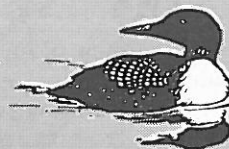




The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

Vol. 9

January 1985

No. 29

MANY HAPPY RETURNS, FOREST PRESERVE

"The lands now or hereafter constituting the Forest Preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private." Chapter 283 of the Laws of 1885; May 15, 1885.

One hundred years ago a bold step was taken by the State of New York that symbolized a turning point in our nation's history. The step was the creation of the forest preserve; the turning point was from a view that our resources were inexhaustible to a recognition of the value of resource conservation. In 1885 the Adirondack forest preserve consisted of 681,374 acres; today it includes 2,328,779 acres.

Interestingly, the people of the state became so frustrated with the failure of the state to protect the forest preserve, despite the 1885 legislation, that nine years later they voted for constitutional protection. The language chosen was even more stringent than that in the earlier legislation. This constitutional provision, designed specifically to tie the hands of both the state legislature and the executive branch insofar as the forest preserve was concerned, remains unchanged today.

"The lands of the state, now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."
Originally Article VII, now Article XIV of the State Constitution.

This language effectively controlled every abuse that had been perpetrated on the forest preserve. It has continued to prove effective, although state agencies and the state legislature have made efforts to subvert this explicit language in order to sell state lands, or acquire state lands in the Adirondacks for purposes not consistent with the forest preserve. Still the constitutional provision gives citizens the right to challenge actions of the legislature or state agencies by going to court.

Although the forest preserve concept was nailed down in 1894 with the constitutional provision, it was the creation of the forest preserve in 1885 by the legislature that was truly the turning point in resource philosophy. It is a date to celebrate.

The entire year 1985 will be filled with centennial celebrations, although the precise birthday of the forest preserve is May 15. Two events are of special note. The Adirondack Research Center at Union College in Schenectady is planning a major forest preserve symposium scheduled for April 27-28. The Adirondack Council will host a major event to be held in

the American Museum of Natural History in New York City on the evening of May 9. It will include numerous Adirondack exhibits as well as a professionally prepared Adirondack program. We also plan to duplicate this program in major urban areas across the state during the year.

Yes, we will celebrate the forest preserve centennial with parties and speeches and a variety of programs exalting the colorful history of the forest preserve. But the Adirondack Council believes that the centennial should also mark a rebirth of our consciousness, a recommitment of ourselves to forest preserve protection and a time to focus on the *next* 100 years of the forest preserve rather than only on the past 100 years. We are concerned that the future of the forest preserve is not necessarily secure. Each battle that we win to protect the preserve does not ensure that the same battle won't be fought again, it only ensures the right to continue to battle for what we believe.

Spread the Word

Our centennial year should be a year of serious contemplation that focuses on the kind of forest preserve heritage we want to leave future generations. Surely our foresight in 1985 should be at least as great as that of 1885 when the values of wild land preservation were hardly known. We believe the people of the State of New York can have the kind of foresight that will ensure that the bicentennial celebration of the forest preserve, 2085, will be worthy of at least as much pride as our 1985 centennial. Yet the only way this is going to happen is if all of us help educate our fellow citizens to the value of the forest preserve.

We expect to use lead articles in all of our 1985 NEWSLETTERS discussing the forest preserve. We plan articles on the natural resource values of the forest preserve, the value of the forest preserve to the local Adirondack economy, and the future of the forest preserve with emphasis on needed land acquisition and interpretative programs. In addition, the Council plans to produce a special report in May describing how future generations might view the forest preserve.

Please join in celebrating the forest preserve centennial; but as you do, continue to think about the next 100 years of the forest preserve. Let us focus during this centennial celebration not only on the history of the forest preserve but more importantly on its future.

FOREST PRESERVE CENTENNIAL ACQUISITIONS

The Department of Environmental Conservation is presently considering forest preserve acquisitions in the Adirondacks that would be worthy as a special tribute to the centennial observation. Projects being considered include the Hudson River Gorge, Bog River Flow and a portion of the Raquette River. The Adirondack Council, which has been strongly critical of the Department's past acquisition policies for being too timid, applauds the Department's intent. The Council is concerned that the Department choose major acquisition projects that will truly pay homage to the 100 year history of the forest preserve.

