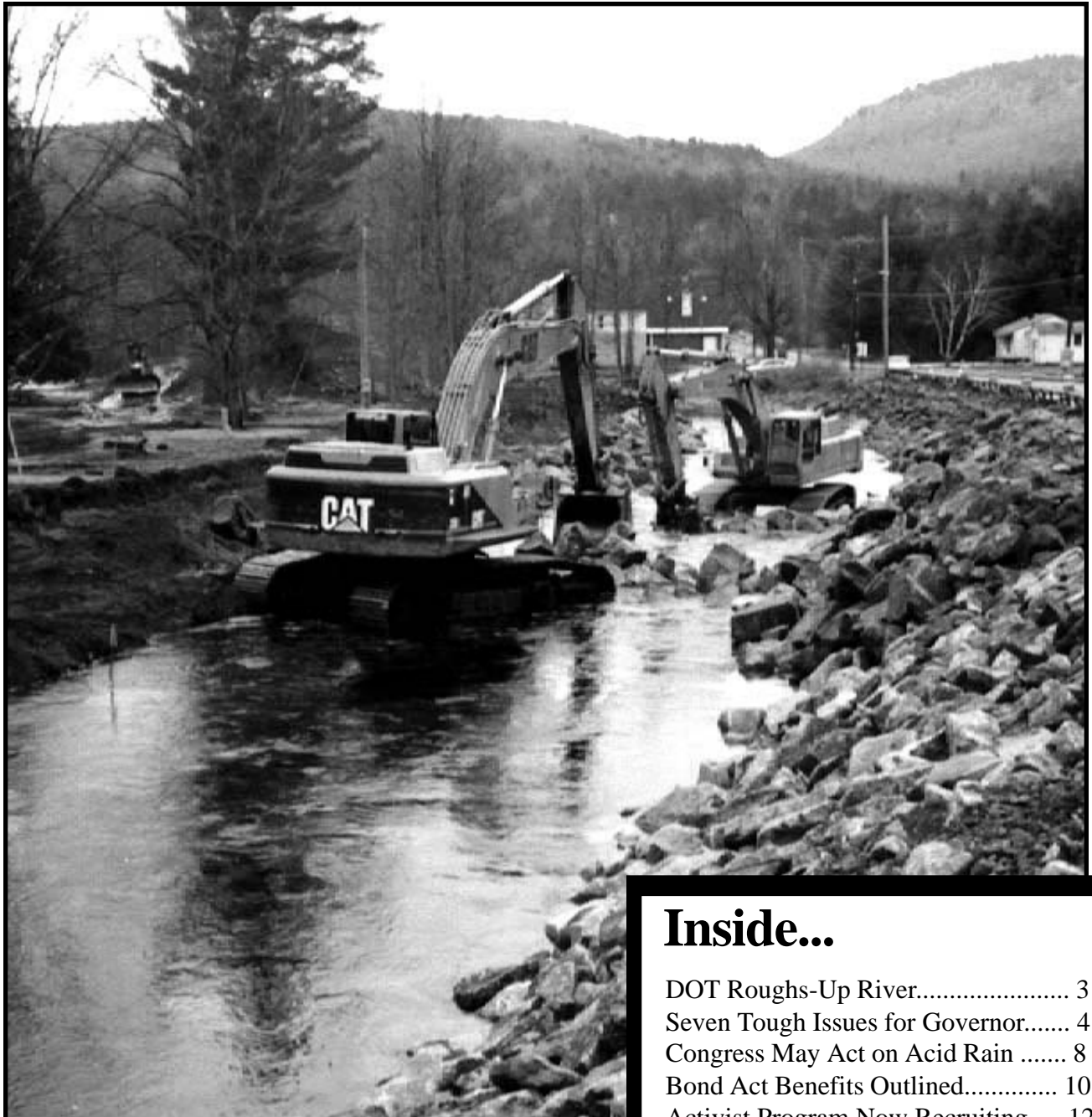
Adirondack Council



Newsletter/Winter 1997

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

State Digs Up Park Trout Stream



Inside...

DOT Roughs-Up River.....	3
Seven Tough Issues for Governor.....	4
Congress May Act on Acid Rain	8
Bond Act Benefits Outlined.....	10
Activist Program Now Recruiting.....	12



January 1997

Dear Members and Friends,

The Adirondack Council was founded in 1975 to be a "watchdog" of the Adirondack Park Agency. While our mission has expanded over the years to include all environmental issues that affect the Park, working with private landowners and promoting sustainable development for Park communities, the Council's watchdog role is more important than ever.

Beginning in 1885 and continuing today, state government has adopted regulations, laws and amendments to the State Constitution with specific provisions to protect the natural resources of the Adirondack Park. The Adirondack Council monitors all of the state agencies that implement these laws and any agency whose actions can have an affect on Park resources.

While we primarily focus on the Adirondack Park Agency and the Department of Environmental Conservation, we also monitor the activities of the Olympic Regional Development Authority, the Attorney General's Office, State Department of Transportation, Canal Corporation, Governor's Office of Regulatory Reform, the Department of State and the Department of Economic Development. We also keep abreast of the actions taken by the U.S. Environmental Protection Agency, the Army Corps of Engineers, the Federal Energy Regulatory Commission and the military, as their actions may affect the Adirondacks.

