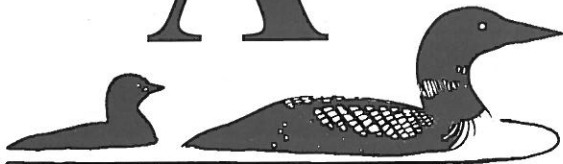


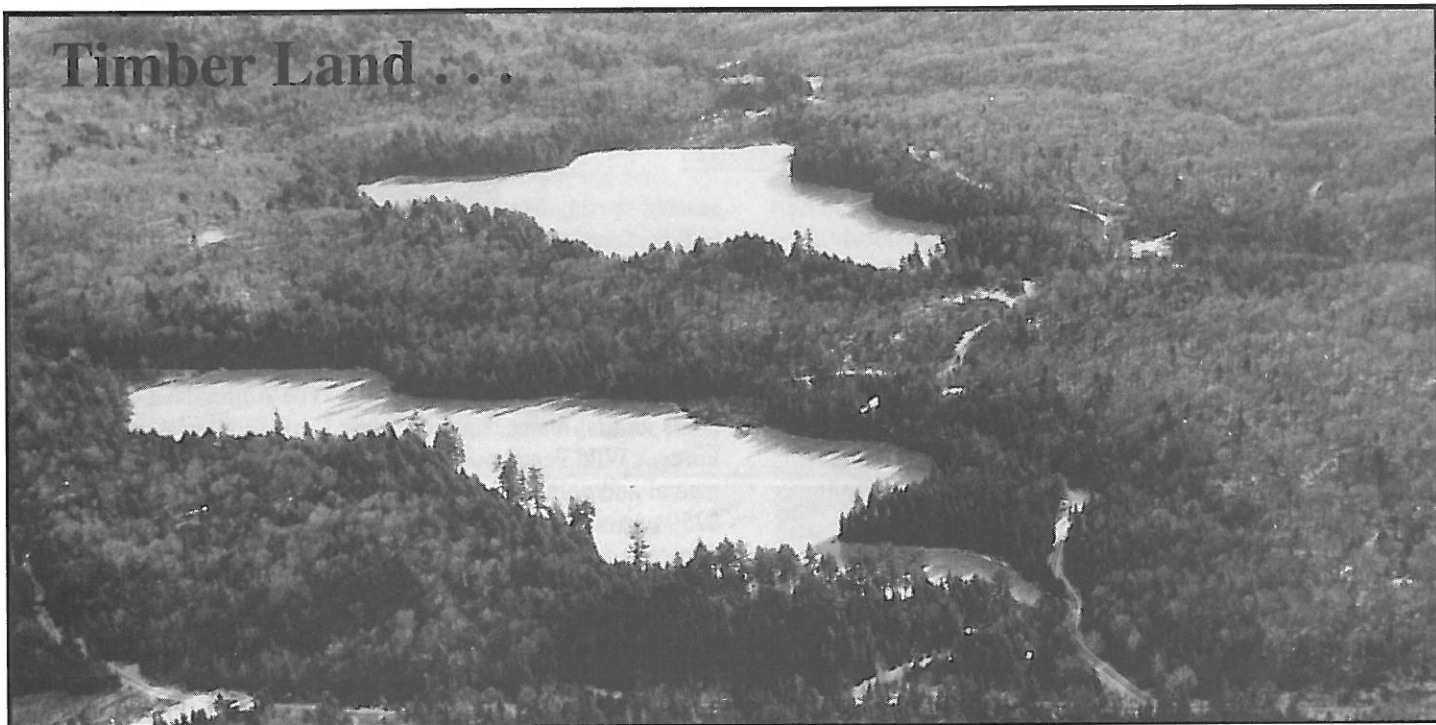
# ADIRONDACK COUNCIL



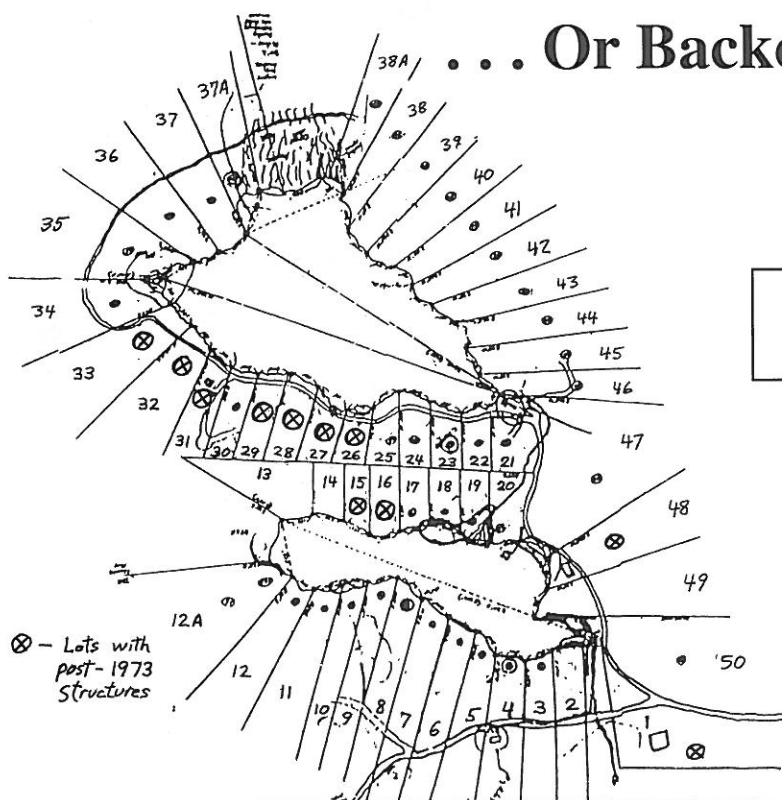
NEWSLETTER/SPRING 1994

Member Organizations: The Wilderness Society, Natural Resources Defense Council, Association for the Protection of the Adirondacks, and National Parks and Conservation Association.

## Timber Land . . .



## . . . Or Backcountry Subdivision?



Original plan for cabin sites on Upper and Lower Moose Ponds near Long Lake. See timber land leasing story on page 6.

