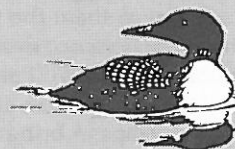




The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

Vol. 8

April 1984

No. 26

PARK AGENCY COMMISSIONERS APPOINTED

Governor Cuomo sent his long-awaited appointments for the four vacancies on the Adirondack Park Agency to the Senate in mid-March. They are expected to receive swift confirmation.

As reported in our last NEWSLETTER, the Governor's nominee to chair the Agency is **Herman J. "Woody" Cole**. Following a meeting with Mr. Cole in November the Council's Board expressed its reservations with Mr. Cole's qualifications to lead the state agency that plays such a vital role in protecting the quality of the Adirondack Park. Because of that concern, Mr. Cole has since met with Council staff on several occasions and met once again with the Board of Directors. It was obvious upon questioning Mr. Cole that he had spent a great deal of time studying Adirondack issues, and he appeared to have a broader and deeper perspective than had previously been the case. However, he did continue to place what the Council believes is undue emphasis on the role of local planning. While local planning is an important aspect of the Agency's program it is but one part, and the Council will continue its dialogue with Chairman Cole to assure that statewide concerns for the future of the Adirondack Park are adequately considered in developing Agency policy.

A second appointment, **William Roden** of Trout Lake in Warren County, is well known in the Adirondacks for his newspaper column. He has held leadership positions in both the Adirondack and the New York State Conservation Councils and has stated that he "hopes to bring the sportsman's point of view to the Agency." As a local writer and resort owner, Mr. Roden understands both the importance of the Park as an open space reserve in the industrial northeast and the concerns that many local residents express about the Park Agency. The Council, however, questions Mr. Roden's commitment to Article XIV, the "forever wild" provision of the state constitution. He has often expressed his desire to amend the constitution to allow deer habitat manipulation at the expense of the forever wild character of the state owned forest preserve.

John Collins, Jr., of Blue Mountain Lake in Hamilton County, the third new appointee to the Agency, is a school teacher who has served as chairman of the Town of Indian Lake Planning Board for the past 17 years. He has long supported the Adirondack Park Agency and has valuable experience in developing and implementing local land use plans and zoning ordinances. Mr. Collins is one of those gifted individuals who is able to bridge the gap that so often exists between local Park residents and statewide interests. He will undoubtedly prove to be invaluable to Chairman Cole in the Agency's efforts to secure more effective local planning in the Park.

Dr. Anne LaBastille has been reappointed to the Agency. Dr.

LaBastille has served as a Park Agency Commissioner since 1975 and has earned the respect of all who have worked with the Agency. Her background as a professional ecologist with international experience brings a perspective that has proven most useful in Agency deliberations. Her combination of professionalism, compassion and common sense have been and should continue to be valuable to the Adirondack Park Agency.

For the first time in several years the APA will have all the commissioner vacancies filled. It has been no secret that the Agency has operated with a degree of uncertainty for quite some time, and the appointments were fundamental to overcoming the many difficulties that have plagued the staff and the commissioners. The Council is hopeful that the Agency can now get on with its ever-demanding and vitally important work of safeguarding the Adirondack Park.



NEW EASEMENT LAW UNDER FIRE

The newly enacted conservation easement law (see January NEWSLETTER) has been threatened practically since its enactment. The easement statute has the potential to be the most important land protection law of the decade. But whether this potential will translate into reality remains in the hands of the Governor and the Legislature.

Governor Cuomo on signing the easement statute on December 31, made it clear that he would seek amendments in the 1984 legislative session to insure that the law would not be misused to block necessary electric transmission lines. All responsible interested parties agreed that such amendments could be supported. Unfortunately, when the Governor translated his concerns into proposed legislation it became obvious that he was trying to go much farther than he had indicated in December. The result of his program bill, which was introduced in the Assembly as A.8527 and in the Senate as S.7183, would have been to destroy a landowner's incentive to give - or even to sell to the state at a reduced value - a conservation easement. Intensive negotiations with the Governor's office and key legislators by The Adirondack Council resulted in a new proposal that would have reinstated the landowner's incentive on the one hand but removed the state's authority to accept an easement directly from the landowner on the other! This bizarre amendment, which is still unsatisfactory to the Council, has not yet been printed, so the original proposal is still the official amendment pending before the legislature.

