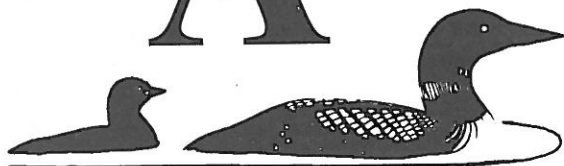
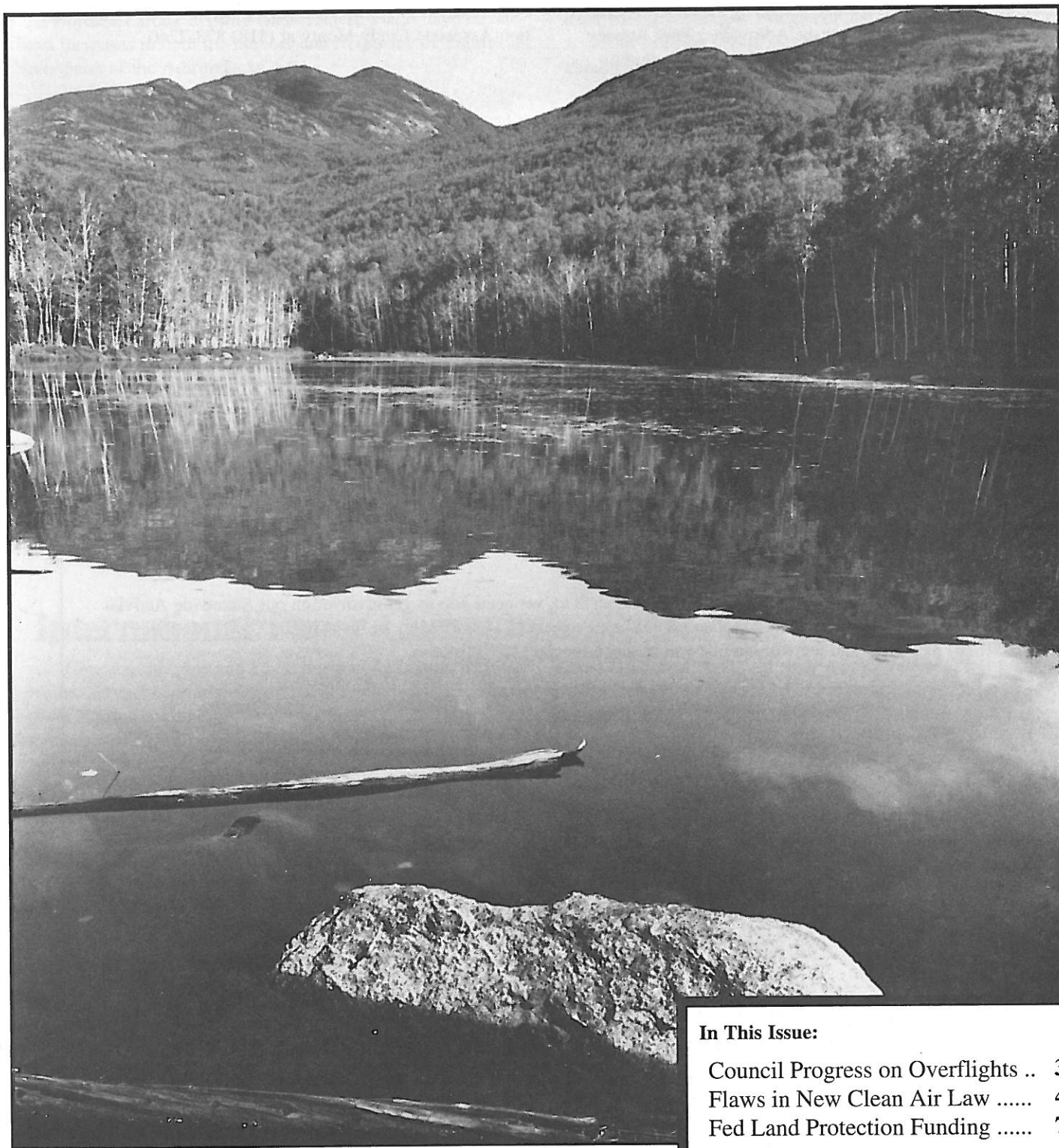


ADIRONDACK COUNCIL



NEWSLETTER/SPRING 1993

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



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On the Legislative Agenda . . .