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# Forever Wild Centennial News

In celebration of the **Centennial of the Forever Wild Clause** of the New York State Constitution, which has protected all of the public land in the Adirondack Park from logging, sale or development since 1894, a variety of events have been slated and several publications are due out soon.

**Recognition from Legislature:** Both the **NYS Senate** and **Assembly** passed resolutions in the early part of the 1994 Legislative Session commemorating the 100th Anniversary of the Forever Wild Clause. The resolutions were sponsored by Sen. Ronald B. Stafford (R-Plattsburgh) and Assemb. Richard Brodsky (D-Scarsdale).

**Citizens Suits:** According to Adirondack Council Advisory Board member **David Sive**, an expert in environmental law, Article 14 of the NYS Constitution contains the first legal provision in American history granting the right to "Citizens Suits." In short, Article 14 allows citizens, with the permission of the Appellate Division of the State Supreme Court, the right to sue and enforce Article 14 if the government fails to perform its duties in protecting the Forest Preserve from logging, sale or development. Sive could not recall a single instance in which the Appellate Division denied such a request.

## Events

**All year, Statewide:** As you may already have read on the Associated Press National News Wire in your local newspaper, Forever Wild Public Service Announcements narrated by blues guitarist/singer/songwriter **Bonnie Raitt** will air on radio and television stations throughout the state and western Vermont through 1994. See page 3 for details.

**March 26 to November 6, Rochester:** The 30-piece "Our Wild Adirondacks" photography exhibit created by Adirondack Council Senior Counselor Gary Randorf will appear all summer and part of the fall at the **Rochester Museum and Science Center**. Randorf's masterwork touring collection visited all corners of the state in 1992 and 1993 but this year takes a summer-long rest in the city photography built. Gary's exhibit ranges from vast, sprawling mountain vistas to extreme close-ups of unusual plants to moonlight reflecting on a perfectly still pond. Call the museum for hours at (716) 271-4320.

**May 17, Albany:** A Forever Wild Centennial reception will be held at the **New York State Museum** hosted by the Association for the Protection of the Adirondacks and co-sponsored by The Adirondack Council and a long list of other organizations. There will also be book signings by Adirondack authors Paul Schaefer and Norman J. Van Valkenburgh and a short reenactment of the 1894 Constitutional Convention that created the Forever Wild Clause.

**May to October, Blue Mountain Lake:** The **Adirondack Museum** will host an exhibit of eight spectacular stands of old-growth forests in the Adirondack Park. Photographs, maps and interpretive texts will be on display all

season, starting **May 28**. Also, in the museum's main gallery will be "Picture the Land: Photographs from the Adirondack Museum Collection," by artists including Eliot Porter, Margaret Bourke-White, Seneca Ray Stoddard, Verplanck Colvin, William James Stillman, and Gary Randorf.

**June 8, NYC (Central Park):** The Adirondack Council holds its first major benefit in New York City, celebrating the Forever Wild centennial and featuring prominent environmental and political leaders from New York. Tickets start at \$250/person. For further information, call Diana Beattie Events at (212) 722-6226.

**July 15 to September 11, Plattsburgh:** Gary Randorf's photo exhibit, *Celebration of Wildness*, at the **SUNY Plattsburgh Myers Fine Art Gallery**. This exhibit will span more than two decades of Randorf's work, featuring the Adirondacks, Lake Champlain and other wild areas of the world.

**September 30, Hague (Silver Bay Assoc.):** A Forever Wild Symposium will be held on the shore of northern Lake George in celebration of the centennial. Legal and historical experts from around the country will convene to discuss the evolution, implementation and future of Forever Wild. Expected participants include **Gov. Mario M. Cuomo**, Adirondack Council Director of Research and Education **Michael G. DiNunzio**, Attorney General **G. Oliver Koppell**, **Barbara McMartin**, Assoc. for the Protection of the Adirondacks Executive Director **David Gibson** and Department of Environmental Conservation Deputy Commissioner **Robert L. Bendick**.

## Publications

**Adirondack Poster Map:** A large-format, full-color wall map/art poster produced by The Adirondack Council, illustrated by renowned Adirondack artist Anne E. Lacy, whose "Loon with Young" was adopted for use as The Adirondack Council's logo. The map contains access points to the Forest Preserve and brilliant illustrations of Adirondack ecosystems around the perimeter. Available this spring. See back cover for details.

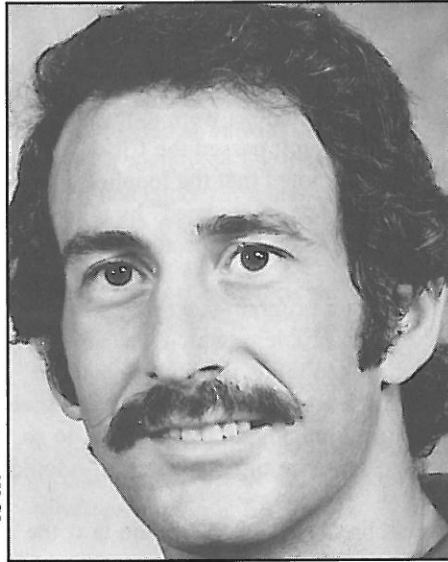
**Adirondack Cabin Country:** Paul Schaefer, long-time member of the Association for the Protection of the Adirondacks and member of The Adirondack Council Advisory Board has penned a gem of a book, recounting tales of his youth and later years in exploring the Adirondack backcountry. The foreword is by Norman J. Van Valkenburgh, a member of The Adirondack Council Board of Directors. Available now from Syracuse University Press.

*The Adirondack Council*

# Council Member Profiles

## Astronaut Dr. Jeffrey A. Hoffman

As many members know, The Adirondack Council occasionally calls members to relay information and accept



contributions toward special projects. Last December, when one of our callers contacted the home of Council member Jeffrey Hoffman in Houston, Texas, the voice at the other end said, "I'm sorry, but he's not available. He's in space." Our caller was confused until it was explained: "He's up fixing

the Hubble Telescope." On the cover of nearly every newspaper in the country that day was photographic proof — a picture of Dr. Hoffman floating at the end of a safety line, readjusting the ailing eyesight of the \$1.6 billion Hubble.

