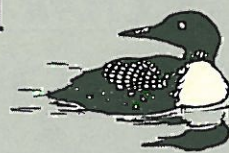




# The Adirondack Council NEWSLETTER



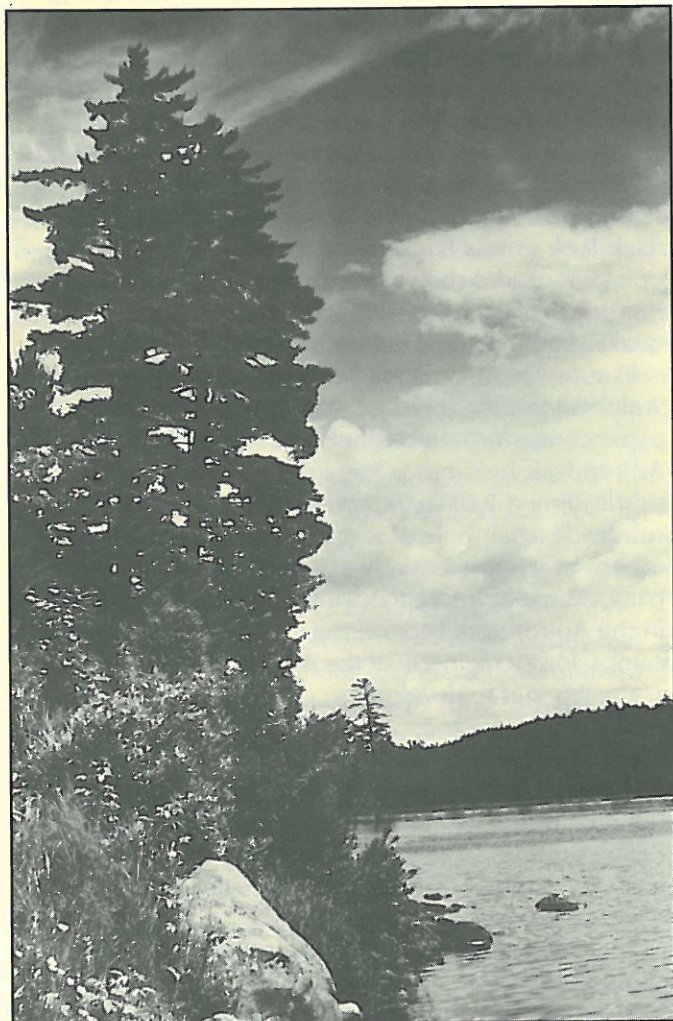
OCTOBER 1988

## NATURAL TRANQUILITY UPHELD

### COUNCIL WINS WILDERNESS LAWSUIT

The New York State Supreme Court has reaffirmed the sanctity of publicly-owned Wilderness areas in the Adirondack Park. In a recent decision, Judge Dominick J. Viscardi ruled in favor of the Adirondack Council in its suit against two state agencies, the Adirondack Park Agency (APA) and the Department of Environmental Conservation (DEC), for unlawfully extending the use of floatplanes on Whitney Lake.

Situated near Piseco and Speculator in the southwest Adirondacks, Whitney Lake was classified as part of the West Canada Lake Wilderness Area on November 4, 1987.



Barbara McMartin

BEAVER LAKE — MOOSE RIVER PLAINS

The new ruling upholds the State Land Master Plan requiring that all motorized recreation must cease no later than three years after an area has been classified as Wilderness. Both APA and DEC had approved the use of floatplanes on Whitney Lake until 1993. The court found that such "non-conforming" use must be discontinued, as the Master Plan stipulates, by November 4, 1990.

"Our biggest concern was that this one violation of Wilderness protection could lead to many more violations," explained Chuck Clusen, executive director of the Adirondack Council. "Wilderness is highly vulnerable to modern technology. It wouldn't take many floatplanes, motorboats and all-terrain vehicles before our Wilderness was lost to roaring motors and exhaust fumes."

Whitney Lake is part of the 17,000-acre Perkins Clearing tract obtained by the State in a voter-approved land swap with International Paper Company in 1979. Most of this acreage was subsequently added to the West Canada Lake Wilderness.

Approximately 58% of the Adirondack Park is in private ownership. The remaining 42% is publicly-owned Forest Preserve, protected as "forever wild" under the State Constitution. Sixteen units of Forest Preserve land totaling about one million acres, or 17% of the entire Adirondack Park, is further classified as Wilderness.

The State Land Master Plan defines Wilderness as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." Wilderness is also described as "offering outstanding opportunities for solitude."