The Adirondack Council's staff has been working overtime in Washington and Albany to solve problems and create opportunities for the people and environment of the Adirondack Park. While both the New York State Legislature and Congress are still in session, the Council is working on a variety of issues on which action could be taken this year.

The Council's top priorities in Albany include an Adirondack bill such as the one passed by the Assembly in January, increased funding for the Adirondack Park Agency and funding for essential environmental projects including landfill closures and open space protection.

Acid rain remains an important issue, which the Council staff is pursuing both at the state and federal levels (see stories on pages 4-6). The Council is also working to gain open space funding in Washington, D.C. through the Land and Water Conservation Fund and the Forest Legacy Program (see story on page 7).

For more information on the Council's efforts in Albany, contact Legislative Associate Lisa Genier at (518) 432-1770. For information on the Washington agenda, call Park Protection Associate Cindy Monty at (518) 873-2240.

Council's Statewide Activist Programs Gain Strength

In early March, we sent the Council's top activists an action alert asking you to write your State Assembly member and State Senator urging them to:

- **Enact strong Adirondack legislation (as in Assembly Bill 965) to protect the Park and its communities this year.**
- **Pass the Governor's Executive Budget which includes funding to fill vacant staff positions at the Adirondack Park Agency.**
- **Protect Follensby Park - the 14,400-acre historical site and wild retreat for future generations.**

If you received that action alert and have written your legislators, thank you. If you have yet to write, please do so today. It's still very important that you inform your representatives of your support of these actions.

If you did not receive the action alert and wish to, we need you to get involved in our Statewide Activist Program today. Please call our Director of Park Protection, Dan Plumley or his assistant Cindy Monty at (518) 873-2240 and we will include you in these special activist efforts.

New member organizations in the Council's Organizational Activist Program include the following:

- Concerned Citizens of Montauk, Inc., Montauk
- Eco-Justice Project, Ithaca
- Educators For Gateway, Brooklyn
- James Bay Action Network, Poughkeepsie
- North Fork Environmental Council, Mattituck
- North Shore Environmental Network, Locust Valley
- Serpentine Art and Nature Commons, Inc., Staten Island
- St. Lawrence County League of Women Voters, Canton
- Student Environmental Coalition of New York, Albany
- Tree Care Consultancy of New York, Inc., New York
- Waste Not, Canton

We appreciate and encourage your continued support in protecting New York's environment and the Park!

Council Progress on Military Training Flights

Two years of careful negotiation with representatives of the Air National Guard paid off recently when the military announced it would be reducing the number of low-level military jet training flights over the Adirondack Park.

In 1991, the Air National Guard announced it was seeking permission to create two new military training areas over the west-central and northern portions of the Park. This, along with a concentration of low-level jet traffic from the Northeast along existing flight routes, would have meant vast increases in both the number and frequency of flights over parts of the Adirondacks.

While the Adirondack Council doesn't oppose all military training flights over the Park, the Council felt that such a heavy concentration of flights here placed an unfair burden on the natural resources and human communities of the region, especially since much of the new traffic over the Adirondacks would have come from other states.

Since that time, the Council has met countless times with members (both military and civilian) of the Governor's Ad Hoc Committee on Overflights and with others to discuss alternatives to the new plan. Readers may recall from previous newsletters that the Council was appointed to participate in the Governor's Committee in 1990, when the Strategic Air Command sought to intensify its use of low-level flight routes over the Park. That process also resulted in net gains for the Adirondack environment.