Hoffman's repair work is expected to allow scientists to chart black holes, measure the age of our galaxy and the precise expansion rate of the universe, collect the clearest images yet of mysterious bright objects called quasars and may provide glimpses of new planets forming around distant stars. He spent several days 360 miles above the earth's surface after training under water for more than 400 hours to prepare for space conditions.

## Musician Bonnie Raitt

As you may have seen on CNN or read in the Associated Press national entertainment report in your local paper, singer/songwriter/guitarist Bonnie Raitt is lending her voice

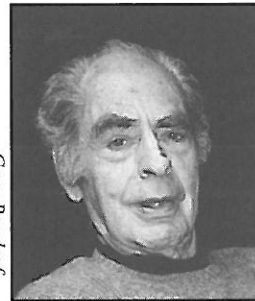


to the celebration of the Forever Wild Clause and Adirondack Park protection. Raitt recently agreed to narrate two television and three radio public service announcements for The Adirondack Council. As of this printing, the radio and TV airwaves (and cable systems)

were carrying her voice and the Council's message to more than 20 million New Yorkers, New Englanders and Canadians. Ms. Raitt, whose father John Raitt was a Broadway star, has spent a great deal of time in the Adirondack Park, especially in the Paul Smiths/Saranac Lake area, spoke about her affection for the Park in one of the three radio spots. The other radio PSAs focus on acid rain and the Forever Wild Clause. Both television spots focus on the Forever Wild Clause. Images appearing on the screen in the 30-second version include misty lakes at sunrise, loons calling, a great blue heron standing silently on a lakeshore and a family of deer wading in a pond in summer, juxtaposed with shots of traffic and crowds in downtown Lake George and Old Forge during the summer tourist rush. The minute-long TV spot contains the same nature shots as the shorter version, plus bald eagles, black bears, a river meandering through vast wetlands, fishermen on the shore of the Ausable River and a young mother and child splashing in the pool below an Adirondack backcountry waterfall.

## Naturalist George Marshall

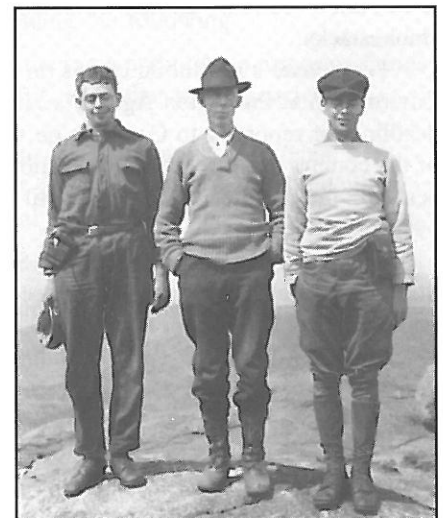
On December 20, 1993, Adirondack Council Executive Director Timothy J. Burke and Senior Counselor Gary



Randorf had the rare opportunity to spend part of a day talking with one of the legends of the Adirondack conservation movement, whose work has helped to preserve wild lands throughout the United States — George Marshall. George is the brother of the late Robert Marshall, in whose memory The Adirondack Council is urging the creation of a

408,000-acre Great Wilderness in the west-central Adirondack Park (by consolidating existing state lands and adding private lands as owners seek to sell them). George, his brother Bob and

Adirondack guide Herb Clarke were the original 46ers, being the first to climb every Adirondack peak that rises 4,000 feet or more. Shown at right, they accomplished that goal June 10, 1925. Bob went on to be a co-founder of The Wilderness Society and George served on its governing board from its inception on April 29, 1937. Another sibling, James, served on The Adirondack Council board of directors.





# Council Legal Challenge Forces Huge Reduction in Acid Rain Causing Emissions

Less than one year after a legal challenge from the Adirondack Council and the Natural Resources Defense Council (our coalition member), the U.S. Environmental Protection Agency (EPA) has proposed closing a loophole in the federal acid rain deposition program that will ensure a huge reduction in emissions each year.

The proposed settlement would limit the opportunity for utilities in New York and other states to trade or sell the right to pollute to utilities in the Midwest, where most of New York's acid rain comes from. EPA agreed that utilities do not have the right to obtain a huge windfall in pollution rights because of reductions made that had nothing to do with the federal program (i.e. — reductions done to save money or when a state law required them). That means New York utilities, many of whom cleaned up to comply with New York's 1984 acid rain law, will have fewer pollution rights to sell to the midwest (the major source of Adirondack acid rain).

The EPA estimates at least 400,000 fewer tons of sulfur dioxide pollution will be emitted annually as a result of the settlement. That represents 12-16 percent of all sulfur dioxide emissions expected nationwide by the year 2000.

This is a major victory for the Adirondack Park. By the end of this century, this settlement could result in a cumulative 2-million ton reduction in the amount of acid rain-causing emissions nationwide. By limiting the number of pollution rights available, the proposal also addresses the

Adirondack Council's concern that New York utilities could harm the State's environment by selling large numbers of pollution rights to Midwest companies who would use them to avoid clean up.

EPA acknowledged that its regulations were too weak to do the job Congress intended when it passed the Clean Air Act amendments of 1990. EPA noted that the loopholes in its regulations would "stand the law on its head" by allowing some companies to obtain permission to exceed pollution limits.

The year-old federal acid rain program is a market-based approach to solving a pollution problem, which was envisioned by Congress as a means to allow the highest amount of pollution reduction for the least cost. The idea was to give those who could clean up most quickly an incentive to do so, while giving those who needed more time the chance to build clean-up funds.

Like New York's ground breaking 1984 acid rain law, the EPA created a program that assigns each polluter a certain number of pollution rights or "pollution allowances," each of which represents one ton of allowable pollution. Those who clean up beyond what the law requires can then sell their extra allowances to other companies. The buyers can use allowances to forestall cleanup.

Unlike New York's program, the EPA did not set limits on the amount of pollution that can fall on sensitive natural areas such as the Adirondack and Catskill Parks.

## NYS Senate Takes Stand to Improve Federal Acid Rain Program

The New York State Senate in a recent special session called upon Congress to provide the resources needed to ensure that the federal acid rain program protects the Adirondack Park's economy and environment from Midwest smokestacks.