In Wilderness areas, all motorized recreation, including the use of floatplanes, jeeps, dirt bikes, motorboats, dune buggies, ATVs, snowmobiles, jet skis, and hovercraft, is prohibited. The Master Plan allows the use of "motor vehicles, motorized equipment and aircraft" only in the case of emergencies "involving the protection or preservation of human life or intrinsic resource values."

"The Supreme Court ruling was a victory for natural tranquility," said Clusen.

***AS THE ADIRONDACK LAND BOOM gathers momentum, the Council has requested a study and moratorium on major subdivision and development projects. See pages 2-3.***



## **PARK CHARACTER SEEN THREATENED**

# **COUNCIL CALLS FOR DEVELOPMENT STUDY**

***With new subdivision and development projects surfacing almost daily in the Adirondack Park, the Council has called for a one-year study and moratorium involving real-estate activities that could affect the natural character of the region. The letter from Executive Director Charles M. Clusen is reprinted below.***

Dear Governor Cuomo:

If development pressures in the Adirondack Park continue to increase at the rate of the past two years, the wild beauty and ecological integrity of this largest American park outside Alaska will, within the course of a generation, be irreversibly compromised. Along with the plague of acid rain, the current wave of speculation and development poses the greatest threat to the Adirondack Park in its 96-year history.

What is most needed at this critical juncture is a one-year study, commissioned by the Governor, to assess the full implications of present development trends and impacts in the 20 percent of New York State occupied by the Adirondack Park. The study should also identify protective measures that will insure that the Adirondack Park of 100 years from now is as wild and beautiful as the Adirondack Park today.

Such measures might include:

- An anti-speculation tax to curb the large-scale, quick-turnover land sales now rampant in the Adirondacks;
- The strengthening of the Adirondack Park Agency Act to better protect shorelines and undeveloped backcountry;
- A real-estate transfer tax to provide a steady source of public funds for Adirondack acquisitions;
- An analysis of the economic and tax implications of preservation versus development.

***There exists under the APA zoning plan the potential for 500,000 new homes and 1.5 million new residents in the Adirondack Park.***

The situation today is critical. The State's present zoning regulations are simply not adequate to preserve the natural character of the Adirondacks. And the snail's pace of State land acquisition is insufficient to preserve the Park's undisturbed backcountry, most of which is in private ownership. Despite the comprehensive land-use controls of the Adirondack Park Agency Act, there exists, under the APA zoning plan, the potential for 500,000 new homes and 1.5 million new residents in the Adirondack Park. Much of this future growth could spread throughout the Adirondack backcountry and around presently undeveloped lakeshores.

At the same time a gubernatorial study is being conducted, we will be encouraging the State Legislature to

impose a one-year moratorium on all subdivision and development projects of three lots or more, involving 250 acres or more, outside of hamlet areas in the Adirondack Park.

It is the proliferation of large projects that poses the greatest immediate threat to the region. Such a moratorium would not impair normal building and real-estate activity in the Park. But it will establish a temporary "cease fire" on the operations of such out-of-state speculators as the Patten Corporation, which in only two years has purchased some 14,000 acres of Adirondack backcountry for subdivision and quick sale.

***Patten is only the leader of a large and hungry pack. Other subdividers and developers are at work in every corner of the Park.***

It must be emphasized, however, that Patten is only the leader of a large and hungry pack. Other subdividers and developers are at work in every corner of the Park. The Adirondack Park Agency has reported a doubling of project applications since 1986. Since January of this year, the APA has received 403 project applications; at this point in 1987, they had received 261 project applications. It appears that the APA, and the natural treasure it was created to protect, could be overwhelmed by the new surge of development activity.

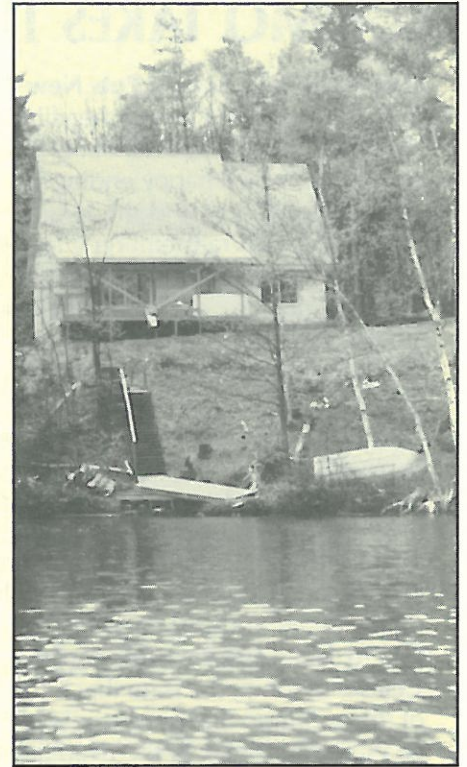
The most rare and precious attributes of the Adirondack Park are its large expanses of wild, undeveloped open space and the undisturbed natural shorelines on hundreds of lakes, ponds and streams. Both of these qualities are now endangered.