At its November board meeting, the Council unanimously passed the following resolution:

Resolved, that the Adirondack Council supports and urges the Department of Environmental Conservation to aggressively pursue the acquisition of all 13 parcels involved in the Hudson Gorge Primitive Area, Bog River Flow, and Raquette River proposed Adirondack Forest Preserve Centennial acquisition projects; and be it further resolved that the Council urges the Department of Environmental Conservation to also acquire all of the private lands within the Watson's East Triangle in the town of Webb, Herkimer County; and be it further resolved that the Council urges the Department of Environmental Conservation to give priority to the preceding four projects but not to limit their centennial acquisitions to these projects.

Please take a moment right away to write Commissioner Henry G. Williams (Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233) and applaud his desire to undertake a forest preserve centennial acquisition program but request that such a program include, at a minimum, the Hudson Gorge, Bog River, Raquette River and Watson's East Triangle (Five Ponds Wilderness - see October 1984 NEWSLETTER) projects.

Bti BLACKFLY CONTROL PROVES SUCCESSFUL

"We are not satisfied with aerial spraying and were attracted to the apparent promise of Bti." Richard Purdue, Supervisor, Town of Indian Lake.

"We had abandoned aerial spray when the state researchers came. After they left we wanted to maintain an active role in the development of Bti". Mary Ellen Keith, Supervisor, Town of Franklin.

In 1984 two Adirondack towns decided to try controlling that sometimes ubiquitous insect, the blackfly, with a bacterial larvicide, *Bacillus thuringiensis israelensis* (Bti). Officials of the towns, quoted above, were looking for a better alternative to the aerial application of chemical insecticides.

The Bti control programs proved to be quite successful. Residents were pleased with the results, and sampling indicated significant reduction in adult blackflies in target areas. Both towns plan to expand their programs in 1985. Success breeds interest and approximately ten other Adirondack area

towns are considering a Bti program for 1985.

The economics of conducting a blackfly control program using Bti seem reasonable. The cost of mapping, training and equipping technicians is for the most part incurred in the first year and drops off substantially thereafter.

Application procedures for Bti are quite simple, but require care and attention. Bti is manually applied to the stream by trained personnel in precise quantities after various stream measurements are made. Adult sampling is conducted in treated and control areas to ascertain the program's effectiveness.

The Department of Environmental Conservation (DEC) is the chief permitting agency. It is quite apparent that they feel Bti is effective and poses less environmental risk than chemical insecticides. In 1984 Commissioner Williams stated, "Bti is universally perceived within the DEC as a more desirable control measure than Dibrom-14, both in terms of environmental impacts and effectiveness".

The chemical spray company that has historically performed many of the aerially-applied, chemical pesticide blackfly control programs has tried to put Bti in a negative light. They claim that at present Bti use as a viable and cost efficient blackfly larvicide is still a long way off. They base this on comparisons they have made between their chemical larviciding program in 1980 in the Town of Indian Lake and the Bti program conducted there in 1984. The Supervisor of Indian Lake has taken issue with the spray company's claims. He feels that Bti has been 95% effective and that the program can be expanded at a reasonable cost. He cautions that "the observations of a company dedicated to aerial spraying should be read cautiously".

The towns interested in blackfly control have had ample opportunity to assess the cost and effectiveness of aerially applied chemical controls. They now have the opportunity to try an alternative, Bti, which holds great promise and will likely find greater public acceptance because it is a far safer substance applied in a much more controlled manner.

Still lingering is the question of the ecological significance of blackflies in the stream's food chain. With the advent of Bti this matter can and is being investigated. Scientists of the State Museum's Biological Survey are studying a stream for two years to see how insects like caddisflies, stoneflies, mayflies, and others interact with blackflies to form a food web. In a third year Bti will be used to eliminate blackflies, and because it is so selective it will not eliminate the other species. Unusual changes in the stream's ecology and population levels of other insects can be checked, including those of predatory insects that previously included blackflies as part of their diet. Populations of resident fish will also be monitored along with their food intake and growth.

As a result, those controlling blackflies will have a much better idea of the effect on a stream environment and can proceed in a more rational and informed manner.

The Adirondack Council believes, as does Commissioner Williams and his DEC staff, that Bti is a more effective and desirable control measure than Dibrom-14, the chemical pesticide that has been used for several years to control blackflies. Bti kills very selectively, sparing beneficial insects. Dibrom and most chemicals kill many beneficial creatures along with target insects.

The Adirondack Council supports a conscious and concerted effort to reduce society's reliance on chemical pesticides. We believe we can intelligently seek and develop safer means to control pests in our environment when such control is truly warranted; means that are selective and therefore less disruptive.