More recently, the Council also met with top officials from the Vermont National Guard in Vergennes to discuss

Vermont's use of low-level flight paths over New York.

As a result of the negotiations, National Guard officials have created new military flight training areas in other states which will divert some traffic away from New York (especially the Adirondacks) and relieve some of the pressure to train over the Park.

One of the proposed new flight areas over the Adirondack Park was dropped altogether and the military will set up a special toll-free phone number for complaints and questions about military use of the Park's airspace.

The National Guard has also agreed with the Council's argument that low-level flights can harm sensitive Park resources such as wilderness areas, wild, scenic and recreational river corridors and nesting sites of threatened and endangered bird species. The Guard has agreed to avoid these areas by flying at least 2,000 feet above them. Further, the Guard agreed to keep low flights to a minimum during the tourist season to minimize the impact on the local economy.

While the agreement is a major step forward, the Council will work closely with the military through the Governors Ad Hoc Committee to ensure proper implementation of the new plan.

Military officials said the new flight arrangements will go into effect in 1994 and the toll-free information/complaint line will be in operation before the flights begin. The Council will publish the number and alert its members when it is available.

International Paper Company's 20,000-Acre Centennial Gift

Granting the state and a non-profit conservation organization easements on and fee title to a combined 20,200 acres of its Adirondack holdings was the International Paper Company's way of helping to celebrate the Adirondack Park's one hundredth anniversary.

Located along the banks of the Raquette River in the town of Piercefield and identified as a top protection priority in Volumes I and II of the Council's 2020 VISION series, the gift completes public access to a contiguous corridor extending from Old Forge to Colton.

The Raquette has long been known to canoeists, kayakers and fishermen as one of the Adirondack's premier rivers. The donated lands bordering the river will ensure that habitat for the rare spruce grouse and other boreal species is preserved. In addition, the agreement will allow for sustainable forestry practices to continue (as it has for over a century) on some of the lands placed under conservation easement, helping assure jobs for local communities and a healthy Park economy.

The Adirondack Council

"The combination of river protection and forest management provided by these donations demonstrates how long-term care of natural resources and scientifically managed, private timber lands go hand-in-hand," said International Paper's Chairman and Chief Executive Officer John Georges. "This donation is in the best interest of all concerned parties because it also takes into account the economic base of the Adirondack communities."

Governor Mario Cuomo said of the gift: "The Adirondack Park's recreational, ecological, and economic significance — in short, its attractiveness as a place to live and visit — is enhanced by this gift."

The Council thanks International Paper for its generosity and applauds its foresight in recognizing that providing jobs and protecting the environment are not mutually exclusive goals.



Why the Federal Acid Rain Law May

When Congress passed the Clean Air Act Amendments of 1990, most of the country breathed a sigh of relief. Finally, they thought, the end to acid rain was in sight. Unfortunately, this may not be true for some of the most severely damaged areas of the country.

Acid rain continues to plague New York State, especially in the Adirondacks, where rainfall has at times been as acidic as lemon juice -- or roughly 400 times more acidic than untainted rainfall. No other region in the United States has suffered as much as the Adirondack Park, which is the largest park of any kind in the lower 48 states. Further, the Adirondack Park and Champlain Valley have been declared a World Biosphere Reserve by the United Nations, due to their importance to the global environment.

Ironically, the new federal program aimed at encouraging utility companies and other smokestack industries to clean up their emissions could actually encourage Midwestern companies to continue polluting the air and causing acid rain in the Adirondack Park.

The problem lies in the emissions allowance trading program.

The idea behind the federal program (approved by the Bush Administration) was to give utilities flexibility in achieving the reductions in sulfur dioxide emissions required by the law. Based on the goal of reducing pollution to 50 percent of what was emitted nationwide in the year 1980, utilities were given an emissions limit for all of the plants in their power systems. Companies which reduce emissions beyond the emissions limits can sell pollution allowances. Each pollution allowance represents one ton of sulphur dioxide. Other companies may buy allowances in lieu of further emissions reductions. Thus, while total emissions of sulphur dioxide are supposed to be reduced by 50 percent, reductions may vary in size in different areas of the country, and the overall reduction won't be achieved until 2010 -- 17 years from now.