The Senate's resolution comes on the heels of the Environmental Protection Agency's failure to meet the legal deadline for reporting to Congress on whether certain areas of the country require special protection under the federal acid rain program. The EPA had until the end of November 1993 to report.

The resolution was sponsored by Senator Ronald Stafford, R-Plattsburgh, who is the second highest-ranking majority party member in the Senate. His district covers much of the Adirondack Park, including the High Peaks region where much of the most severe acid-rain-related damage has occurred.

"The United States Congress must not ignore the potential adverse impacts from acid rain in the Adirondacks, one of the nation's greatest natural treasures," the resolution states. "...Congress is encouraged to provide for the continued monitoring and testing of acid deposition in the

Adirondacks and to provide support for a computer modeling of the impact of current law on the Adirondack Region ..."

The unanimous approval of the resolution is the latest in a series of messages from NYS officials to the U.S. government in the past year addressing shortcomings of the federal acid rain program.

In December 1992, Governor Mario M. Cuomo sent a letter to (then) EPA Administrator William Reilly stating that he did not believe the program would adequately protect the Adirondack Park. On March 25, 1993 the NYS Assembly passed a bill aimed at giving New York environmental officials the right to adjust the workings of the acid rain program within New York to protect certain sensitive areas, such as the Adirondack Park. That bill is before the Senate now and can be acted upon at any time this year without further action from the Assembly.

On March 11, 1993, the Department of Environmental Conservation and the Adirondack Council joined forces on a legal challenge in U.S. District Court to certain aspects of the federal acid rain law. On that same date, the Adirondack Council also joined with the Natural Resources Defense Council in a separate legal challenge to the program.

# Adirondack Park Agency Task Force Reports

Last year, Governor Cuomo asked Adirondack Park Agency Chairman John Collins to appoint a task force to examine the Agency's regulatory procedures and recommend ways to speed the permit review process.

In February, that task force released a draft of its recommendations for public comment. The Council, which has monitored the work of the task force from the start and has commented at various stages of the process, has just completed reviewing the draft recommendations. The Council has endorsed many of the recommendations, including the following:

- Establishing a "two-tiered" process for determining Agency jurisdiction; a "fast track" process for non-problematic projects and a "normal track" for more difficult decisions.
- Requiring all subdivisions when created to have a non-jurisdictional letter or permit filed at the same time the subdivision map is filed.
- Imposing a sliding-scale application fee on applicants proposing large-scale projects to help defray the costs of environmental reviews.
- Requiring all state agencies with overlapping jurisdiction in the Park to update current memoranda of understanding to eliminate duplicative reviews and prevent items from "falling through the cracks."
- Hiring additional Agency project review staff, two additional enforcement officers, an attorney, and a community planner.
- Setting-up Agency "satellite offices" around the Park to provide information to the public.
- Promulgating regulations to govern ex parte procedures and requirements.
- Upgrading and computerizing Agency record keeping.

The Council has expressed concern that some of the recommendations would not necessarily improve the process or could even limit the Agency's ability to protect Park resources as envisioned in the APA Act. These include the following:

- Imposing a deadline for Agency staff to reply to jurisdictional inquiries. This problem has been solved. With new funding and a new staff position for jurisdictional inquiries, the waiting time for a response has dropped dramatically and the backlog has disappeared.
- Requiring the Agency to set forth every basis for its jurisdiction in a letter to each project applicant. This requirement, aside from being time consuming, would require the Agency to voluntarily limit its own jurisdiction.

*The Adirondack Council*

By law, any legitimate basis for jurisdiction must be available to the Agency at all times.

- Granting review of Class B regional projects to localities that do not have a plan in place to properly review and administer them. The Council supports approval of comprehensive land use plans. Once approved, the Agency has the authority to allow the plan to be applied to an entire municipality or a portion or portions thereof.
- Changing the definition of "minor projects" in the Park from "one or two lots" to "four or fewer lots."
- Setting a statute of limitations on enforcement actions. This would reward intentional violators who can "hide in the weeds" until the statute of limitations is up. The Council believes that exceptions could be granted, on a case by case basis, where an innocent subsequent owner is involved, if that owner can show that he/she meets the Agency's septic regulations, for example.
- Limiting the number of times staff can request additional information from an applicant. Sometimes, an applicant's answer to an Agency request for additional information will raise new questions and concerns about a project's environmental impacts. Limiting information requests would reward an applicant who can "stonewall." Decisions on projects should not be made without the facts.
- Allowing large-scale project applicants to consult directly with Agency commissioners early in the review process. Extensive consultation with Agency members early on will only slow the review process, especially for small-project applicants. This recommendation is contrary to sound administrative practices and drastically increases the prospects for improper ex parte communication.

The Council has urged the task force to adopt additional recommendations, including the following:

- Granting the APA the same authority to impose administrative penalties as DEC and other state agencies.
- Changing the law so that staff can issue a denial of a permit without it first going to public hearing and allowing the applicant to appeal this denial to the Agency commissioners.
- Switching jurisdiction of very large developments in hamlets (like commercial projects over 50,000 square feet) to the Agency.

The task force has recognized that additional resources will be needed by the APA to implement many of these recommendations to improve Agency operations. The Council has commended the task force for its work and has urged that staff and Agency members be consulted during the preparation of the final recommendations.

# Backcountry Leasing: Traditional Hunting Camps or Vacation Homes on the Cheap?

In the early seventies, the New York State Legislature spent several years reviewing and refining two separate pieces of legislation. One created the Adirondack Park Agency, and gave it jurisdiction over much of the future private development in the Adirondacks. The Park Agency Act (Section 802 Executive Law) was designed to preserve the open space character of the Adirondack Park.

The second piece of legislation was a tax abatement program (Section 480-a RPTL) that provided up to an eighty percent exemption from taxation to landowners who committed their lands "exclusively to forest crop production." The tax abatement was deemed essential to maintain a thriving timber industry in New York.

Now, twenty years later, the effort to maintain open space in the backcountry of the Adirondack Park is facing new challenges from an unlikely source: tax exempt forest lands.

## Traditional Hunting Cabins Protected

In 1974, the traditional hunting and fishing cabin in the backwoods of the Adirondacks was an integral part of life. A long weekend or a week or two in a leased camp in the woods was an annual event anticipated eagerly by many.