In sum, speculators are busily subdividing and selling "mini-wilderness areas" and lakeshore lots. Timber and paper companies are beginning to carve up and sell their Adirondack holdings. One such company is currently subdividing a 9,000-acre parcel, while another plans to subdivide a half-mile of shoreline on a lovely lake that is otherwise almost entirely state-owned. Another company, Diamond International, has put all of its 96,000 acres in the Adirondack Park on the real-estate market. Youth camps, long a mainstay of the Adirondack environment, are selling out to developers.

In 1970, Governor Rockefeller's Temporary Study Commission on the Future of the Adirondacks reported that, over the coming decades, the large Adirondack land holdings would be breaking up, and that the future of the Park would be largely determined by the fate of these lands. What that Commission predicted 18 years ago is now taking place.

The Adirondack Park needs your help in assessing the problems and identifying corrective measures. "Time is of the essence" was the message of the 1970 Study Commission. That message is particularly urgent today.





## NEW DEVELOPMENT ON RAINBOW LAKE

If this largest and most diverse park in the Lower 48 States is to be preserved for the use and enjoyment of future generations, action is needed now. We urge you to undertake the necessary study and to support our call for a legislative moratorium on large-scale development for one year. We also urge that an initial study of the problem be completed in time for the next legislative session, so that relevant findings may be reflected in the moratorium bill.

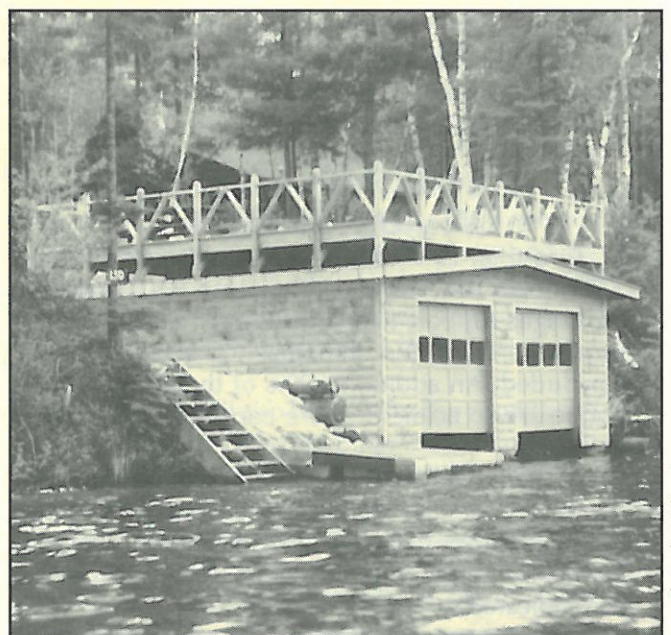
The Cuomo Administration has been most responsive to the need to protect and advance public values in New York State. There is no greater public value, in our view, than the preservation of the Adirondack Park.

Charles M. Clusen  
Executive Director

### WHAT YOU CAN DO

Urge Governor Cuomo to undertake a study that will assess the implications of present development trends in the Adirondack Park. This study should also recommend ways to better protect the wildness and natural beauty of the region. Please ask the Governor to support a one-year moratorium on large development projects, as well. WRITE: Governor Mario Cuomo, State Capitol, Albany, NY 12244.

Please also urge your state legislators to take the lead in imposing a one-year moratorium on Adirondack development projects of 250 acres or more involving three or more lots.





## CUOMO TAKES THE LEAD

State Acid Rain Accord Puts New Pressure on Washington, announced a recent headline in the *New York Times*. Underneath, reporter Philip Shabecoff told a story we hope will have a happy ending.

A peace plan to end the long war between the states over acid rain emerged last week, not from Washington, but from the governors of two states that have led the opposing camps in the acid rain debate, New York and Ohio.

The plan, which calls for a sharp reduction in the pollution that causes acid rain and for subsidies to help industry pay for the cleanup, has several controversial elements, including the imposition of fees on imported oil to help pay for the program. Congress is unlikely, therefore, to rush it into law.