The sale of pollution allowances represents a major financial windfall to some utilities in New York, who were forced to clean up their emissions under New York's 1984 acid rain law (the first in the nation) long before the federal rules were approved. Now, they can sell thousands of tons of pollution to anyone in the nation. The Chicago Board of Trade is setting up a trading system where the allowances could be bought and sold like pork bellies.

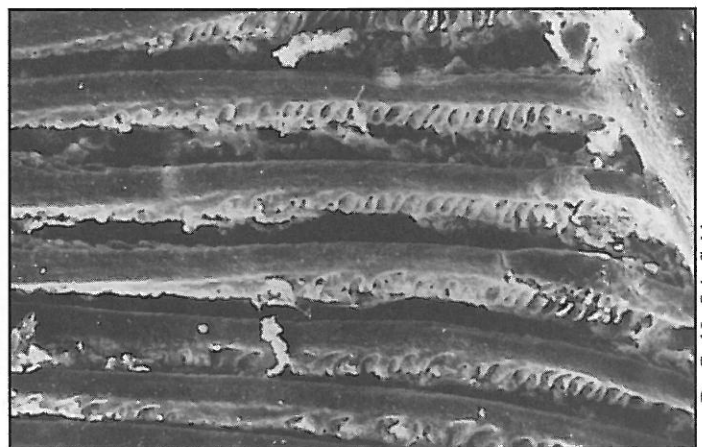
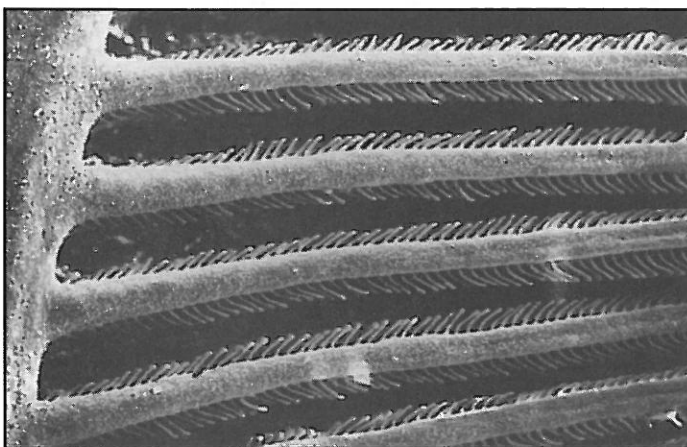
But we are not talking about pork bellies. We are talking about chemicals which have already wiped out fish and other aquatic life in more than 300 lakes and ponds in the Adirondack Park. Vast stands of red spruce have been destroyed as well. The annual costs to tourism, the timber industry, sport fishing and human health are staggering.

Under New York's acid rain law, which also allows a form of emissions trading, New York's top environmental regulators are empowered to take steps to protect sensitive areas, such as the Adirondack Park, Catskill Park and Hudson Highlands. Any trade of allowances to plants upwind of the Adirondack Park, under the New York law, can be reviewed to determine their effect on the Adirondacks.

But the federal law does not include safeguards for sensitive areas. Right now, tons of pollution can be traded from New York to any company, anywhere, at any time, without notice to environmental officials or review of the potential consequences.

If utilities in the Midwest, upwind of the Adirondacks, use pollution allowances instead of cleaning up emissions, the damage to Adirondack waters and forests from acid deposition will continue.