Our members, particularly those who live within the Blue Line, participate in this watchdog role by keeping us informed of activities by government or private citizens which may violate the environmental protections. Hardly a week goes by without some new issue coming to our attention. Some issues, such as the over-zealous widening of a trail into the Forest Preserve, can be resolved with a couple of phone calls to appropriate state agencies, while other issues, such as the issuance of illegal temporary permits for private homes on state land, involve years of research and negotiations with state agencies and affected parties.

The Council's role has grown in complexity and scope over the past 22 years, but its focus remains the same. We continue to commit ourselves to ensuring that current Park-protection measures are enforced and that government continues to adopt policies that protect the health of the Park. The Council is the only organization with the ability and expertise to get involved in every major issue that could threaten the natural resources of the Park. While this can place enormous strain on our financial resources, we and our member organizations are often the last line of defense in an increasingly difficult Park-protection effort. We take this responsibility very seriously, on behalf of all of our members and friends who care about the future of this special place.

Sincerely,

Timothy J. Burke
Executive Director

On the Cover

In December, the Dept. of Transportation declared a flood emergency and began altering the course of trout streams and tributaries in the Park, without an APA review or oversight by DEC. The photo is Branch Brook in Elizabethtown. See page 3.

Board of Directors

Chairman

John L. Ernst

Vice-Chairmen

Thomas D. Thacher II

David Skovron

Treasurer

Curtis R. Welling

Secretary

Dean L. Cook, D.M.D.

Stephen K. Allinger

Peter R. Borrelli

David Bronston

Alison Hudnut Clarkson

James C. Dawson, Ph.D.

Joanne W. Dwyer

Barbara L. Glaser

Alyse Gray

Gary F. Heurich

George R. Lamb

Ernest LaPrairie

Clarence A. Petty

Katharine M. Preston

John K. Ryder, Jr.

Ellen Marshall Scholle

Constance A. Tate

Chase Twichell

Staff

Executive Director

Timothy J. Burke

Lilia Anson

Eleanor Audino

Elaine Burke

Michael G. DiNunzio

Lisa M. Genier

Bernard C. Melewski

Joseph M. Moore

Mary Lou Moore

David G. Nelson

Wendy S. O'Neil

Gary A. Randorf

John F. Sheehan

Anne Trachtenberg

Linda S. Whalen

Our Mission

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

DOT Acts on Lingering ‘Emergency’

The Adirondack Council, Adirondack Park Agency and the Dept. of Environmental Conservation were shocked recently when the Dept. of Transportation decided on its own to alter the course of a tributary to the Bouquet River.

Neither the Park Agency nor the DEC were fully informed by the DOT before it began work to alter the course of the river. According to the DOT, the situation constituted an “emergency” that threatened public safety. Water from a November flood had undermined the river bank adjacent to Route 9N in Elizabethtown, the DOT said.

But this “emergency” situation did not arise overnight. The DOT recognized this problem near Route 9N more than 15 years ago. At that time, the DOT assembled representatives from various interest groups to discuss how best to stabilize the river bank and the road.

This group met on numerous occasions over the past 15 years to determine how to best address a variety of concerns. Issues ranged from aquatic habitat protection to preservation of several historic



Joe Moore

DOT placed heavy earth-moving equipment in the channel of Branch Brook in December and altered its course, washing tons of sediment downstream into the Bouquet River.

buildings nearby. No consensus was reached and the DOT failed to attempt to solve the problem through a public hearing process.

Instead, the problem languished until it became an “emergency” and then the DOT unilaterally decided how it would fix the problem. In December, without APA or DEC oversight,

DOT used heavy earth-moving equipment (sometimes placing it directly in the stream) to tear into the river’s bed and banks, stirring up tons of sediment and fouling trout breeding habitat.

On top of the disruptions, the region experienced more flooding after DOT had commenced work in the riverbed, flushing uncounted tons of disturbed debris and sediment downstream.

The DEC and APA together penned a letter to the DOT regional office, objecting to DOT’s actions and proposing an erosion mitigation plan for the spring of 1997. It was unclear as of press time whether DOT would respond to the request.

The unauthorized river diversion came on the heels of another DOT-created problem in the Town of Warrensburg, near its regional office. DOT employees had begun disposing of auto parts, oil filters, anti-freeze containers, animal carcasses and other unauthorized wastes in a brush-disposal area on the median of Interstate 87 (the Adirondack Northway) near exit 23. DEC has been investigating, but this issue had not been resolved at press time.

WWWeb Site, Benefit, Thanks!

If you haven’t visited the Adirondack Council’s home page yet, you’re missing out on the best way to get the very latest information on Adirondack Park goings-on.

You can reach us in cyberspace by searching on the word “Adirondack” in your favorite browser or at our URL (address) <http://www.crisny.org/not-for-profit/adkcnc1>. Our e-mail address is adkcnc1@aol.com. Check in for updates on what’s happening in your Adirondack Park.

