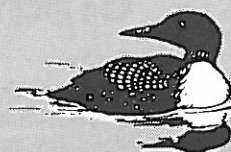




# The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

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## COUNCIL PRESENTS FIRST ADIRONDACK AWARDS



*Clarence A. Petty, recipient of the Council's 1984 Outstanding Adirondack Conservationist award.*

More than 100 members and friends of The Adirondack Council were welcomed by Chairwoman Frances Beinecke to the first Adirondack Awards ceremony. The awards were presented by the Council at a dinner held at the Hotel Saranac in Saranac Lake on July 14.

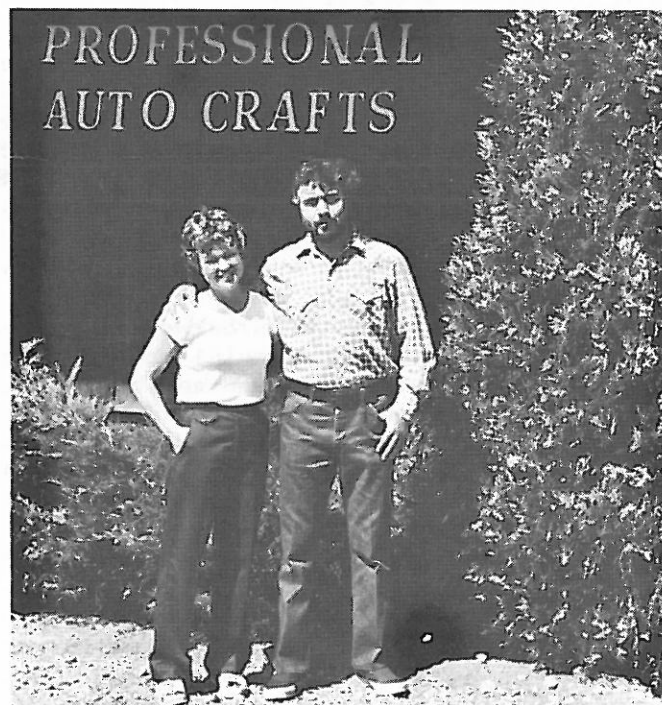
The criterion for the Council's Adirondack Awards is that they be presented to those individuals, companies, institutions and government entities whose actions have exemplified the ideal of protecting the natural and cultural character of the Adirondack Park through preservation or compatible use and development of the Park's resources.

The top 1984 award was presented to **Clarence A. Petty** as the Outstanding Adirondack Conservationist. Harold A. Jerry, Jr., a Council director who has known and worked with Mr. Petty both at the former Conservation Department and the Adirondack Study Commission, remarked that Clarence has shown an unexcelled, life long dedication to the preservation of the Adirondacks.

**Barbara McMartin** was named the Outstanding Adirondack Communicator of 1984 for her excellent work in restructuring and editing the Adirondack Mountain Club's magazine ADIRONDAC. In addition, Ms. McMartin has authored several guides to less frequented portions of the Adirondack Park thus helping relieve the pressure on more fragile and threatened areas.

**Carl and Kathleen Ferullo** were given the award for the 1984 Exemplary Commercial Activity for their Professional Auto Crafts, a body repair shop located on Routes 9 and 28 in Warrensburg. The very attractive and orderly appearance of the site belies its functional use as a repair shop.

The 1984 Exemplary Government Project Award was presented to the **State Department of Transportation** in recognition of its environmentally sensitive reconstruction of state route 30 between Blue Mountain Lake and South Pond. Transportation Commissioner Larocca appears to be as committed to improving the park-like quality of the Adirondack Park travel corridors as his predecessors Bill Hennessy and Ray Schuler.



*Kathleen and Carl Ferullo, owners of Professional Auto Crafts, received the Exemplary Commercial Activity award for 1984.*

## COUNCIL SUES TO PROTECT WILDERNESS

Citing the clear threat to New York State's wilderness system, the Adirondack Council has filed suit against the Adirondack Park Agency (APA). The suit results from the recent APA decision regarding Perkins Clearing. The Agency, which is charged to protect the Adirondack Park, agreed to allow float plane landings on Whitney Lake for up to ten years despite its simultaneous decision to include it as part of the 174,000 acre West Canada Lake Wilderness in the central Adirondacks. Whitney Lake, located in the very heart of the wilderness, has long been considered a key addition.

The Council's legal action contends that the Park Agency failed to discuss the possibility of amending the Adirondack Park State Land Master Plan wilderness guidelines in its environmental impact statements or in public hearing. These wilderness guidelines, which have been state policy promulgated by the governor since 1972, do not allow motorized equipment in wilderness although they do allow a maximum of three years to phase out nonconforming uses. The environmental impact statements only considered the classification of recently acquired state lands. No mention was made of amending long accepted wilderness management policy.

"The importance of this lawsuit is not so much whether airplanes can land on Whitney Lake but whether the state can arbitrarily change state and nationally accepted wilderness management principles without public review," explained Council executive director George Davis. "If this Agency decision were not contested, the wilderness resource in the Adirondacks would be subjected to desecration by a few individuals at any moment. None of our magnificent Adirondack wilderness areas would be safe from the roar of the internal

combustion engine," he added.