But the fact that the plan was negotiated by Governor Mario Cuomo of New York, where acid originating in the Midwest has done considerable damage to lakes and streams, and Governor Richard Celeste of Ohio, the state that is the biggest source of the pollution that produces acid rain, represents an important break in the deadlock over Congressional legislation on the issue.

The plan would require steep reductions in pollution from coal-fired plants over the next 25 years. The burning of high-sulfur coal produces oxides of sulfur and nitrogen that change chemically as they rise through the atmosphere and then descend as acid rain, snow, fog or dust that destroys plant and animal life in sensitive lakes and streams. The proposal would cost about \$1.8 billion a year, with polluters bearing about half the cost and the oil industry paying most of the rest . . .

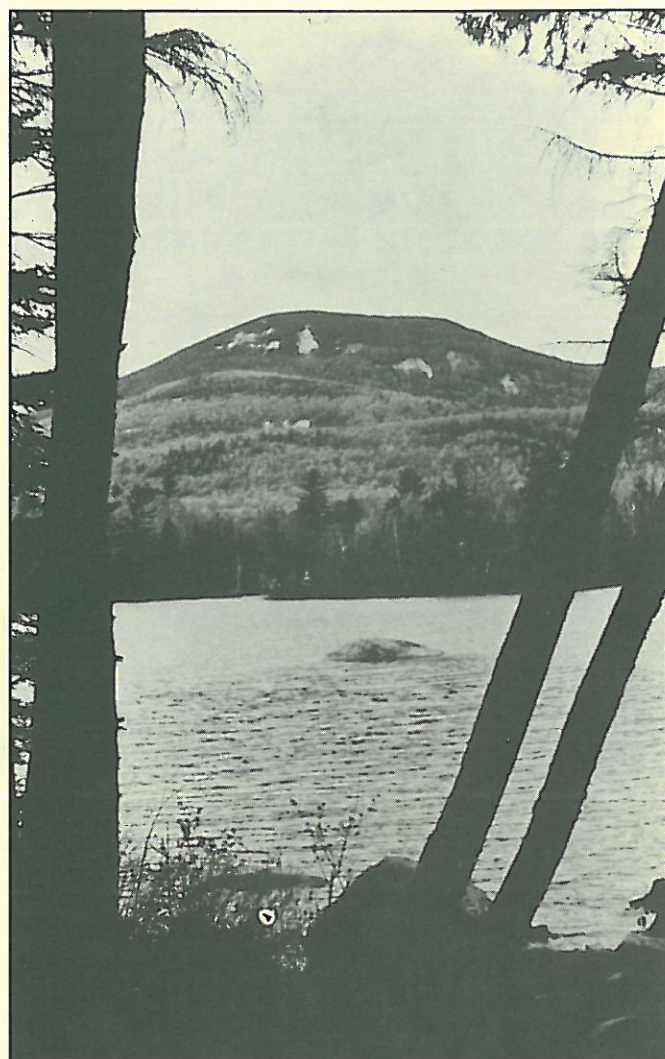
Total sulfur dioxide emissions would be reduced in three phases by a national total of 10 million tons from the current level of about 23 million tons a year.

**NOTE:** Both presidential candidates have advocated a strong acid rain bill. It appears likely that there will finally be action next year.

### ACID RAIN STUDY ON ADIRONDACKS

More than 25% of the lakes and ponds in the Adirondack Park are so acidic that most of them can no longer support fish, a three-year study by the Department of Environmental Conservation has concluded. An additional 20% of the lakes in the region are so acidic they are considered "endangered."

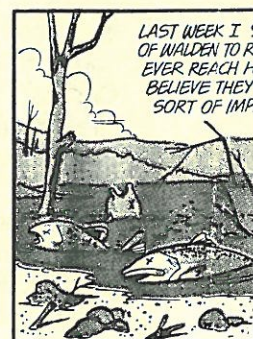
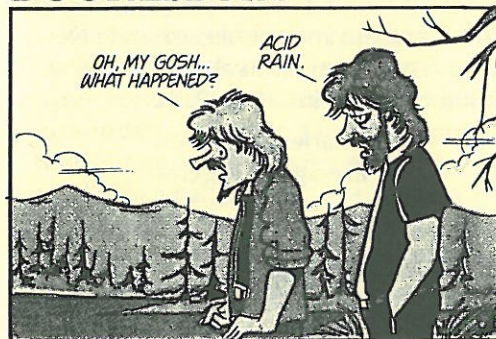
The state study, one of the most thorough yet conducted on the regional effects of acid rain, found the proportion of acidic Adirondack lakes to be higher than surveys by the federal government had indicated.