D.C. Benefit a Success

Washington, D.C. is 450 miles from the Adirondack Park, so it may surprise you that the Council has a significant number of members in Washington, Maryland and

Virginia. About 75 people turned out on Dec. 11 to celebrate the Park with us at a reception held at the Christian Heurich House Museum. The family donated the home to The Historical Society of Washington, D.C., in 1956. Council Chairman John Ernst, Board Member Gary F. Heurich, and Executive Director Tim Burke met with members and friends, as well as several representatives from the Council’s member groups. Special thanks go out to Gary Heurich for bringing us all together!

Thank You Members!

Many thanks to members who have pledged or donated to the Council’s telephone fundraising campaign! We’re more than halfway to our goal of \$150,000.

Seven Crucial Adirondack Issues ...

Governor George E. Pataki faces some tough decisions in determining the future of the Adirondack Park as we enter the 21st Century. There are seven major areas in which the Governor will be called upon to set or clarify state policy in the months ahead.

Acid Rain

1

Looming Crisis -

The Adirondack Park continues to suffer serious damage from acid rain. Its effects devastate ecosystems, businesses and sporting

opportunities. It also poses serious health threats to Park residents and visitors alike, by triggering mercury contamination in fish and the leaching of lead and copper from household pipes. By demanding that the federal government take immediate action to cut Midwestern emissions by an additional 50 percent, Pataki can stave off what is now the inevitable acidification of most of the Park's watersheds, lakes and rivers.

Modernizing APA

3

Task Force Recommendations -

The task force appointed by the APA in 1994 to study its operations recommended adding 12 new staff. It said the APA needed to speed up responses to requests for information and jurisdictional inquiries from the public, as well as computerize and revise its rules and regulations for developers. The Council and other environmental organizations concur with the task force. The Pataki Administration

should move forward with staffing additions, even if the increase is only a temporary measure to accomplish the regulatory revision and local planning.

Local Plans - The APA has been encouraging Adirondack towns and villages to develop local land-use codes, which can protect communities' natural resources by tailoring land use to specific local conditions. They can also lift the burden of reviewing small-scale development projects off the shoulders of the APA. However, the APA has been haphazard in its approach to local planning lately. In some cases, it has offered partial approval, based on contingencies. There has been inadequate review by the legal staff, which hampered a thorough review by the board of commissioners. When working with the Town of Edinburg, APA broke its long-standing policy of banning engineered septic systems within 200 feet of water bodies and wetlands.

Park Agency Appointments

2

The Chairman - Environmental organizations such as the Adirondack Council were skeptical about the appointment of Plattsburgh stockbroker Greg Campbell as chairman of the APA. After a year of repeated gaffes and embarrassments, and after appearing to ignore the Governor's publicly stated goals for the Park, those same organizations have lost faith in Campbell's ability to lead the APA. The Governor was forced to intervene in

several APA matters in 1996, overruling Campbell's judgement in every case. The Governor must decide whether his priorities lie in protecting the Park or in keeping a chairman who disagrees with his plan for the future of the Adirondacks.

Commissioners - The terms of seven out of the eight citizen members of the APA board are due to expire by the end of June. The remaining three seats on the board of commissioners are filled by state agency heads, as mandated by law. Pataki's appointees will become the decision-makers on every major development project and zoning change for the next four years or more. If the Governor hopes to shape the APA in his own image, his nominations will speak volumes about his priorities for the Park.

State Agency Reps - While the citizen members of the APA are crucial to the Agency's ability to protect the Park, representatives from the Departments of State, Environmental Conservation and Economic Development help set a tone for the entire board. Last summer, DEC representative Richard Wild actually proposed eliminating the APA's long-time ban on importation of trash into Adirondack landfills. This fall, Wild stated: "We've found the best way to streamline the (public) hearing process is not to have one." Pataki must ensure that state agency reps act in the best interest of the Park.

Engineered systems (a.k.a. mound or fill systems) are designed to allow development in areas where thin or poor soils make it impossible to use standard systems. But engineered systems are more prone to failure than standard systems and should not be allowed near water bodies or wetlands. The Administration must instruct APA that there are portions of the Park that are inappropriate for development and to reinstate the ban on engineered septic systems in those areas.

Model Ordinances - The APA is also trying to create model ordinances for communities to take the guesswork out of creating a plan that will meet the APA's approval. However, APA appears to be attempting to spread the mistake it made in Edinburg through the entire Park by incorporating engineered septic systems in the list of what a local plan can include. Ironically, this would be less protective than standards the Governor recently helped set in the Catskills. The Governor must halt this trend at the APA immediately.

... Governor Pataki Must Address

Bond Act

4

Importation of Waste - While drafting the Clean Water/Clean Air Bond Act, Governor Pataki wisely chose not to allow the money to be used for a

regional waste disposal solution that includes importing garbage from outside the Adirondack Park. The Governor should move quickly to create a regional solution to trash that halts Essex County's current practice of allowing trash to be imported from outside the Park and outside the state.

Forest Preserve

6

Bond Act/EPF Purchases - Over the past two years, purchases of new Forest Preserve lands have stalled out due to a lack of money and DEC

staff. Now, there is money in both the Environmental Protection Fund and the bond act. The Governor must move ahead with purchases of priority lands from willing sellers.

High Peaks - DEC stumbled when it submitted a High Peaks Wilderness management plan to the APA that violated state law. The Governor should direct DEC to make the plan comply with the State Land Master Plan and to reconsider a camping permit system in the eastern High Peaks.