The State Legislature wisely sought to preserve these backcountry getaways by exempting hunting and fishing cabins 500 square feet and under from APA jurisdiction. The law remains that way today. Within a year, the Department of Environmental Conservation had followed suit. Ruling that enrolled tracts had to be "primarily" devoted to timber production, the DEC authorized landowners to lease lands without fear of losing their eligibility for the tax break. In addition, owners could hold out parcels up to one acre in size from the program for the building of cabins.

## Council Supports Reimbursement to Towns

Over the past two years, the staff of the Adirondack Council has spent countless hours with state and local officials, landowners, and representatives of the timber industry in an effort to solve a vexing problem related to the timber tax abatement program. As more and more commercial landowners enrolled in the timber tax abatement, the tax shift to other landowners in that town and county in the Adirondacks also rose. Local governments had to raise more money from fewer tax payers. That meant rising taxes and a growing burden on local governments from this state mandated program.

Over a million acres of private lands are now enrolled in one of the two timber tax abatement programs inside the Adirondack Park. While the tax abatement was necessary to keep the timber industry competitive with producers in other states, it was apparent that the fair solution was for the state to reimburse the Park communities for lost tax revenue. Reimbursement to local governments for the costs of the timber tax programs remains a priority for the Adirondack Council.

## Industry Leasing Practices

Recently, the Council has researched leasing practices in the Park, finding that some large landholders have turned to small lot, multi-year leasing of timber lands to raise revenue. The industry had long leased their lands for group camps or to sporting groups who came together for a few weeks a year to hunt on thousands of acres of company lands. This trend toward small lot leasing has significant impacts on both the open space character of the Park and its natural resources.

Companies that are the Park's largest private landowners are marketing far and wide for lease-holders who want to take advantage of a "road system that is extensive and provides access to otherwise inaccessible lands" or who wish a "year-round cabin on forest land" and are attracted to the idea of building a "secluded cabin on the shores of a pond."

The new gates and newly printed posted signs were the first indication for Adirondack residents that change was coming. Lands open to all to hunt or fish were now posted with names of clubs or individuals from out of the area. Stories began to circulate among residents that leased land was getting expensive. Local officials began to publicly complain that timber companies were getting a tax break and turning a profit on their leased sites at the same time.

## Leasing Cited at Hearing

The Council's fall newsletter reported that Executive Director Tim Burke had testified at public hearings held in October by the DEC to review the current timber tax relief system and assess its impact on natural resources and local tax bases. In its testimony, the Council called the DEC's attention to the case of Moose Pond Investors (see cover).

"... Moose Pond Investors owns two significant ponds, which are excluded from but surrounded by thousands of acres in the state tax abatement program (480-a). Logging roads are now utilized by the leasehold partners. Structures ... dot the landscape ... What is known is that a pristine backcountry pond, whose water quality was considered superior to that of Lake George at its prime, has been compromised by one or a combination of ... human activities."

The Council pointed out that there are changes and new pressures on timber managers. Leasing practices were limited in the past, with fees intended to help defray property taxes. Today, lease income has become part of the timber land business with profits, not reduced overhead, as the objective. The Council also pointed out that current leasing practices on tax exempt lands are of questionable legality and called upon state agencies to clarify public policy in the upcoming legislative session.

In January, Governor Cuomo introduced legislation that seeks to address many of the problems in the timber tax program that the Council has identified. The Governor's bill would streamline the eligibility for enrollment while limiting

*The Adirondack Council*





leasing through density controls and increased penalties for “pockmarking” a tract with new structures. The bill would also reverse a twenty-year regulation of the DEC that allowed landowners with enrolled tracts in the program to pull one-acre leasing sites out of the tract without losing their eligibility, and in effect “pockmarking” the forested landscape with “hunting and fishing” cabins. If the cabins are kept within a size of 500 square feet, the Adirondack Park Agency is currently without clear authority to regulate the building of these cabins. The Governor is seeking to close this regulatory gap between the DEC and the Park Agency.

While a significant step forward, the Governor’s program is not a panacea. Roadway siting and construction, other than wetland crossings, would still not be reviewed nor would the siting of structures. The term of commitment by landowners enrolled in the program remains only a ten year promise not to develop. While most landowners will stay in the program, for those with marketable waterfront, the prospect of paying a penalty is no deterrent under the right market conditions.

### Council Urges Reforms

The legislature should reform the timber tax abatement programs to ensure that they adequately protect Park resources. The following provisions should be included:

- Require landowners to enroll entire tracts. Not only would this eliminate “pockmarking,” it would also ease the administration of the program for all parties.
- Require landowners to submit siting plans for roadways

and temporary structures. Density controls, setbacks and other siting considerations will minimize the impact on the natural resources from leasing activity without eliminating lease income for landowners.

- Require landowners to give conservation easements on their land in exchange for tax abatement. This would eliminate “parcel parking” — holding land at reduced taxes until it can be sold at high prices for development — deterring speculation and better protecting undeveloped lakes. Easements could be for ten year terms, renewable every year just like the current program.

Right now, landowners who are receiving a property tax abatement for timber management can receive lease income from their land. Many landowners reduce their overhead through traditional hunting leases. With over 770,000 acres inside the Adirondack Park enrolled in one program alone, timber tax programs have been an essential element in preserving the open space character of the Adirondack Park. The conversion of these forested lands, either through sale by market opportunistic owners or through thoughtless building of roads and vacation cabins are serious threats to the long-term welfare of the Park.

With long-term commitments from landowners and appropriate limits on roads and structures, both tax abatement and lease income can be important financial incentives to prevent land conversion and to help maintain a thriving forest products industry.

# Northern Forest Lands Council

After nearly three years of work, the Northern Forest Lands Council (NFLC) has finally released its long-awaited recommendations to help protect the public and private values of the 26-million-acre Great Northern Forest. As expected, the recommendations cover a broad array of topics. But they shy away from tackling head-on many of the most difficult issues such as the need to control massive clearcutting in parts of the region, the steady loss of pristine shorelines and roadside vistas to subdivision and development, and the need to establish a system of relatively large, permanently protected wildland reserves to restore and sustain the ecological integrity of the Northern Forest.