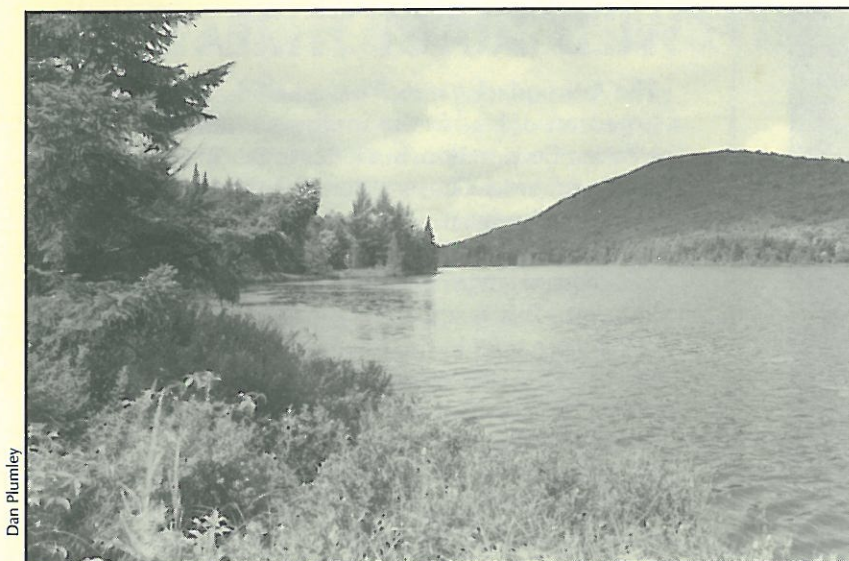
Barbara McMartin

BLUE MOUNTAIN FROM LAKE DURANT

## DOONESBURY

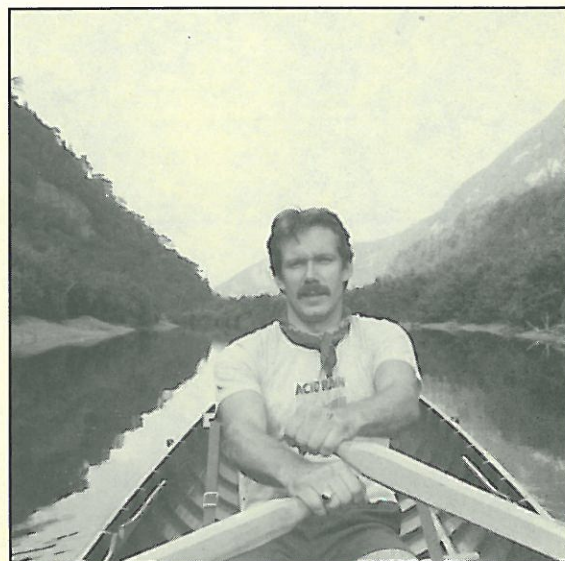






Dan Plumley

INDIAN LAKE — BEAUTIFUL BUT DEVASTATED



Chuck Clusen

PARK SPECIALIST DAN PLUMLEY

## COUNCIL AIRS VIEWS ON ACID RAIN

More national attention was directed to the problem of acid rain in the Adirondacks when NBC-TV's "Sunday Today" recently featured the Adirondack Council's Daniel R. Plumley, who described and pointed out to millions of viewers the devastating effects of acid rain on our natural heritage.

Here's an excerpt from Dan's comments:

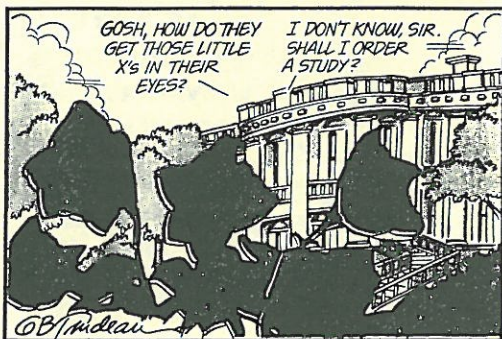
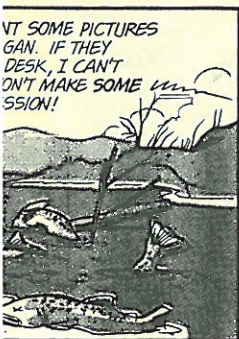
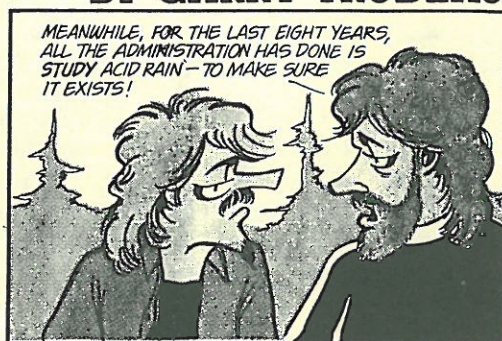
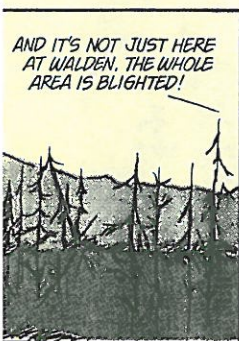
*Ten years ago Indian Lake [the one in the Moose River Plains] had a population of fish that encouraged sportsmen to come and fish its waters. They can no longer catch fish here. But more than just the fish have died. Insects, crustaceans, invertebrates, mollusks — the whole web of*

*life is affected by acid rain.*

*The loons, though they may nest here, have to fly to other lakes to find the fish to feed their young. Where lush forests of red spruce grew when I was younger, now there are skeletons of trees.*

*The legacy that we will pass along to our children — if we don't act soon to control the emissions that cause acid rain — will be one of selfish indifference towards generations to come. For we are not just losing fish . . . and aquatic ecosystems . . . and forest species. We are losing our future.*

### BY GARRY TRUDEAU



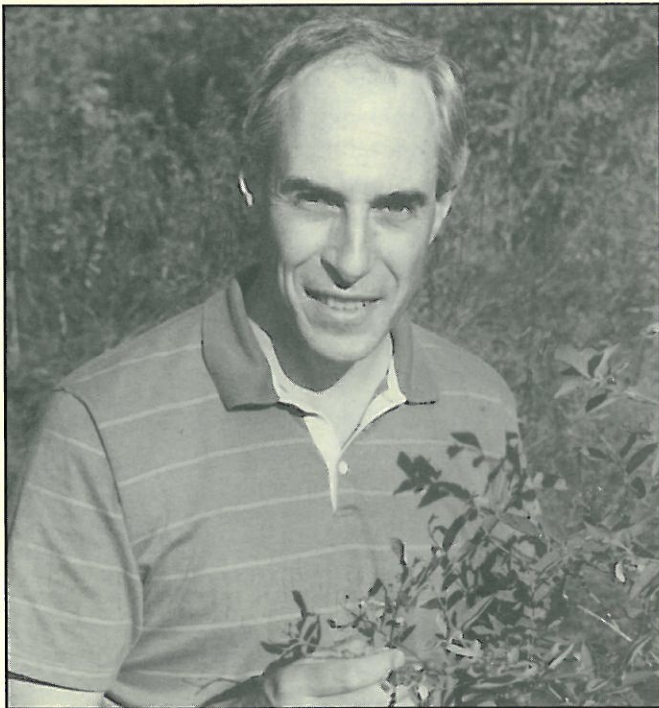
### A LASTING LEGACY

Your bequest of money or property will give long-term sustenance to the Adirondack Council in its efforts to preserve forever the natural beauty and biological diversity of the Adirondack Park. Your bequest will help to insure that future generations will have a chance to hear the cry of a loon and the call of a moose; to enjoy an expanded system of wilderness canoeing; and to look out from a mountain summit over a natural rather than a developed world.

Your bequest will also benefit the communities of wildlife and plant life — the other living things with which we share this planet — whose health and survival depend on us.

For further information about making a bequest, please contact Lynne Poteau, Adirondack Council, Box D-2, Elizabethtown, NY 12932. Tel. 518-873-2240.





Dan Plumley

## NATURALIST JOINS STAFF

Good news for the Adirondack Council and the Adirondack Park!

Mike DiNunzio has returned. After three years of managing an ecologically-based farm in Virginia, Mike took over as the Council's program director this summer. His official title, Director of Park Protection, perhaps best describes what he does — which is just about everything.

Doing everything to protect the park is a mission for which Mike DiNunzio seems wonderfully qualified.

He holds one Master's Degree in plant ecology and another in forestry. His Bachelor's Degree is in biochemistry. His resume notes that he specializes in "natural resource inventory, land-use planning, environmental impact analysis, and education."

He is author of the *Adirondack Wildguide*, the beautifully-illustrated (by Anne Lacy) natural history of the Adirondack Park produced in 1983 by the Adirondack Council and The Nature Conservancy.