Canal Lands - The NYS Thruway Authority continues to grant and honor permits for private vacation homes illegally constructed on state-managed Canal Lands in the Adirondack Park. The Governor must tame this rogue authority and force it to revoke all permits for private structures in the Park until the Legislature decides how to deal with these encroachments. Lands surrounding the eight reservoirs should be turned over to DEC.

New Legislation Needed

5

No Tune-Up in Twenty Years - The APA Act is the basic framework for the Park Agency's authority over land use in the Adirondack Park. But the Act has not been amended to counter the ever-changing development pressures placed on the Park by shifting economic conditions and evolving technology. While the APA Act was the first land-use plan of its kind in the nation, it is no longer sufficient to protect the Park's water quality and wildlife habitat. The Governor should propose legislation to close the loopholes in the Act and ensure the protection of special resources.

Vegetative Cutting - The APA's current standards on the cutting of shoreline vegetation have been a nightmare to implement and enforce. Their original purpose was to create a buffer between development and water bodies or wetlands. But the current formula involves counting trees and determining which percentage, above a certain diameter at chest height, can be removed. The Administration should create a simple no-cutting buffer zone to eliminate uncertainty and guard against erosion.

Gerrymandering - It took 25 years, but clever developers have discovered new ways to draw and design lot lines near water bodies and wetlands to avoid APA jurisdiction altogether. Two projects brought to the APA in 1996 (involving thousands of feet of pristine shoreline) left APA commissioners calling for a change in the law to prevent this lot-line manipulation. The Governor should sponsor legislation to put an end to subdivision gerrymandering.

Backcountry Protection - The NYS Assembly has passed legislation several times in recent years that would better protect the large, forested private parcels located in the wildest and most remote sections of the Park. The Administration should review this legislation and then move forward with those ideas where it sees possible agreement.

Tax Abatement - A healthy timber industry is crucial to the health of the Adirondack backcountry since timber companies own nearly half of the private land in the Adirondack Park. The state has created two major property tax-abatement programs for large landowners, which appear to be helping the companies maintain their holdings intact. However, the burden of the abatements falls on local governments, which are not reimbursed by the state for the loss of revenue. The program must also be revised to control pollution created by cabin-building and other timber company land-leasing activities.

Working Forest Easements

7

Importance to Biological Diversity - The Adirondack Park's mix of protected Forest Preserve and selectively harvested private land helps to maintain the Park's rich biological diversity by providing a wide array of habitat. But the pressure on timber companies to sell and/or subdivide their lands has never been greater, due to competition and rising land values. This is especially true near water

bodies and rivers. Shorefront lands are often excluded from state tax-abatement programs, yet carry the highest local tax assessments. Of course, development near shorelines causes the most harm to water quality and wildlife habitat. The Governor must begin purchasing development rights from timberland owners, through conservation easements on these shorelines and working forests. This would protect commercial forests

See GOVERNOR, Back Page



APA Asks Court to Impose \$60,000 in Fines at Marina

If the Adirondack Park Agency's recommendation is adopted by a local judge, the current and previous owners of two Lake Champlain marinas will pay the largest fine ever associated with the APA. (See the photo above, taken in November, 1996.)

The APA has recommended that James Carter, owner of Old Valcour and Snug Harbor marinas, be fined \$50,000 for illegal expansions of the Old Valcour facility. The APA also recommended previous owner Roger Wittmayer be assessed a fine of \$10,000 for his part in the unpermitted expansions.

The two marinas were separated by a narrow intervening parcel that was recently purchased by Carter. Together they harbored over 350 boats and occupied more than 30 acres of Lake Champlain. APA permits allowed only a total of 162 boats on docks and moorings at the two marinas.

The APA worked for more than six years to settle violations involving the two marinas and an adjacent restaurant, also owned by Carter. After years of legal wrangling, the Appellate Division of the New York State Supreme Court determined that Carter must apply for an after-the-fact permit from the APA and (if the judge agrees) pay a fine to be determined by the district court judge.

As part of an agency resolution, Carter will not receive his after-the-fact permit to operate the marinas until the matter of the civil penalty is settled.

The Adirondack Council worked closely with nearby property owners to determine the terms of the final permit. The Council called on the Agency to impose the largest civil penalty in its history, commensurate with the size of the violation and the illegal revenue derived from it.

The largest fine previously levied by the APA was \$15,000.

Council Set to Negotiate Ra

The federal licenses on an extensive system of hydro-power dams and reservoirs owned by the Niagara Mohawk Power Corp. along the Raquette River are due to expire over the next few years. The Adirondack Council will be part of the team negotiating the future of the dams, reservoirs and surrounding lands.

The licenses were originally issued 30 to 50 years ago when the state was developing its hydro-power system. The new licenses will also last 30 to 40 years.

The original licenses were issued before many of the state's waterquality-related environmental laws were created. A U.S. Supreme Court decision in the early 1990s gave states the right to use state water quality standards and fisheries statutes to help set the provisions for the new hydro-power licenses.