Assemblyman Grannis Intervenes

In an attempt to meet the Governor's legitimate concerns and at the same time not destroy the conservation easement concept, Assemblyman "Pete" Grannis (D-Manhattan) has intervened with both fellow assemblymen and the Governor's office in an attempt to bring reason into the process. As this NEWSLETTER goes to press Assemblyman Grannis is circulating proposed language that would insure easements not be used to block electric transmission or distribution lines while at the same time protecting both the landowner's incentive to give or sell easements and the state's right to accept them. The Adirondack Council has reviewed this new proposal and, with minor modifications, supports it.

Members should write their assemblyman and state their support of the Grannis approach for amending the conservation easement statute. Copies of such letters should be sent to your state senator.



ACID RAIN ACTION — INACTION

H.R.3400 Gains Momentum

Representative Henry Waxman (D-CA) held hearings in Washington, D.C. in March after conducting a series of hearings throughout the country on legislation he has introduced to control acid deposition. The Adirondack Council testified at the first of these hearings in New York City last December.

The National Clean Air Coalition has informed the Council that the Waxman bill, H.R.3400, is gaining considerable support. Co-sponsors include all but four of New York State's U.S. Representatives: Green, District 15; Stratton, District 23; Conable, District 30; and Kemp, District 31, have *not* signed on. They need to hear from their constituents. It is expected that Representative Richard Ottinger (D-NY) will introduce an amendment to Waxman's bill raising the proposed 10 million ton annual reduction of sulfur dioxide to 12 million tons. This will strengthen the bill to the level recommended by The Adirondack Council.

This bill deserves strong support. Adirondack Council members in New York received our ACTION ALERT late last year asking them to write in particular to the twelve Representatives who, at that time, had not yet co-sponsored H.R.3400. That number is now reduced to four and the bill has a good chance of passing. **But, as always, letters must again be sent to your Representative urging passage of H.R.3400; co-sponsorship does not automatically mean your Representative is actively pushing for passage and that is what really counts. Also be sure to stress the need to support the Ottinger amendment.**

U.S. Senate Hearing on Acid Rain

Adirondack Council Executive Director George Davis testified in Washington, D.C. before the Senate Committee on Environment and Public Works in February. Senate Bill 768, the subject of the hearing, sought an 8 million ton reduction in annual emissions of sulfur dioxide by 1995. In his testimony Mr. Davis urged the Committee to increase the annual sulfur dioxide emission to at least 12 million tons within ten years. Mr. Davis emphasized the strong leadership of both Committee Chairman Robert Stafford and New York's Senator Daniel Patrick Moynihan.

S.768 has now been reported out of committee and the tonnage reduction increased to ten million tons over a ten year period, a significant improvement. **New York State members are encouraged to write both Senator Moynihan and Senator D'Amato thanking them for their past leadership in the fight against acid precipitation and urging them to do everything in their power to secure passage of S.768. Members from outside New York should, of course, write to their senators supporting S.768.**

New York State Legislative Efforts

State Senator John R. Dunne (R-Nassau) has long been working on legislation that would demonstrate New York's leadership in responding to the threat of acid rain. His Coal Conversion and Acid Precipitation Act (S.6016) requires phased-in, substantial reductions in intra-state emissions of sulfur and nitrogen oxides.

S.6016 has been voted out of committee and is awaiting amendment to improve the bill and its chances for passage. The identical bill in the Assembly is A.7258. Similar bills have recently appeared in both houses, indicating a strong interest by legislators to join the movement toward responsible state control of the menace of acid rain.

As Senator Dunne has stated, "Although acid rain is a nationwide problem to which a Federal solution may be the optimal response, the political impasse in developing national control strategies requires New York to act." **Express your support of statewide action by writing to your state senator and assemblyman today.**

States Sue EPA, Charge Inaction

A suit, filed in federal District Court in Washington, D.C., charges that EPA has failed to implement sections of the Clean Air Act under which it could force midwestern states to reduce sulfur dioxide emissions. Attorneys General from six northeastern states (New York, Maine, Vermont, Connecticut, Massachusetts, Rhode Island), four environmental organizations (Sierra Club, Natural Resources Defense Council, National Wildlife Federation, National Audubon Society) and New York Congressman Richard Ottinger filed the suit in March in an effort to compel the federal government to take action on the acid rain problem.

In May of 1982 the Environmental Protection Agency concluded hearings on petitions filed by the states of Maine and New York that called for massive sulfur dioxide emission reductions in the Midwest. The Clean Air Act requires a ruling by EPA in 60 days, but after 22 months there still has been no ruling.