Assemblyman Robert J. Connor, who sponsored the legislation that allowed the state to acquire the lands involved in this litigation, applauded the Council's action. Assemblyman Connor believes that his legislation and the legislative history associated with it clearly indicate that the area was to become wilderness and no airplanes were to be allowed on Whitney Lake.

The Council is represented in this action by attorney Peter A. Berle of the firm of Berle, Butzel, Kass & Case. Mr. Berle is a former Commissioner of the State Department of Environmental Conservation which is charged with the administration of the state owned forest preserve lands in question. Coincidentally, the action that brought about this lawsuit was adopted by the Adirondack Park Agency on motion of the present Environmental Conservation Commissioner, Henry G. Williams.

Agency members voting to allow float planes on Whitney Lake included Commissioner Williams, Betsy Boyd representing Commerce Commissioner Donohue, Roger Swanson representing Secretary of State Shaffer, John Collins, John Stock, and Agency Chairman "Woody" Cole. Agency member Roden voted against the proposal because he believes more of the area should be open to motorized vehicles. However, after the vote he said to Commissioner Williams "I want to thank you. We wouldn't have gotten a damn thing without you." Agency members Paine, Savage and Thorndike voted against the motion in defense of the wilderness resource; Dr. LaBastille was out of the country, but had made clear before leaving that she opposed allowing motorized access into the area.

## EVALUATING PESTICIDE USE — APA, DEC, EPA?

At the April meeting of the Adirondack Park Agency (APA) a decision was made to approve the use of the controversial chemical pesticide 2,4-D for algae control in Indian Lake. The reasons given by the Agency centered on their lack of staff expertise to evaluate the potential effects of pesticide use. It was decided that the Agency should, at least in this case, rely on the staff expertise of the Department of Environmental Conservation (DEC) and the Environmental Protection Agency (EPA).

In the Council's opinion herein lies the dilemma. Previous NEWSLETTER articles have discussed the EPA's decisions on the use of chemical pesticides, many of which are based on faulty research. It is also well known that DEC has insufficient staff to satisfactorily investigate all proposed pesticide use and monitor its actual application and as a result must rely heavily on EPA approvals.

The Adirondack Council is cognizant of the limitations facing the Park Agency in dealing with this serious problem, as it requires accurate technical expertise not immediately available from any quarter. However, the Agency must not abandon its role as guardian of the unique natural resources that are the hallmark of the Park. Special pesticide regulation, therefore, may well be appropriate for the Adirondack Park in recognition of its special status as a near-natural sanctuary in the urbanized Northeast. Among government agencies, only the

Adirondack Park Agency is in a position to promote such special status. The Adirondack Council and, we believe, the public stand ready to support such an initiative.

## 1984 ANNUAL MEETING

Over 75 members attended the 10th annual meeting of The Adirondack Council at Paul Smith's College on Saturday, July 14. The meeting was preceded by a tour of the Marjorie Merriweather Post Estate, Topridge. It was followed by an Adirondack Awards dinner (see page 1 article).

Chairwoman Frances Beinecke and Executive Director George Davis discussed the many accomplishments of the past year including the incorporation of the Adirondack Land Trust, two major legal actions, the publication of the Adirondack Wildguide and a steady growth in membership. Their reports clearly indicated that no let up is expected in the upcoming year as the Land Trust becomes operational and more attention is focused on state acquisition policies in the Park. Directors, staff and members are all anxiously awaiting the return of Gary Randorf to the staff this fall.

George R. Lamb, Executive Vice President of the American Conservation Association, was elected to the board of directors. Officers elected for fiscal year 1984-1985 were Frances Beinecke, Chairwoman; Kim Elliman, Vice Chairman; Arthur Crocker, Vice Chairman; Tim Barnett, Treasurer; and Barbara Glaser, Secretary.



## ADIRONDACK LAND TRUST ESTABLISHED

The Adirondack Land Trust was established in early May as an independent land conservation arm of The Adirondack Council. The Trust is intended to serve not only the Park but all 13 northern New York counties (Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Oneida, St. Lawrence, Saratoga, Warren and Washington). The Adirondack Land Trust is dedicated to preserving and enhancing the agricultural, forest and open space resources of the area it serves.

Land trusts have been successful in all geographic sections of the nation acting in the public interest to acquire conservation easements or other interests in real property. They use the full range of land preservation devices while offering the landowner a variety of incentives to practice good land stewardship.

Specific objectives of the Trust include: (1) developing a program of various protective methods including fee title, easements and remainder interests; (2) educating the public on the benefits of such programs; (3) providing technical assistance to landowners to insure they receive the full financial benefits gained from protecting their lands; and, (4) holding title to such protective agreements where the board of directors determines no other state or private organization is appropriate.

The Trust will also act as an information clearinghouse on conservation easements, remainder interests, leasebacks and other land preservation devices for private landowners and for existing governmental and private organizations.