APA EXECUTIVE DIRECTOR VISITS COUNCIL

Tom Ulasewicz, the newly named executive director of the Adirondack Park Agency, attended the Adirondack Council's November Board meeting to discuss his views on the Agency's work. Ulasewicz, former deputy counsel at the Department of Environmental Conservation, impressed the Board with his understanding of the Adirondack Park and of the Adirondack Park Agency program.

One of the first actions he undertook upon joining the Agency staff was to create a natural resources technical unit including two biologists, a water quality specialist, a soil scientist and an engineer. The Adirondack Council has long been stressing the need for such technical expertise on the Agency staff and is very pleased with this action.

Some of the new executive director's priorities include:

- Completing the mapping of Adirondack wetlands.
- Studying the allowable building along the Park's lake-shores to determine if such development might adversely affect the Park's water resources.
- Working closer with the Department of Environmental Conservation on forest preserve planning.
- Increasing the dialogue between the Adirondack Park Agency and Adirondack town supervisors.
- Investigating the use and potential effects of pesticides and other toxic materials in the Park.
- Reviewing Agency publication needs with an eye toward helping both Park residents and visitors better understand the Park and the Agency's programs.
- Minimizing the present overlapping of state reviews of projects.

The Council's board is pleased with Mr. Ulasewicz's knowledge, determination and program priorities. It is anxious to work with him in his efforts to strengthen the Agency's program and increase the understanding and acceptance of this program by those who reside within the Adirondack Park.

RECENT APA ACTIONS VIEWED FAVORABLY

Three important projects, which the Adirondack Council has been actively involved in, were taken up by the Adirondack Park Agency at a recent meeting. The proposal to construct and operate an all-terrain vehicle racetrack and loud-speaker system in Long Lake, the geographic center of the Park, was denied by the Agency. This ATV racetrack would have impacted residential areas, a major public canoe route and a designated wilderness. Member response to the Council's Action Alert regarding this proposal undoubtedly assisted

the Agency in making its determination.

A proposal to amend the land use and development plan map to allow considerably more development in the vicinity of the ecologically delicate Bloomingdale Bog was denied although an amendment to allow slightly increased development outside of the Bog was granted.

A proposal by the New York State Electric and Gas Corporation to treat utility poles located in wetlands with three potentially dangerous chemicals was denied. The Agency decided there were far too many unknowns regarding these chemicals to allow them to be used in wetland areas.

The Adirondack Council commends these actions and hopes that they indicate a new commitment by the Agency to protect the vital resources of the Adirondack Park.

COUNCIL SETS LEGISLATIVE PRIORITIES

One of the Council's greatest interests is to see the construction of a centrally located Adirondack Park Visitor Interpretive Center, accessible from a major highway corridor, and the implementation of a Park-wide informational and interpretive program. The center should also provide environmental education opportunities for area schools. The Adirondack Park Agency submitted a proposal for such a center to the Governor last July. It is urging that ground be broken for this facility on the forest preserve centennial, May 15, 1985. The Council will support a budget appropriation for the center and any other legislation necessary to facilitate Park interpretative programs.

The Council will be promoting legislation that would give the Park Agency additional authority over development undertaken by state agencies in the Park. This legislation provides that if the Agency determines a project would have an undue adverse impact, it could only be undertaken if the Governor found it necessary to serve an essential state purpose. The proposed legislation would erase the dual standard that exists between private and public development in the Park, a standard that is an irritant to Park residents.

A third bill the Council views as a high priority would add 129 miles of Adirondack rivers to the state system of Wild, Scenic and Recreational Rivers. The Park Agency has studied these rivers and determined that they possess outstanding characteristics that justify their inclusion in the rivers system. Passage of this bill in the forest preserve centennial year would be a particularly appropriate action.

The Council will, of course, oppose any legislation that would weaken the Adirondack Park Agency statute or threaten the integrity of the forest preserve. We will continue to articulate the position of the Council and its members to the legislature and help keep them apprised of Adirondack issues.

DOUBLE YOUR MONEY!