According to New York Attorney General Robert Abrams, the issues involved are twofold. First, to see that the Clean Air Act is enforced to resolve the unfairness of current air pollution control policies. These policies have caused northeastern states that have met the expense of proper controls on their industry to bear the brunt of pollution from upwind states that have exercised little restraint on sulfur emissions. Second, the suit notes that in 1981 EPA determined that U.S. sulfur dioxide emissions were endangering the public health and welfare in Canada. The international section of the Clean Air Act requires such a determination be followed by notices to the offending states requiring them to tighten their air pollution regulations -- a requirement EPA has failed to act upon.

The plaintiffs emphasized that the litigation is not a substitute for congressional passage of a comprehensive acid rain bill. Mr. Abrams stated "I will continue to push for passage of a

program to reduce sulfur emissions by 12 million tons nationally, and I urge all to do so in the critical months ahead."

Send your letters on acid rain control legislation to:

Senator _____
U.S. Senate
Washington, D.C. 20510

Representative _____
House of Representatives
Washington, D.C. 20515

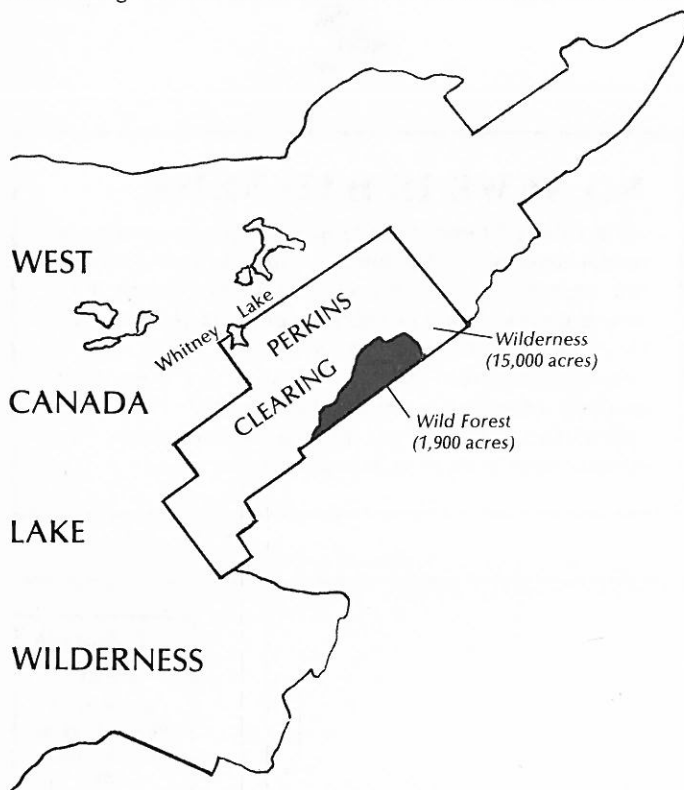
Senator _____
Legislative Office Building
Albany, New York 12247

Assemblyman _____
Legislative Office Building
Albany, New York 12248



PERKINS CLEARING RECONSIDERED

At their April meeting the Adirondack Park Agency is scheduled to again vote on the classification of state land in the



Although The Adirondack Council favored wilderness for the entire Perkins Clearing area, the decision (depicted above) APA reached in January did not destroy the wilderness integrity of the West Canada Lake Wilderness.

Perkins Clearing area. The January vote of seven to three favoring a compromise decision was made invalid by the discovery of a mapping error, thereby necessitating a second round of hearings and a new decision. The Council's recent ACTION ALERT sent to our membership once again resulted in an excellent response of letters to the Agency. Since none of the substantive issues have changed since the first vote, we hope that the newly restructured Agency will see fit to uphold the integrity of the West Canada Lake Wilderness by voting for wilderness classification of Perkins Clearing.



WILDERNESS '84

Plans for the Sierra Club's Wilderness '84 Conference, to be co-sponsored by The Adirondack Council, are now definite. The conference will be held from August 25 through August 28 at Silver Bay Conference Center on Lake George. Be sure to mark these dates on your calendar and plan to attend. Future information will be sent to all Council members.