Among the concerns to be negotiated are:

- * The minimum flow of water through the natural path of the river. Some or all of the water is diverted into pipes that lead to power turbines.
- * The vitality of natural fish populations affected by the creation of the dams and impoundments;
- * Use of the river and surrounding lands by the public;
- * The future existence of the dams and impoundments themselves;
- * The need for the power being generated;
- * Restoration of natural ecosystems disturbed by the creation of the hydro-power facilities; and,
- * The daily and seasonal fluctuation of water levels in the river and reservoirs.

The Raquette River begins at Raquette Lake in Hamilton County and flows north through St. Lawrence County, joining the St. Lawrence River at Massena.



Gary Randorf

Beaver River Hydro Licenses

Impoundments created inside the Adirondack Park include Carry Falls, Stark Falls, Blake Falls and Rainbow Falls reservoirs.

Part of the negotiations will center on the future of tens of thousands of acres of land owned by Niagara Mohawk along the river. The tracts include extensive wetlands, lands along the Jordan River where it meets Carry Falls Reservoir and substantial areas of shoreline and uplands. Many of these areas are identified as high priorities for state land protection in the Council's 2020 VISION research documents.

The Council and New York Rivers United will again work together on the licensing project. The two groups successfully joined forces two years ago to negotiate vast improvements in the health of the ecosystems in and around the Beaver River in the western Adirondacks.



Power Cable Issue Discussed

The Adirondack Council was asked recently to join a Dept. of Environmental Conservation working group on the issue of installing electric cables across the bottom of protected Forest Preserve lakes.

Last year, NYS Attorney General Dennis Vacco advised DEC that it would be unconstitutional to grant temporary permits to those who wanted to install new cables, or other permanent private facilities, on Forest Preserve lake bottoms. Temporary permits are DEC's only legal means of allowing private use of Adirondack Forest Preserve land without amending the State Constitution.

Over the years, DEC has granted permission for cables under certain lakes, but to date, no action has been taken to remove existing cables or revoke permits. The Council expects the working group to tackle the issue of the existing cables and the hardships that could be caused if DEC decides they must be removed.

Lake Placid Club Sold

The Lussi family of Lake Placid has purchased the former Lake Placid Club property from U.S.F.&G. Insurance Co., and recently was granted a permit from the Adirondack Park Agency for expansion of some facilities on the 800-acre property.

The family plans to expand the golf clubhouse, install a new irrigation system and make improvements to the golf courses.

The owners have agreed to a condition in the APA permit for the golf house expansion, which calls for them to submit a master plan for the property, so the APA can judge the cumulative impacts of the whole project.

The Adirondack Council participated in the Lake Placid Club Development Task Force prior to the sale of the property and has offered to work with the Lussi family to ensure environmentally compatible redevelopment of the site.

Solomon, D'Amato Promise to Fight Acid Rain in 105th Congress

The upcoming Congressional session will be crucial to the Adirondack Council's campaign to control acid rain.

Starting this month, the Council will be working on three major efforts to end the destruction of the Park's ecosystems by coal-burning electric



Solomon

plants in the Ohio River Valley.

Reauthorization of the Clean Air Act: The 1990 amendments to the Federal Clean Air Act created the nation's current acid rain program, which is designed to cut utility plant emissions of acid-rain-causing sulfur dioxide by 50 percent nationwide. However, the U.S. Environmental Protection Agency now agrees with the Adirondack Council's assessment that the program created by those amendments will be insufficient to prevent the continued destruction of Adirondack forests and aquatic ecosystems.

With Congress poised to take another look at the Clean Air Act in the upcoming session, the Council will promote additional reductions in smokestack emissions in the Ohio Valley sufficient to prevent continued damage in the Park.

Utility Company Deregulation: The federal government is developing a plan to allow electric utilities to sell

power to customers in any other section of the country. The Council is concerned that this will lead to an inevitable increase in acid-rain-causing smokestack emissions from the Midwest, as companies increase their use of old, inexpensive coal-fired plants that have few or no emissions controls.

The Council will work with Congress, as well as federal energy and environmental officials, to eliminate the potential for continued or increased pollution of the

'With Congress poised to take another look at the Clean Air Act in the upcoming session, the Council will promote additional reductions in smokestack emissions ...'

Adirondack Park that could result from deregulating the electric power market. American Electric Power of Ohio is the nation's leading coal-burning company in the U.S. Company officials recently told the Wall Street Journal that they are striving to be the largest supplier of electricity in the country.

Independent Legislation: The Council will also work with individual lawmakers to promote stand-alone legislation that caps the total emissions of acid-rain-causing pollutants coming from other states. The Council has some powerful allies in its mission to control acid rain on the federal level.

When a Council staff member traveled to New Mexico this summer to discuss utility deregulation with a massive gathering of energy officials from around the nation, he brought with him a written commitment from U.S. Rep. Gerald Solomon, R-Glens

Falls, and U.S. Sen. Alfonse D'Amato, R-NY to seek pollution reductions in the Midwest as part of any deregulation legislation.

The lawmakers agreed to seek these reductions in the reauthorization of the Clean Air Act, and agreed to propose stand-alone legislation similar to the bill introduced last session by Congressman Solomon. That bill would require an additional 50 percent reduction in emissions from several Midwest utility groups. That could allow Adirondack forests and waters to recover from decades of damage.