The Adirondack Council has been granted a marvelous opportunity to create an endowment fund that will help ensure financial stability for the organization's future. The Natural Heritage Trust, through the National Audubon Society, has agreed to match every dollar the Council raises for an endowment fund. **We encourage all members interested in assuring that the Council remain the principal protector of the Adirondack Park to contribute as much as possible to this new endowment fund. Please clearly mark your contributions "Endowment Fund" so that they will be doubled by the Natural Heritage Trust's grant.**

I wish to support the continued work of The Adirondack Council by my enclosed tax-deductible contribution to the Council's endowment fund. I understand that this contribution will be matched by a grant from the Natural Heritage Trust.

NAME _____ STREET OR POST OFFICE: _____

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Return to: The Adirondack Council, Endowment Fund, P.O. Box D-2, Elizabethtown, New York 12932

COUNCIL LITIGATION UPDATE

Although the Adirondack Council prefers education and negotiation to achieve its objectives, one of the reasons for the Council's great success has been that when it is necessary it does not hesitate to use the courts to protect the Adirondack Park. Litigation is expensive, but it also effective. Our willingness to engage in litigation is of inestimable value in demonstrating the Council's determination to protect the Park and convince those who would despoil the Park that the Adirondack Council, although always willing to negotiate, does have a bottom line beyond which it will not deviate.

A summary of our present and likely litigation follows:

Pending Cases

The **Adirondack Council v. Towns of Keene, Black Brook, Indian Lake, and Webb** challenged the adequacy of the towns' environmental impact statement regarding aerial application of pesticides for blackfly and mosquito control. Although this case has already achieved many of its objectives, it is still pending final resolution and may be reinstated unless more towns use biological control or more seriously view the impacts of indiscriminate pesticide application.

In 1984 the Adirondack Council entered the **Adirondack Mountain Reserve v. Board of Assessors of the Towns of North Hudson and Keene** case as one of several *amici curiae*. The Council is seeking reversal of a lower court decision upholding the towns' decision to raise rather than lower a tax assessment after the gift of a restrictive conservation easement; a gift to the state that substantially reduced the property value. The Council is particularly concerned that this case could affect the incentive for other land owners to give public easements. Unfortunately, on December 20, the Court of Appeals ruled against the Reserve. The Council is presently studying the opinion to assess its effects.

The **Adirondack Council v. the Adirondack Park Agency** case requests the State Supreme Court to void a project permit issued by the staff of the Adirondack Park Agency for a major second home development near Meacham Lake in the town of Duane, a remote and sensitive portion of the Park. The permit was issued without public hearing or full Agency consideration. This case is important if we are to protect the open space character of remote undeveloped portions of the Adirondack Park. The case was argued before the State Supreme Court and

a decision is expected early in 1985.

The **Adirondack Council v. Cole, et al.** case was brought against the Adirondack Park Agency to enjoin it from allowing float planes to land in designated wilderness areas without meeting environmental impact statement or public hearing requirements. This case is better known as the Perkins Clearing/Whitney Lake case and is vital if we are to uphold the wilderness concept in the Park. The case was dismissed without prejudice as being premature since the Governor had not yet approved the Adirondack Park Agency's decision regarding float plane use on Whitney Lake. This case will be refiled if the Governor approves the Agency recommendation as state policy.

Potential Litigation

The Adirondack Council Board, by unanimous resolution, has forewarned the state that, if it persists in its effort to sell the 207 acre Topridge property in Franklin County, such a flagrant violation of the "forever wild" clause of the state constitution would undoubtedly result in litigation. The Council has expressed a willingness to discuss ways the state can avoid violating Article XIV while still minimizing its building maintenance responsibilities. The Governor's office and the Office of General Services, which manages the property, have not yet responded to the Council's offer as of press time.

THE PERFECT ANYTIME GIFT

The *New York Times* has called **ADIRONDACK WILDLIFE: A Natural History of the Adirondack Park**, "an ideal primer for the amateur naturalist and a perfect companion for the frequent park visitor as well as for the first-time trekker." We believe it is also a perfect companion for the arm chair traveller. Orders (prepaid please) should be sent to AC Wildlife, P.O. Box 188, Elizabethtown, New York 12932. Discount prices for members are hardbound \$20.85 and paperback \$16.20 (includes shipping and handling). **WILDLIFE**, in its second printing, was jointly published by the Council and the Adirondack Conservancy in the spring of 1984. It is timeless.

Original Artwork Available

Anne Lacy, the designer and illustrator of **ADIRONDACK WILDLIFE**, has recently decided to make available her original art work for the book. Interested prospective purchasers can contact her at Box 826, Elizabethtown, New York 12932.



The Adirondack Council

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

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