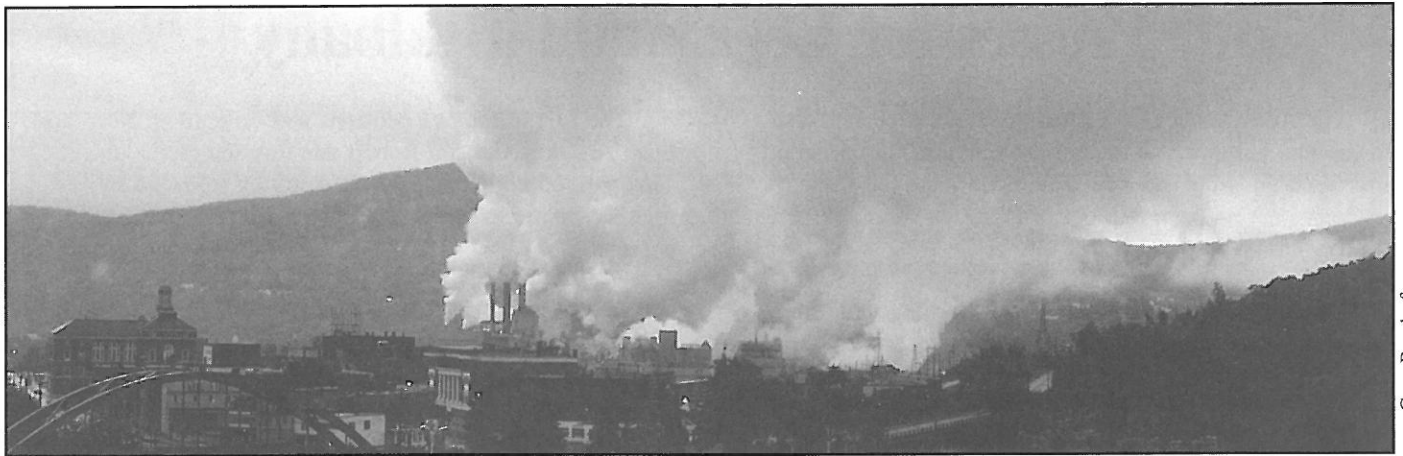
For example, the Long Island Lighting Company has made adjustments in its power system that will allow it to meet the federal rules with ease. As a result, Lilco now has more than 40,000 allowances (40,000 tons of sulfur dioxide emissions) it can sell to other companies in other states.



Dr. Carl L. Schofield

Electron micrograph of a section of gill from a young brook trout held in neutral Adirondack stream water (left) compared with gill section from a young brook trout held in acidic Adirondack stream water (right).

Not Benefit the Adirondack Park



Gary Randorf

Airborne industrial pollutants from the midwest are transported to the Adirondacks and deposited in the form of acidic fog, rain and snow. Effects of these pollutants on terrestrial and aquatic ecosystems is devastating.

In early February, Lilco announced it signed a deal to sell allowances to an out-of-state company, but refused to say who, or how many allowances were involved. In a Feb. 16 letter to the Adirondack Council, Lilco said, "we do not believe it is inconsistent with our commitment to New York's environment to consider sale of allowances to midwestern utilities". Yet for every allowance Lilco sells to an upwind source, one ton of sulphur dioxide pollution can be released, with definite and measurable impacts on the Adirondacks.

Consequently, the Adirondack Council is working to see that the federal Environmental Protection Agency (EPA) finishes the job Congress instructed it to do. Congress instructed the EPA to study the feasibility of a "deposition standard" designed to ensure that sensitive areas such as the Adirondacks reap the full benefit of the pollution reductions required by the 1990 Clean Air Act Amendments. Due to budget problems, it is unlikely that the EPA will even complete its study by the fall, 1993 deadline set by Congress. Meanwhile, unregulated allowance trading may proceed.

It is time for New York State to take the lead as it did in passing the state acid rain law in 1984.

The Adirondack Council has been involved with the issue of acid rain in the Adirondacks for over 15 years. The Council publication, "Beside the Stilled Waters," drew national media attention to problems caused by acidic deposition to forests, lakes, streams and the life they support. A Council staff member was one of only four environmentalists to serve on the federal Environmental Protection Agency's Acid Rain Advisory Committee, the body charged with making recommendations on how to implement the 1990 Clean Air Act Amendments.