Mike has taught "Biology of the Adirondacks" at North Country Community College. For The Nature Conservancy he spent a couple of years identifying natural areas and features of the Adirondack Park that merit permanent protection. For the Adirondack Park Agency, he worked from 1974-77 helping to formulate guidelines for reviewing development projects and surveying key wetlands, wildlife habitat and plant communities throughout the park. He also co-authored a report on the impact of intensive timber harvesting in the Adirondacks, and he helped the State devise forest-practice standards to protect the natural character of the region.

His hobbies include piloting planes and riding bicycles. One of his happiest achievements was hiking from Georgia to Maine on the Appalachian Trail.

"It's good to be back where I belong," said Mike.

His friends and colleagues agree.

## WILD TRACT THREATENED

The Adirondack Council has asked the State to protect a large tract of land in the southwest Adirondacks from the Patten Corporation. In a letter to the NYS Department of Environmental Conservation, the Council stated:

As you know, it is the policy of Patten Corporation in its Adirondack dealings to back off from the purchase of any property in which the State expresses interest. This is apparently still the case with the 3,200-acre tract in the town of Webb between the Ha-De-Ron-Dah Wilderness and the Independence River Wild Forest, a tract that Patten is on the verge of subdividing.

We urge the Department to acquire this property. Such an acquisition will be an important step toward consolidating public holdings in the area and preserving the natural, open-space character of the Park.

This property is in the immediate upper drainage of the Independence River and has an extensive wetland complex running throughout. It contains numerous small lakes, bogs and beaver ponds. That this tract has been extensively timbered should not discourage State action. Much of the Adirondack Park was devastated by logging and forest fires 100 years ago and has long since recovered.

The Adirondack Council is concerned about the state of the Adirondack Park 100 years from now as well as the state of the park today.

**WHAT YOU CAN DO:** Please urge the State to acquire this important tract. Write or call Thomas C. Jorling, Commissioner, Department of Environmental Conservation, 50 Wolf Rd., Albany, NY 12233. 518-457-3446.

### PATTEN EAST

(An advertisement in *Field & Stream*)

**UNSPOILED ADIRONDACK WILDERNESS**, overpopulated with big game. Private lakes, wild rivers, adjoining thousands of acres of State Forest Preserve. Parcels from 200-3000 acres. As low as \$250/acre. Hunting clubs welcome. Call . . . .

### PATTEN WEST

(From a newspaper advertisement)

#### MONTANA LAND

**Own 20 acres (or more) starting at \$9750.** Rolling grassy meadows, fragrant evergreens, clean mountain air. Spectacular unspoiled beauty, mountain view, natural amenities. For FREE color brochure call . . . .

**Yellowstone Basin Properties (A Patten Company)**  
Bozeman, Montana



## DIAMOND LAND STILL UP FOR GRABS

Earlier this year, Diamond International put all of its 96,000 acres of Adirondack timberland up for sale. Its asking price works out to \$193 per acre.

Since then, hundreds of letters from Council members have arrived in the Governor's office urging State action on the crucial Diamond tracts before speculators and subdividers get to them. Never again, many writers noted, will such land be available for public purchase at such a price.

Neither the State nor competing private interests have yet consummated a deal with Diamond. Meanwhile, the State's purchasing agent, the Department of Environmental Conservation (DEC), is working closely with The Nature Conservancy, a public-interest land trust, in hopes of meeting Diamond's requirement that all its land be sold to one buyer.

The Council has most recently determined that 96% of the Diamond holdings should be permanently protected. Some should be bought outright and added to the "forever wild" Forest Preserve. The rest should be protected through the purchase of conservation easements.

When the State buys a conservation easement it is essentially purchasing (and extinguishing) the development rights on the land. Such easements cost less than full purchase, enable private ownership to continue, allow

timber harvesting, yet prevent subdivision and building.

The Council has been concerned, however, that the State might be tempted to go overboard with conservation easements in this case — and thereby sanction logging where absolute preservation is required. "We support conservation easements as a means of protecting the resource base of the forest industry," the Council informed DEC Commissioner Thomas C. Jorling. "But we are getting indications that the Department, in its eagerness to secure easements on the Diamond lands, may be literally losing sight of the forest for the trees."

Michael DiNunzio, the Council's new program director, and George Davis, the Council's land-use consultant, have identified 17,000 acres that should be purchased outright to complete a new Boreal Wilderness — a superb natural sanctuary that would encompass the core area of a rare northern ecosystem of low-elevation spruce and fir forests. The Council further pinpointed 18,000 acres needed for the creation of a Bob Marshall Great Wilderness, an area that would incorporate several large tracts to become the finest government-protected Wilderness in the eastern United States.