D'Amato

Solomon is chairman of the powerful House Rules Committee. D'Amato is an effective spokesman and negotiator with a great deal of influence in the Senate. Hearings on potential acid rain-related legislation could be held as early as this spring.

The Federal Energy Regulatory Commission has refused to include environmental issues in its review of utility deregulation proposals, leaving the issue to President Clinton's Council on Environmental Quality and Congress.

The Clinton Administration has not yet taken a position on environmental protection needs in the deregulation effort.

Acid Rain's Effects Devastating Park

Acid rain is caused by the mixture of sulfur- and/or nitrogen-based air pollution with cloud water and sunlight. The resulting acidic precipitation (rain, snow, sleet, etc.) falls most heavily on the Adirondack Park because it is the first high ground downwind of the coal-burning utility plants of the Ohio River Valley. The multi-state Ohio Valley region is the largest exporter of acid rain in the nation.

Acid rain causes enormous damage because the Park's soils and waters do not have enough alkaline material to neutralize the acid.

Rain and snow falling at monitoring stations on Whiteface Mountain, for example, have been measured with a pH of less than 3, or roughly equal to that of vinegar or lemon juice. That's more than 500 times more acidic than untainted rainfall.

Most of the damage done by acid rain to plants and wildlife does not come from the corrosive or burning effects of the acid itself, but rather from the heavy metals broken free from soil and rock by the acid.

Aluminum

An overabundance of aluminum in surface water and ground water can be deadly to plants and fish. Plants can be damaged when roots absorb water with just one part-per-million concentrations of aluminum. The roots of dead spruce trees on the western slopes of the Adirondack High Peaks have aluminum concentrations as high as 4,800 parts-per-million.

In lakes and rivers, aluminum attaches itself to the gills of fish and other water-breathing aquatic species, causing suffocation by blocking the absorption of oxygen.

Mercury

This highly toxic element is also broken free from rock and soil by acidic water. Small amounts are also contained in the same smoke that causes acid rain. Mercury can collect in the body tissue of fish that are more resistant to aluminum suffocation than trout, salmon and other sensitive species. This build-up of mercury has

Lead & Copper

Aside from its devastating impact on natural resources, acidic water can also be a significant health risk for people who draw surface water or shallow-well water for drinking into their homes. About 40 percent of the Adirondack Park's communities still rely on surface waters for their tap supply. Acidic water can leach both

copper and lead from pipes and other plumbing fittings inside people's homes.

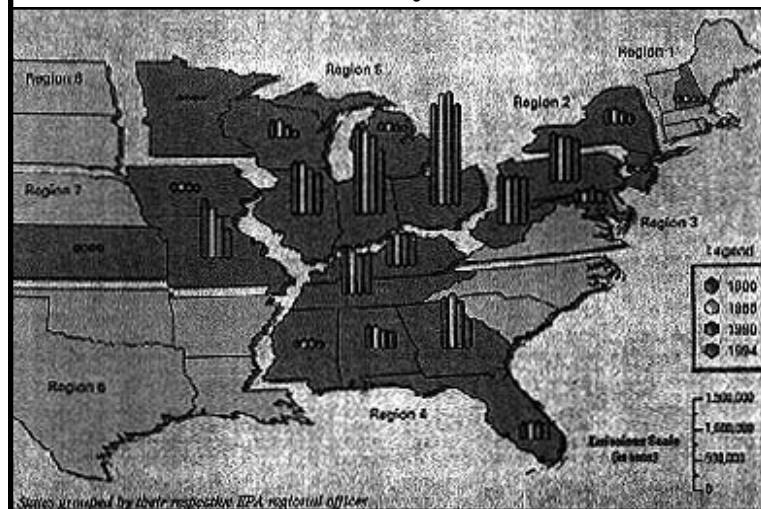
Lead pipes, lead solder and brass fittings/fixtures are all susceptible to corrosion from even slightly acidic water. Like mercury, lead can cause severe neurological damage, especially in young children and fetuses. The NYS Health Department is conducting tap

water testing in communities around the state to check for heavy metals and other contamination. It has thus far found acidic water in about 25 percent of the areas tested and in nearly all surface water supplies in the Adirondack Park.

In addition, acidic water can also extract copper from pipes. Even slight amounts of copper contamination can kill the anaerobic bacteria that break down wastes in septic systems, causing them to fail. This can cause additional health problems and contaminate surface waters.

Both lead and copper contamination have been found in the Adirondack Park. One case in the Big Moose area (Herkimer County) was documented in the Council's 1987 acid rain publication "Beside the Still Waters."

Sulfur Dioxide Emissions from the Nation's 110 Dirtiest Electric Plants As Measured by U.S.E.P.A.



major health implications not only for fish, but also other species that consume them. Birds such as loons, ducks, eagles, herons, and others consume large quantities of fish. Mammals such as fishers, bears and people are also at risk.

In 1996, the NYS Health Department issued public health warnings about consuming smallmouth bass and yellow perch from Cranberry Lake and Stillwater Reservoir, due to high mercury contamination levels in the fish. Both lakes are in the western Adirondacks, in heavy acid rain areas. Both are popular fishing destinations that currently support healthy populations of migratory and nesting birds and both large and small mammals. More testing is needed to determine the extent of mercury contamination in the Adirondacks and its effects on wildlife.