Late last year, the Adirondack Council submitted testimony to the state's utility regulating board, the Public Service Commission, asking the PSC to exercise its power over utilities to encourage, or even require, environmen-

The Adirondack Council

tally safe allowance trading. The PSC has not yet decided whether to regulate allowance trades, but is expected to announce a decision soon.

Meanwhile, the Council has been working with the state Legislature to amend the state's acid rain law, giving the PSC and Department of Environmental Conservation (DEC) clear jurisdiction over trades made by New York utilities to companies in other states. A bill was introduced in the Assembly (A. 3569, Brodsky, et al) and is making its way through the legislative process.

If it becomes law, the PSC and DEC would have an opportunity to review proposed trades and make adjustments to protect New York's environment. Working together, regulators could devise their own system of discouraging environmentally damaging trades and encouraging trades that could actually help keep the state's air cleaner.

Such a law would not only keep New York's utilities from becoming part of our own acid rain problem, but could create the momentum needed to establish a federal program to protect the Adirondack Park and other sensitive areas of the country.

Both Governor Mario Cuomo and DEC Commissioner Thomas Jorling have expressed their concerns that unregulated allowance trading may prevent the Adirondacks from realizing the promise of acid rain reduction that is a goal of the Clean Air Act.

So, in the short term, we must ask ourselves whether the state's Public Service Commission should permit our utilities (which are regulated monopolies) to profit from trades which will allow acid rain in the Adirondack Park to continue.

In the long term, we must ask ourselves whether EPA should ignore the destruction of one of the nation's greatest natural treasures, and one of New York's most precious assets.

Obviously, the answer to both questions is a resounding "No!"

Council Files Petition vs. EPA Over Acid Rain; Presses for Legislation in Albany

The Adirondack Council has taken decisive action to ensure that loopholes in the new federal acid rain program are closed allowing the Adirondacks to begin the slow recovery process from decades of pollution from smokestacks in other states.

Council staff members have been working with the federal and state governments, as well as the press, to create support for changes in the federal regulations governing industrial air pollution.

Adirondack Council members may already know the damage done by acid rain here since World War II. Over

"Over 300 Adirondack lakes are so acidic they can no longer support most forms of life."

300 Adirondack lakes are so acidic they can no longer support most forms of life. Another 250 or more are at risk if air pollution controls do not work. Stands of red spruce at high elevations have seen 80 percent die-back.

Given the problems with the federal program (outlined on pages 4 & 5), the Council has been working with the New York State Legislature and other environmental organizations to change the EPA program.

In New York, a bill was introduced in the Assembly just days after a New York Times article quoted two Council staff members about problems with the federal program. Council staff members were invited by Assembly Environmental Conservation Committee Chairman Richard L. Brodsky to participate in the press conference announcing the introduction of the bill.

That bill (A. 3569, Brodsky, et al) would require utility companies to disclose the companies to which they wish to sell or trade pollution allowances and give the state's environmental officials the opportunity to review the trades before they take place. Those officials would then have the obligation to modify trades which would result in damage to sensitive areas of the state -- especially the Adirondack Park.

The Assembly Environmental Conservation Committee passed the bill with unanimous bipartisan support. It is now poised for a vote of the full Assembly, which could take place as this newsletter is going to press.