*The Adirondack Council's Mike DiNunzio addresses activists gathered at a recent training seminar in Albany.*

## Death By a Thousand Cuts

Each of the Northern Forest states has its own unique set of challenges and opportunities, but many of these issues are common throughout the region. Most importantly, we are all losing our "environmental capital" to speculative subdivision and unplanned development.

On average, 1,000 new homes have been built in each of the past twenty years in the Adirondack Park. Only about 80,000 homes existed here two decades ago. The choicest sites — the first to go — have been around shorelines, in vistas, and along roadsides. During this period, sixty five miles of shoreline and 135 miles of roadfront have been lost to development. These are the very places with sensitive resources that help define the essential character of the Park. Forests can generally recover from the ravages of unsustainable cutting. But condos, roadside clutter and parking lots permanently change the land and the lives of all who touch it.

## A Program for Change

The Adirondack Council is promoting a three-part program to sustain the rural communities and ecological health of the Great Northern Forest. We are working to:

- Build strong, sustainable local economies and communities through economic and development assistance;
- Provide permanent protection for critical wildland areas; and,

- Conserve private "working forest" lands through incentives, education, forestry practice standards, and land use regulations.

## Where We Stand

The Adirondack Council believes that the NFLC draft recommendations provide us with the raw materials we need to fashion an integrated, coherent program to sustain the natural and human communities of the Great Northern Forest.

Unfortunately, the NFLC failed to recommend a regional entity or cooperating state units to facilitate the implementation of an action plan. Unless this is done, the final report could languish on the shelf, leaving the fate of the Northern Forest in jeopardy. We also need to insist that the NFLC suggest specific implementation mechanisms for recommended actions.

We believe that the NFLC should address the following needs in its final set of recommendations:

### Private "Working Forests"

- Implement (or modify) land use regulation programs in each of the Northern Forest states to encourage forest land conservation and community development by channeling such development into communities and growth centers and away from undeveloped forests and critical wildland resources.
- Establish a set of guidelines for sustainable forest management practices and consistent regional standards.

### Wildland Reserves

- Ensure a regional landscape-scale approach to land protection.
- Recommend ways in which states can initiate and implement a Wildland Reserve System.

### Communities/Economy

- Address the full range of economic activities/incentives/programs relevant to communities throughout the region, not just those directly supportive of the forest industry.
- Consider applying the benefits of existing USDA rural economic development and assistance programs to the Northern Forest, including:

- USFS State and Private Forestry programs
- Community Development Financial Institutions
- Small Business Administration programs
- State Rural Development Councils
- Rural Empowerment Zones

- Provide access to capital for local businesses.
- Strengthen the outdoor recreation sector of the economy by providing loans and other incentives.



# Public Listening Sessions Progress

## NFLC Recommendations

For convenience, we have distilled the 33 NFLC recommendations and grouped them into three categories that form the foundation of all our Northern Forest Programs: 1) Fostering long-term stewardship of the region's private "working forests," 2) Promoting strong local economies and healthy human communities, and 3) Establishing a system of wildland reserves to protect and enhance regional biodiversity.

### Conserving Private "Working Forests"

As expected, the bulk of the recommendations focus upon the need to promote long-term stewardship of productive forest lands and to conserve and enhance their public values.

- **Tax Reform:** Current-use tax programs should gradually replace the inequitable ad-valorem system, which taxes land on its "highest and best" use. Communities should be reimbursed for any lost revenue. Changes should be made to estate tax, capital gains, and passive loss rules in the federal tax code.
- **Outdoor Recreation:** Stronger support is needed for public and private initiatives that will enable landowners to keep their land open and available for recreation.
- **Forest Practices:** States should examine their laws and incentives affecting forest practices, take action where warranted, and support new or existing programs to inform loggers, foresters, landowners, and the general public about sound forest management practices.
- **Government Regulations:** Simplify and stabilize the regulatory process. Establish consistent truck weight regulations. Reform state worker's compensation programs to reduce costs.
- **Forest Status Research:** There has been a lack of timely and easily accessible information about the forest. States should track and analyze data about the conversion of forest land to non-forest uses.

### Strong Economies and Healthy Communities

The needs of local people must be addressed in any plan for the conservation of the Great Northern Forest. Recognizing this fact, the NFLC made the following recommendations:

- **Tourism/Recreation:** A federal excise tax should be placed on outdoor specialty recreation equipment (non-hunting and fishing) to fund programs that will enhance public recreation opportunities on public and private lands, including management of public lands.
- **Market Development:** Employment opportunities in value-added sectors of wood products manufacturing are being missed. Support should be provided for Green Certification programs, marketing cooperatives, and increased collaboration between state economic development and natural resource agencies. The USDA should increase funding of the "Rural Development through Forestry" program in the Northeast.
- **Education and Technical Assistance:** Partnerships should be developed among the four Northern Forest state universities to provide educational and technical assistance to forest-based industries and landowners.

### Wildland Reserves

- **Public Land Management and Acquisition:** States should take the lead and use a careful planning process involving all interested parties for further public land and conservation easement acquisition from willing sellers. More support is needed for existing acquisition and public land management funding programs such as Forest Legacy and the Land and Water Conservation Fund.
- **Biological Diversity:** Recognizing concerns about the actual and potential loss of biological diversity in the region, the NFLC recommends that states develop a process to conserve and enhance biodiversity across the landscape using a full range of tools.

## Public Participation

Those who have not yet commented directly on the recommendations of the NFLC can do so at any of the upcoming Public Listening Sessions around the New York/New England area. For more information about the sessions, contact our Elizabethtown office at (518) 873-2240. Here's a list of the remaining New York sessions:

**April 25: Colonie,** William K. Sanford Library; open house 3 to 6 p.m.; listening session 6 to 9 p.m.

**April 27: Long Lake** Town Hall; open house 3 to 6 p.m.; listening session 6 to 10 p.m.

**May 5: Glens Falls,** Queensbury Community Center; open house 3 to 6 p.m.; listening session 6 to 9 p.m.

# Dept. of Environmental Conservation Gets Shuffled

Only days apart this spring, news broke that Commissioner Tom Jorling, and Region 5 Director Tom Monroe of the Department of Environmental Conservation (DEC) were both stepping down — Jorling to move into a high level position as a Vice President for Environmental Affairs for International Paper Company (IPC) and Monroe to go fishing (he is retiring from state service).