Coalition Helps Win Bond Act Approval

Council, Others Counter Misleading Claims of Anti-Bond Act Group

The Adirondack Council and most of the state's other major environmental organizations joined forces in September, 1996, to create a Clean Water/Clean Air Bond Act Coalition that helped gain voter approval for the \$1.75-billion environmental spending plan proposed by Gov. George E. Pataki.

The ballot proposal passed on November 5 by a margin of 56 to 44 percent statewide. During the campaign, the Council worked closely with the NY League of Conservation Voters and traveled most of the state on a media tour with Council member-organization Citizens Campaign for the Environment (CCE), as well as local officials and the Adirondack Mountain Club.

In the last week before Election Day, the Council's staff appeared on more than 12 hours of television and radio news/talk programming to explain the potential benefits of the bond act's capital improvement programs in the Adirondack Park.

The Council did not purchase paid advertising for the bond act, relying instead on its credibility and expertise in Adirondack issues and analyzing legislation to obtain interviews and talk-show air time to discuss the need to approve the proposal. The Bond Act Coalition did obtain special grants and contributions for an advertising campaign, as did U.S. Sen. Alfonse D'Amato, R-NY, and Governor Pataki's team (consisting of League of Conservation Voters Chairman Paul Elston; Dept. of Environmental Conservation spokesman Gary Sheffer, and Deputy Commissioner Gavin Donohue; and, Governor's Counsel Michael Finnegan — all on leaves of absence from their normal jobs).

The Governor's team and the League concentrated on carrying the New York City/Long Island and lower Hudson Valley areas, with help from CCE and other environmental groups. The Bond Act Coalition's work in

Upstate New York was especially important due to an all-out media advertising blitz by a political front group created by CHANGE-NY, an antitax political action committee (PAC).

CHANGE-NY dubbed the new PAC "A Bunch of New Yorkers Who Care About the Environment But Know this Bond Act is a Big Waste of Money." The Bunch used questionable figures and misleading claims to attack the bond act in both television and radio ads from Albany to Buffalo.

On October 30, the Adirondack Council, Association for the Protection of the Adirondacks, Citizens Campaign for the Environment, National Audubon Society, New York Rivers United and Sierra Club held a press conference in Albany to challenge the Bunch's claims.

The resulting news reports were carried statewide, giving voters an opportunity to make an informed decision.

The environmental organizations' efforts helped increase substantially the ratio of positive-to-negative votes for the bond act upstate, compared with the 1990 bond act campaign. This allowed the overwhelming support downstate to carry the

proposal to an impressive 11-point victory.

State Comptroller H. Carl McCall, a Democrat who has been mentioned as a potential challenger in the 1998 gubernatorial race, campaigned beside Governor Pataki in favor of the bond act. McCall said the voter-approved borrowing plan could actually improve the state's credit. New York's bond rating has been harmed by borrowing done by state authorities without a public referendum. The state's courts have ruled that such "backdoor" borrowing is legal, but does not obligate the taxpayers to repay the loans. Without taxpayer backing, bond raters have diminished the state's credit rating, driving up interest rates when the bonds are repaid. McCall said the state would be able to refinance all of its bond debt at a better interest rate because of the potential for a high rating on bonds sold under the Clean Water/Clean Air Bond Act.

The Council is now working with the Legislature and the Pataki Administration, to determine the best use of the bond act's funds in the Adirondack Park, both in the short term and over the 15-year life span of the spending plan.

Easement Opportunities Abound

The state of Vermont recently negotiated a \$2.8 million agreement with the Hancock Timber Resource Group to protect 31,000 acres of forest land from development. The land will continue to be privately owned, and to provide jobs, wildlife habitat, and recreational opportunities for future generations to enjoy. The deal was made possible by \$2.5 million from the Federal Forest Legacy Program and matching funds from various state and private sources.

Two years ago, New York received \$89,000 in Forest Legacy funding to protect about 160 acres of land along the Indian River in Hamilton County. That land is the only Legacy project in New York. The land will remain protected, and its commercial potential will continue to benefit the local economy. Forest Legacy is a success story that can be repeated over and over again throughout the Adirondack Park. There are more than 300,000 acres of Adirondack timberland owned by corporations who are actively exploring sales of lands and easements that would protect those forests forever.

With the passage of the Clean Water/Clean Air Bond Act, New York now has more than \$150 million available for land protection statewide. It can be used as matching funds required to augment Forest Legacy dollars, or for direct easement or Forest Preserve purchases.

Bond Funding to Benefit Park Communities, Waters, Backcountry

Here's a rundown of the potential benefits of the Clean Water/Clean Air Bond Act in the Adirondack Park:

Lake Champlain

Fifteen million dollars of the \$790 million Clean Water program will go to reducing phosphorus discharges into Lake Champlain. Overloading of phosphorus promotes weed growth, blocks sunlight and depletes oxygen. Some bays of the lake are as polluted today as Lake Erie was in the 1970s, when it was considered dead. The two main contributors of phosphorus to the lake are municipal sewage treatment systems and erosion-related runoff from farms and developed areas.