Wilderness '84 will kick-off a year of events celebrating the Forest Preserve Centennial. In addition, it will be celebrating the 20th anniversary of the Wilderness Act that created the National Wilderness Preservation System and the 60th anniversary of the designation of the first wilderness in the world. As the principal national environmental conference focusing on wildland preservation, Wilderness '84 is expected to attract nationally renowned experts in wilderness designation and management. The Presidential candidates will be invited and may take this opportunity to set forth their environmental platforms.

You can assist in insuring a successful conference by purchasing and displaying the beautiful, full color poster recently produced for Wilderness '84. Posters are available from the Sierra Club - Atlantic Chapter, 196 Morton Avenue, Albany, New York 12202 for \$8.00, including shipping and handling. New York State residents must also include 7 percent sales tax.



COUNCIL ACTIVITIES January-March 1984

Experts Conduct Loon Workshop

The Adirondack Council and National Audubon are joining

WILDGUIDE DELAYED

The **ADIRONDACK WILDGUIDE**, a natural history guidebook to the Adirondacks being published jointly by The Adirondack Council and the Adirondack Conservancy, has incurred a few printing delays. It is expected to be available by this summer, so those of you who have already ordered a copy should be receiving it in the not too distant future. Those who have not yet ordered a copy are encouraged to send in their order. Copies may be ordered from: Adirondack Conservancy, Box 188, Elizabethtown, New York 12932. Price for members is \$16.20 for soft cover and \$25.75 for hard cover, including shipping and handling.

efforts to give volunteer observers an opportunity to learn more about the loon from experts in the field. DEC wildlife biologists Robert Miller and Al Hicks will participate in a workshop to be held at the Adirondack Museum in Blue Mountain Lake on Saturday, April 21. The agenda also includes a section conducted by Jeff Fair of the New Hampshire Loon Preservation Committee on their highly successful nest protection program.

Both observers from last season's Adirondack Loon Preservation Project and representatives from the northern New York Audubon chapters have been invited to the workshop. Anyone interested in attending or in becoming a volunteer observer should contact the Council office.

Belleayre Forest Preserve Cutting

An incident involving Department of Environmental Conservation personnel has caused the Council serious concern. Approximately 40,000 board feet of lumber were illegally cut and removed from the Belleayre Forest Preserve in the Catskills. The wood cut was exchanged with a lumber company for lumber used to construct a ski building. The cutting took place in 1980 through 1982 and was clearly in violation of Article XIV of the New York State Constitution.

The Adirondack Council Board of Directors adopted a resolution summarizing the Council's position and forwarded it to Commissioner Williams. The resolution recommends that all responsibility for maintenance and operations of forest preserve lands be centralized and all DEC personnel responsible for activities on forest preserve lands be required to pass a test to determine their understanding of and commitment to the forest preserve. It further resolves that DEC take disciplinary action against all of its employees responsible for the illegal cutting.

The Department of Environmental Conservation has since adopted a policy relating to the agency's review of activities on forest preserve lands, including the cutting of timber. In essence the policy requires that all projects involving construction or the removal of trees on forest preserve, aside from routine maintenance, be reviewed by the Director of the Division of Lands and Forests. The policy allows the Director to delegate review of routine maintenance projects to the Regional Forester.

Acid Rain Activities Intensify

Over the past few months the Council has been looked to increasingly for its acid rain expertise. Executive Director George Davis spoke on "Acid Rain in New York State" as a part of the NYS Public Health Association's lecture series at the Cultural Education Center in Albany. The lecture resulted in interviews by radio stations in Albany, Schenectady, Poughkeepsie and Glens Falls. In February when testifying on acid rain control legislation in Washington, D.C., Mr. Davis was first on an agenda of witnesses predominately representing industry's viewpoint.

Council staff attended the highly successful Acid Rain '84 conference in New Hampshire where a national citizen's platform was developed setting the bottom line for necessary emission control. The staff also attended an Intergovernmental Policy Forum on acid rain sponsored by the New York State Senate.

In April, the Council is co-sponsoring the Acid Rain Clearinghouse conference "Acid Rain: A New York State Agenda". George Davis will present the environmental community's perspective regarding costs and trade-offs of acid rain control options.



NO NEWS IS BAD NEWS

The Council needs your help in keeping us posted on media coverage of Adirondack issues. Clipping services are expensive and although we receive some local newspapers we can't possibly cover the state. We would very much appreciate our members sending us appropriate clippings from their local newspapers. We are particularly interested in any news articles that refer to The Adirondack Council since this gives us a measure of our effectiveness in dealing with the media.



The Adirondack Council

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(518) 873-2240

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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