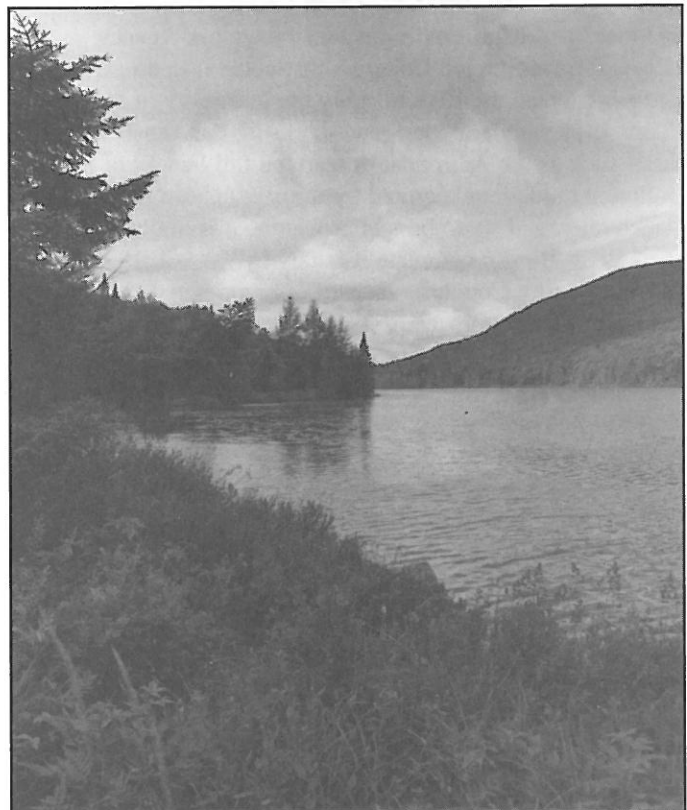
On the federal front, the Adirondack Council has filed two separate petitions with the United States Court of Appeals in Washington D.C. concerning problems with the EPA's regulations.

The first of the two petitions was brought by New York State Attorney General Robert Abrams and the Council. That petition outlines problems resulting from the lack of regional pollution limits to protect sensitive areas around the country.

The second petition was brought by the Council and its national coalition member, the Natural Resources Defense Council (NRDC). Two problems addressed in this lawsuit are of particular concern to the Council. First, there are loopholes in the regulations which could allow some companies to avoid emissions reductions in the near term.

Secondly, the regulations on smokestack emissions monitoring devices allows polluters to use machines with a margin of error as high as 15 percent. Better monitoring technology is available and its use is crucial to ensure compliance with federal rules.

The Council hopes the EPA will decide to reconsider the regional effects of the new acid rain regulations and make changes in response to these petitions, but the Attorney General, the Council and NRDC are prepared to pursue the issue in the courts if necessary.



Daniel R. Plumley

With a pH measurement of less than 5.0, Indian Lake in the West Canada Lake Wilderness no longer supports a fish population and is classified as "critically acidic."

(See related story on page 4.)

The Adirondack Council

The Land and Water Conservation Fund — Will the Adirondack Park Get Its Share?

This year, federal matching funds will again be available for land protection nationwide, but will New York State act in time to get its piece of the pie?

Recently, a large coalition of national and regional environmental groups (including the Council) has urged Congress to appropriate "not less than \$200 million from the Land and Water Conservation Fund (LWCF) for 50 percent matching grants to state and local park, recreation and associated resource systems."

The LWCF has two main components — a federal acquisition program and a state grants program. For the state grants program, Congress provides a lump sum for state grants which is split then between the 50 states and U.S. territories using a population based formula. This money goes to a designated state agency which disburses it using a priority list established from among projects submitted by localities.

The state Office of Parks, Recreation and Historic Preservation has been the designated agency in New York. Historically, very little LWCF money has been used for acquisitions in the Adirondacks.

But now, New York State has a list of priority projects in place with the completion of the Open Space Conservation Plan and its subsequent approval by the State Legislature last year. However, in order for the state to be eligible for federal matching funds from the LWCF, the State Legislature must fund the state's share of the program.