Open Space/Clean Water

The \$150 million Open Space program was created for land acquisition statewide. It is the only pot of money available this year for the purchase of working forest conservation easements on timberland in the Adirondack Park (unlike the Environmental Protection Fund, which cannot be used for easements in 1996 and early 1997 because the Legislature did not approve any working forest easement purchases from the fund last July). Conservation easements allow the state to purchase the development rights on large parcels of land, and often the rights to public access. Landowners receive compensation for the development rights, plus assistance in meeting local property tax bills. This keeps lands undeveloped, yet in private hands where they can provide employment in the wood products industry.

The Bond Act can also be used for the outright purchase of lands and waters for addition to the Forest Preserve.

Watershed lands can also be protected under the \$790-million Clean Water program to prevent development-related and farm-generated pollution and runoff.

Federal watershed protection money can also be obtained, based on the state's ability to demonstrate a long-term commitment to water quality by creating the bond act.

Another \$100 million will go to the Office of Parks, Recreation and Historic Preservation for statewide Parks projects.

Essex County Landfill

As part of a \$175-million solid waste program, Essex County may receive financial assistance in getting out from under a roughly \$6 million debt for construction of its unprofitable landfill, without importing trash



Wildlife habitat will benefit as well.

into the Park. Specific language in the bond act requires any appropriation be tied to a regional solution to the solid waste disposal problems of Adirondack communities, and specifically discourages a solution that includes the importation of trash from outside the Park's boundary.

Other Adirondack & Rural Landfills

Roughly \$50 million will be set aside for "Adirondack and other rural landfills" to create a 90-percent grant/10-percent zero-interest loan program. Small communities, such as those in the Adirondacks, can apply for the grants/loans to close old, unlined landfills that no longer comply with state law. The money is aimed at protecting underground drinking water supplies and preventing the

contamination of rivers and streams. Many small communities would be forced to place a huge, new burden on property taxpayers without this state assistance.

Safe Drinking Water

A total of \$355-million was set aside for a Safe Drinking Water program to help communities deal with strict, new federal mandates on drinking water quality. Many Adirondack communities have always relied upon upland reservoirs and other pristine surface waters for their drinking supplies. Recently, the U.S. Environmental Protection Agency adopted regulations that have left these villages and towns with only a few, expensive choices. They can dig wells and tap into groundwater or they must both treat and filter their surface water supplies. Either choice requires a large capital expenditure. By creating a well-funded, long-term program to assist such communities in protecting drinking water, New York can qualify for billions of dollars in federal matching grants. A simple, annual appropriation from the Legislature would not have been sufficient to qualify for these matching federal funds.

Brownfields

An appropriation of \$200 million will be set aside for the restoration of abandoned, contaminated industrial sites. The money will be used to clean the sites to Superfund standards and re-use them. This helps protect pristine natural resources by making existing-but-useless commercial sites available for re-use. The original polluters of the site continue to be liable for any illnesses/injuries caused by the pollution, but local governments and new owners do not assume liability for the pollution by agreeing to clean it up. The state must certify that the site is clean before it can be re-used. *The cost for the bonds and the debt service is roughly \$4 per person, per year.*

More Activists Needed

The Adirondack Council's Activist Network has been going strong since its creation about six years ago. From public hearings to the NYS Legislature's annual budget debate to Congress's work on acid rain, Council activists have used their skills and passion for the Park to influence policies for the better, time and time again. We have had some terrific victories recently. But as you know, our work is never done.

Now more than ever, the Council needs help from folks like you. We need people who really care about the Adirondack Park and want to see it protected for future generations. Whether you are a student or a retired senior, it's crucial that you get involved. A small amount of your time, spent writing a letter or attending a public hearing, can make an

enormous difference in the government's attitude toward the Adirondacks. We can show you how to make your voice heard.

By joining the Council's Activist Network, you'll receive action alerts on the most pressing issues facing the Park.

You will also be invited to attend activist workshops held annually around the state and participate in lobbying campaigns in Albany. You will have the chance to meet with elected officials representing your home district to show them how they can help protect the Adirondacks. At the same time, you will learn more about the Park and meet others who share your concerns.

For further information, contact Lisa M. Genier, Activist Coordinator at (518) 432-1770.

GOVERNOR

Continued from p. 5

and the jobs they create by ensuring that the forest will not be converted to some other land use.

Money for Easements - Governor Pataki did an excellent job in his Clean Water/Clean Air Bond Act of providing money for conservation easements in the Park. However, he allowed himself to be talked out of including easements in the state's Environmental Protection Fund during the 1996 budget negotiations. He should propose buying easements with the EPF again this year and hang tough in negotiations.

Bond Act Opportunities - The Governor should move ahead quickly in acquiring development rights from willing sellers.

Join the Activist Network Today!

Simply fill out this form and drop it in the mail to us at:
P.O. Box D-2, Elizabethtown, NY 12932. We'll keep you informed on how you can help protect the Park.

Name _____

Address _____

Phone _____

I would like to make a \$_____ contribution at this time to help the Council's Park protection efforts.



NYS Dept. of Environmental Conservation Commissioner Michael Zagata has resigned his post, effective Dec. 31, 1996. As of press time, the Governor had not yet announced a replacement.

The Adirondack Council
 P.O. Box D-2, Church St.
 Elizabethtown, NY 12932

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