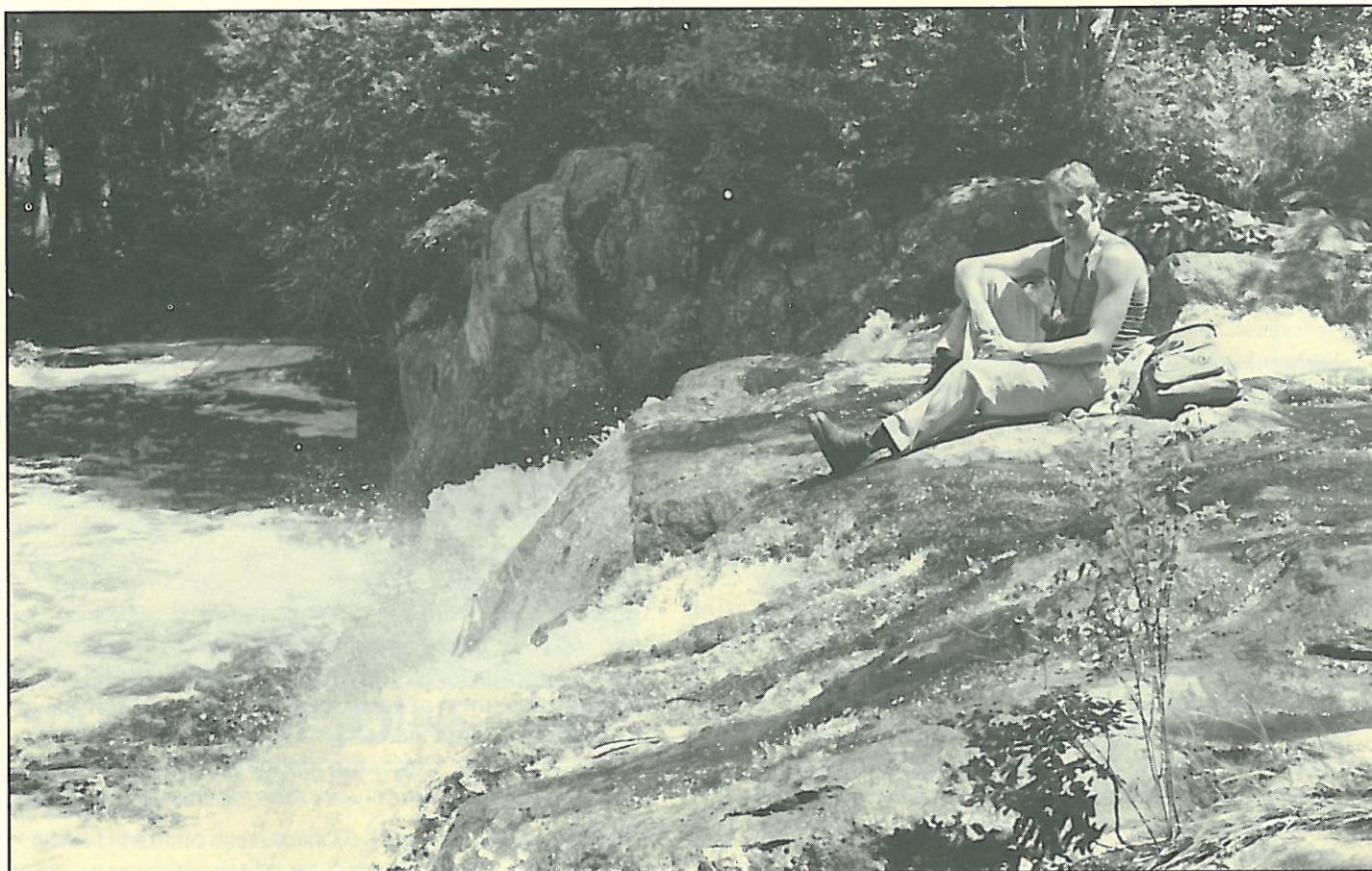
DiNunzio and Davis also delineated 55,000 areas of Diamond lands where conservation easements are appropriate.



Barbara McMartin

**BUTTERMILK FALLS ON THE RAQUETTE RIVER**





Georgie Brenning



## The Adirondack Council

Box D-2, Elizabethtown, NY 12932  
(518) 873-2240



*A coalition of the National Audubon Society; 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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