Governor Cuomo has picked Langdon Marsh, the DEC's executive deputy commissioner since 1983, as Jorling's successor — pending Senate approval. Marsh is well regarded by the environmental community. He is accessible, knows the Department well and cares deeply for the Adirondacks. Marsh first joined DEC in 1973 as a legal counsel and held a number of posts before leaving in 1978 to become Director of the Government Law Center for Albany Law School. He also served in the Peace Corps, worked for a New York City law firm and was once chief housing planner for New York City's budget office.

During his seven years as commissioner, Jorling fought for reauthorization and revision of the federal Clean Air Act particularly to have acid rain addressed. He helped pick up the pieces after the Environmental Bond Act of 1990 failed to be approved by voters, and in the 1993 Legislative session, saw the Environmental Protection Act pass giving New York money to protect land after a hiatus of several years. Last August 17th, Jorling travelled to the Adirondacks to witness Mario Cuomo's signing of the Protection Act and the closing of a deal whereby the Open Space Institute took possession of Gary Heurich's 2,200-acre Split Rock tract on the Lake Champlain shoreline. Jorling and Cuomo have both assured OSI that the state will take possession of the land when state money becomes available.

Before his appointment by Cuomo, Jorling was a professor of environmental studies and director of the Center for

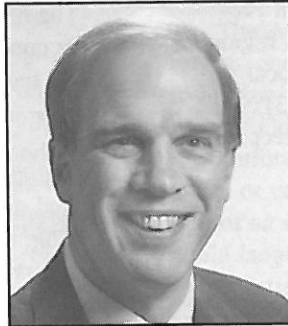
Environmental Studies at Williams College. From 1977 to 1979, Jorling served in the Carter administration as assistant administrator for Water and Hazardous Materials at the federal Environmental Protection Agency.

There has been concern expressed by some groups over Jorling's move to a high-level job in private industry, but the Adirondack Park could well benefit. The former commissioner is well versed in Adirondack issues and committed to open space conservation. IP is the Adirondack Park's largest private landowner as well as its largest private employer.

DEC Region 5 Director Tom Monroe vacates a position he took over from Bill Petty in 1977. Previously he had worked as a ranger and environmental analyst.

In the early days of the Adirondack Park Agency, Monroe often represented DEC at APA deliberations, giving him a clear understanding of the roles of each, which unquestionably helped those agencies work more cooperatively.

As Monroe departs, the Adirondack Council sees this as an opportune time for decision makers to consider having all of DEC's responsibilities in the Adirondacks fall under a single administrative unit. Presently the Park is split among DEC Regions 5 and 6, with the Park portions of Herkimer, St. Lawrence, Lewis, and Oneida Counties being under DEC's Region 6 office in Watertown, outside the Park boundary. A single Park Unit within DEC, could better administer the Adirondack Forest Preserve, where timber management has been replaced by recreation and people management. DEC Rangers in the Adirondack Park are often called upon now to serve as Park interpreters and educators along with their traditional duties such as forest fire suppression, search and rescue, and trail maintenance. No successor to Monroe has been named yet.



*Langdon Marsh*

## Rangers: Will They be There When You Need Them?

Forest Rangers can rightfully be called the dedicated "front-line" defenders of Article XIV. For roughly 109 years, they have worked hard to protect the Forest Preserve.

As employees of the New York State Department of Environmental Conservation, rangers patrol and protect the Forest Preserve lands in the Adirondack and Catskill Parks as well as the other state forest lands throughout New York. Their duties include everything from fighting forest fires to answering questions about outdoor safety and public land-use for visitors.

Yet, today, despite their dedication, forest rangers are finding themselves left out in the cold. State budget cuts have hit the rangers extremely hard. Between 1988 and 1993, funding shortfalls forced a reduction in the ranger force from 118 to 104 positions. Many ranger vacancies go unfilled and safety equipment and protective clothing needs are not being met because they are not being funded adequately. It is not unusual for rangers to dip into their own

pockets to buy supplies so they can do their jobs. In January of this year, many forest rangers were ordered not to drive their vehicles in order to save money on gasoline.

All of these things are happening as more land is being added to the Forest Preserve and outdoor recreational use, search and rescue missions and violations on state lands are increasing, making the job of the ranger even more difficult.

Recently, the Adirondack Council's legislative staff joined a handful of forest rangers in meetings with members of the state legislature in Albany. The rangers outlined their funding problems to the Legislators and asked for help. If all goes well, this year's budget will provide adequate funding so that vacant ranger positions can be filled and rangers can get the supplies they need to do their jobs effectively.

The Adirondack Council will continue to work to ensure the forest rangers get adequate funding this year and for years to come so that they can continue to protect the Forest Preserve and the people of New York.

*The Adirondack Council*

# Around the Park

## Canal Lands to Be Protected

The New York State Thruway Authority has commissioned a \$1.4 million survey and a related study of nearly a dozen lakes and ponds in the southwestern corner of the Adirondack Park and the area just outside the Park to determine how much land around the lakes should be reclassified as Forest Preserve.

The study comes as a result of an Adirondack Council investigation following the approval of a 1992 Constitutional Amendment (changing Article 15) allowing the lease and development of canal lands across the state. The Council knew there were seven or more lakes in the Adirondack Park which had been dammed between 1810 and 1835 to control the water level in the Erie, Black River and Barge Canal systems. But Article 14 of the NYS Constitution (the Forever Wild Clause) specifically prohibits the lease or development of any public lands inside the Adirondack Park. The Council convinced Legislators to clear up any apparent conflict between Article 15 and Article 14 and the Legislators agreed to rule out any leasing of public Adirondack lands as part of the canal redevelopment plan.

However, in the midst of investigating which lakes were part of the canal system, the Council discovered that the Department of Transportation had been allowing upland owners around the lakes to obtain "temporary" shoreline access permits and then use them to justify the construction of private boathouses, docks, utility buildings and even summer homes.