Among the notable projects funded by the State Grant Program of the LWCF in the past is the restoration of the Niagara Falls viewshed. Projects which could be funded with LWCF money if the State Legislature establishes an environmental fund this session include:

- Follensby Pond - 14,000 acres which lie along the popular Raquette River canoe route between Long Lake and Tupper Lake and which was the site of Ralph Waldo Emerson's Philosophers Camp in the mid-1800s.
- Lake George - 1,000 acres and the last significant stretch of undisturbed private shoreline.
- Western Adirondacks - 15,000 acres of pristine forest on the headwaters of the Salmon River and 5,000 acres on the headwaters of the Moose River being sold by Lyons Falls Pulp and Paper. Noted for migratory bird habitats.
- Lake Champlain - the Heurich Estate comprises 2,200 acres of mountainous, forested and undeveloped shoreline.

- The Bob Marshall Great Wilderness - the 51,000-acre Whitney Estate forms the heart of this unique proposed 400,000-acre wilderness area. Diverse wildlife habitats, including extensive wetlands and expansive, unbroken forest, could provide for the eventual return of once-native species such as the moose, cougar, and eastern timber wolf.



Gary Randorf

The Heurich Estate on Lake Champlain

The prospect for increased funding for the LWCF by the Clinton Administration and Congress comes at a time when New York is considering its own program to fund important environmental projects. Governor Cuomo has once again proposed an Environmental Assistance Fund to provide support for projects ranging from landfill closures to water and sewer projects to open space conservation. The combination of increased LWCF grants with matching funds from a state EAF will enable New York to aggressively pursue the priority projects outlined in the Open Space Conservation Plan.

It is now up to the State Legislature to establish an environmental fund to ensure New York's eligibility to receive federal matching funds from the Land and Water Conservation Fund. The Council will continue to work to see that New York and the Adirondack Park receive their fair share of these federal land protection funds.

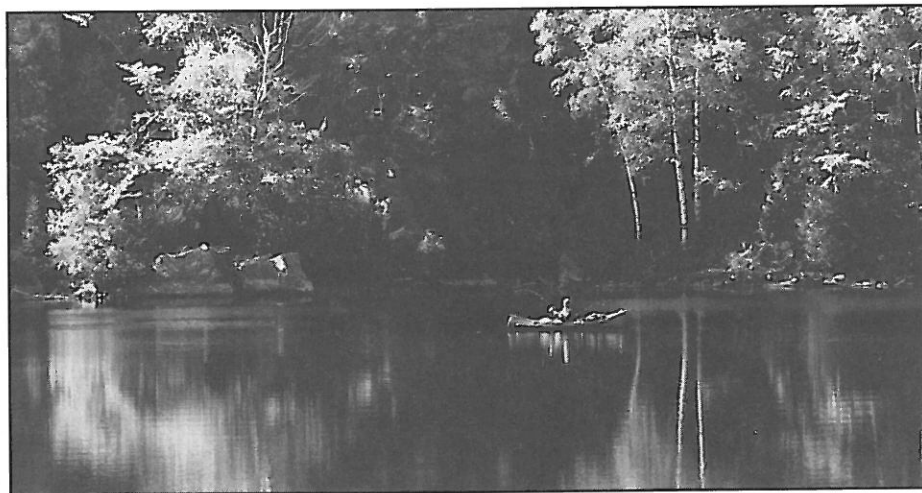
Welcome New Members

For some of you, this is your first copy of the Adirondack Council's Newsletter. We hope you enjoy the informative articles and the up-to-the-minute reporting on issues which affect the Park's future.

Thank you for adding your voice to ours in the effort to preserve and protect the Adirondack Park for the future. If you have any questions or comments about the articles in this edition or about the Council's work, please feel free to drop us a line.

"But I'm Already A Member . . ."

Our apologies to those of you who were already members and recently received an invitation to join the Council. We make every attempt to eliminate duplicate mailings, but occasionally some get through. Over the next few months, we will be exploring new ways to make this process even more efficient. As always, your ideas are welcome to help us improve our service.



Fishing on Chapel Pond

Moving?

Drop us a line with your new address so we can continue to keep you on the forefront of the effort to preserve the Adirondack Park with Newsletters, Action Alerts and special publications like the annual State of the Park Report.



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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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