In 1993, the Council convinced the legislature to require the Thruway Authority's new Canal Corporation to perform a survey of all lands around North Lake, South Lake, Woodhull Lake, Hinckley Reservoir, Canachagala Lake and Sand Lake to determine where the public lands are located. Those public lands no longer needed to maintain the canals will be offered to the Department of Environmental Conservation for management as Forever Wild Forest Preserve. The survey and related study are expected to take two years.

## January Activist Training Seminar a Success

On Saturday, January 29, about thirty-five Adirondack activists from Manhattan to Minerva descended on the State Capitol in Albany to attend an activist training seminar. The training seminar was sponsored by the Adirondack Council, in conjunction with The Wilderness Society, the Association for the Protection of the Adirondacks, the Residents' Committee to Protect the Adirondacks, the Sierra Club, the Appalachian Mountain Club, and the National Audubon Society.

The focus for this seminar was the Great Northern Forest and why activists should speak out for its protection at the upcoming Northern Forest Lands Council listening sessions (see related story page 8-9). The activists who attended the seminar came away better informed on Northern Forest Lands issues and ready to testify at the upcoming listening sessions.

Initiated as part of the Adirondack Council's Statewide Activist Network, the Council has held activist training

seminars in Rochester, Albany and Long Island on various Adirondack Park issues. The Adirondack Council plans to conduct other activist training seminars in the upcoming year and will contact members regarding times and locations of future seminars. There is no charge for attending.

Thanks to all our activists who attended the January training seminar and helped make it a success! If you are interested in becoming an Adirondack Council activist, please call Lisa M. Genier, Activist Coordinator at the Council's Albany office at (518) 432-1770.

## Activist Training Manual Now Available

The Adirondack Council has completed its Activist Training Manual. "Preserving the Adirondack Park -- A Guide for Activists" outlines how you can become a more effective Adirondack activist. Everything from writing letters to the editor to meeting with elected officials is discussed in the manual. Also, there is a detailed reference section on Adirondack facts and figures for your information. If you would like a copy of the manual, please call Program Assistant Loretta Surprenant at the Council's Elizabethtown office at (518) 873-2240.

## EFNY Wins in Court

The Environmental Federation of New York won a substantial victory in state Supreme Court recently when a judge ordered the NYS Office of General Services to reconsider EFNY's application to become part of the state's workplace charitable giving campaign (the State Employees Federated Appeal).

State employees can give to the United Way and other charities through the SEFA campaign, but the EFNY has thus far been barred. The Adirondack Council is a founding member of EFNY.

The judge noted that the state had too hastily and arbitrarily rejected the applications without a fair review and gave the state 30 days to review the 500 pounds of application paperwork that OGS had required EFNY to submit before it renders another decision.

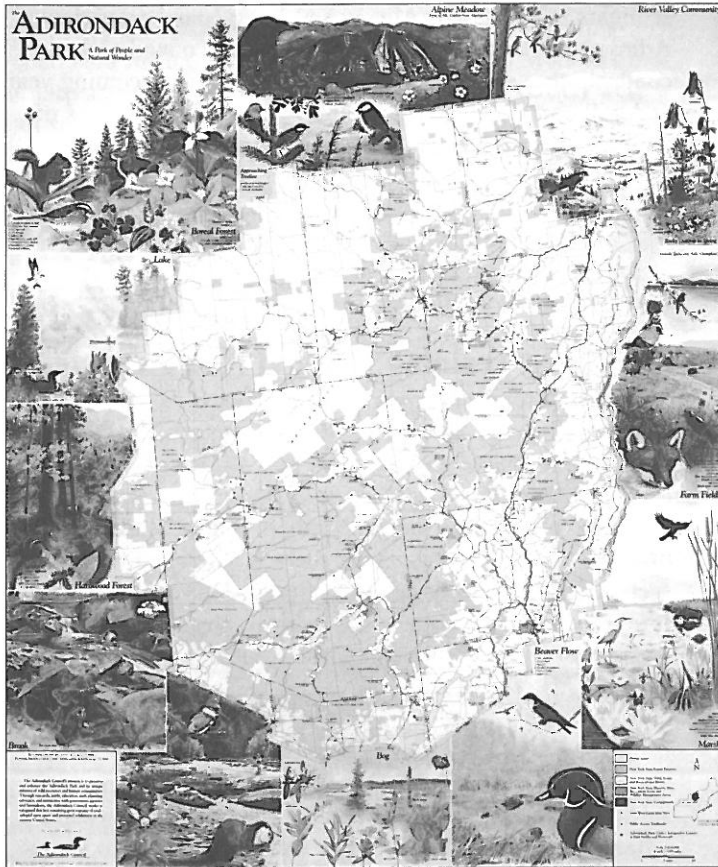
## New Hero for Wildlife Program

The Adirondack Wildlife Program, run by the State University College of Environmental Science and Forestry, was nearing extinction this Legislative Session, but seems to have been revived just in time. The program performs vital research into the survival and potential reintroduction of native Adirondack wildlife species. It also develops materials for junior and senior high school science programs that have become increasingly popular with teachers throughout the state.

But in 1993, the long-time sponsor of the annual State Budget appropriation for the program was lost when Assembly Majority Leader James Tallon (D-Binghamton) took a job in the private sector. However, new Majority Leader Michael Bragman (D-Syracuse) has expressed an interest in the program and says he will seek the funds needed to keep it viable.




# New Council Poster/Map



Beginning this spring, The Adirondack Council will offer members our new, full-color Adirondack Park Poster/Map. The 35" x 43" poster/map not only serves as a guide to recreational access points and areas of interest throughout the Park, but also is surrounded by the beautiful watercolor art of Anne Lacy, whose work can be seen throughout The Adirondack Wildguide. Suitable for framing, the Poster/Map will make a great addition to any Adirondack enthusiast's memorabilia and is sure to become a collector's item. Look for details in upcoming mailings.

## Save the Date!

On June 8th, the Adirondack Council will celebrate the Forever Wild Centennial in New York City's Central Park with its very first fundraising benefit. See page 2 for details.



# ADIRONDACK COUNCIL

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Box D-2, Elizabethtown, NY 12932

*A coalition of The Wilderness Society; Natural Resources Defense Council; Association for the Protection of the Adirondacks; National Parks and Conservation Association; and other concerned organizations and individuals.*

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