In close cooperation with the Adirondack Conservancy, the State, and other interested parties, it will develop open space and natural ecosystem preservation priorities for the region based on clearly enunciated criteria. Where it is the appropriate organization to do so, the Trust will take the initiative with the owners of priority land to encourage donations of conservation easements or other land preservation devices. It will prepare all environmental evaluations necessary to achieve full tax benefits from the donations, and will make arrangements for holding title to, and providing for the administration of, all such easements and remainder interests. In the typical case, the donor will pay for the environmental evaluation. If acceptable, the easement or interest will be conveyed to the Trust, the Adirondack Conservancy, the State of New York or another appropriate tax exempt title holder. The donor will be encouraged to make a one time cash contribution to the title

holder to fund administration in perpetuity.

The Trust's board of directors is knowledgeable of the history, resources and potential of the Adirondack region. It includes:

- Timothy L. Barnett** - executive director of the Adirondack Conservancy
- Sarah Bogdanovitch** - consulting forester and chairwoman of New York State Forest Practices Board
- William Bolton** - real estate investment specialist
- Neal A. Brown** - attorney active in land preservation matters
- Arthur W. Brownell** - Washington corporate affairs representative of International Paper Company
- Dr. James C. Dawson** - professor of environmental science at Plattsburgh State University
- Kim Elliman** - real estate and investment advisor in New York
- John Ernst** - private investment specialist in New York
- Douglas R. Horne** - associate with the Conservation Resources Group and former associate director of American Farmland Trust
- Harold A. Jerry, Jr.** - Commissioner Public Service Commission and former chairman of The Adirondack Council
- Sally Johnson** - local planning board member with a particular interest in preserving agriculture lands
- Peter S. Paine, Jr.** - practicing attorney and general counsel to Lake Champlain Committee
- Clarence A. Petty** - former forest preserve specialist for the Adirondack Park Agency and Department of Environmental Conservation
- John K. Ryder** - president of the Lake George Association and owner of Robert W. Leavitt Realty
- Grant C. Simmons, Jr.** - former chairman of the board and chief executive officer of Simmons Company
- Steve Wolfram** - executive vice president of the Empire State Forest Products Association

Landowners interested in learning more about the Trust and the potential benefits they might secure from it are encouraged to write to: Adirondack Land Trust, Box D-2, Elizabethtown, New York 12932 or call 518-873-9239.

## SOLID WASTE DISPOSAL IN THE ADIRONDACKS

Most of us regard the Adirondack Park as a region exempt from many of the environmental problems found elsewhere in the state, and this is largely so. However, as the following excerpt from the Assembly Standing Committee on Environmental Conservation's recent report "Toxic Substance Control in New York State: A Failed Effort" demonstrates, this is not always the case. Regarding the Department of Environmental Conservation Region 5, which includes most of the Adirondack Park, the report states:

- There are 94 landfills in this region.... None currently operate under a valid permit. Some are open 24 hours

a day and have no gates to regulate access. None comply with DEC requirements for adequate lining and leachate collection and treatment. None are under a compliance schedule through legal enforcement.

- Ten of the region's municipal landfills are listed in the State's Inactive Hazardous Waste Site Survey.
- Prior to fiscal year 1982-83, two and one-half persons were available for the municipal waste program. That level of staffing was inadequate. By 1983, funding costs reduced the staff to one half-time person to cover this eight county region.
- Region 5 has eliminated all landfill inspections and cannot enforce the provisions of new facility permits.

**NOTICE:** The Wilderness '84 Conference originally scheduled for late August at Silver Bay has been canceled.

- Twenty-five landfills in this region are known or suspected to threaten groundwater that provides drinking water to communities and private homeowners.

At press time DEC Commissioner Williams is threatening to close landfills in Essex County thereby forcing the county to move forward with plans to use a single landfill for all of the county's refuse. Essex County is the second largest of the state's 62 counties but ranks 57th in population. Because of the numerous public campsites, tourist oriented economy and vast acreage of public land much of the county's refuse is produced by those residing elsewhere in the state.

The Adirondack Council believes that the state should provide leadership by assisting local units of government in choosing among feasible alternatives that fit their solid waste disposal needs and available resources. Certainly a state-wide solution to the state-wide landfill problem should be forthcoming.

## LEGISLATIVE WRAP-UP

The recently adjourned 1984 state legislature did not pass a great deal of legislation relating specifically to the Adirondacks. On the positive side, the Legislature refused to consider several ill-advised proposed amendments to the forever wild clause of the state constitution. On the negative side, important Adirondack rivers and shoreline protection legislation were once again neglected, although the Assembly did pass a less than perfect rivers bill. Some bills of great importance to the Adirondacks, however, were passed:

- 1) Acid rain legislation, although watered down from what we had sought, was passed requiring a 100,000 ton reduction in New York State's sulfur dioxide emissions by 1988 with the possibility of an additional 250,000 ton reduction by 1996. **Senator John R. Dunne** (R-Nassau) and **Assemblyman Maurice Hinchey** (D-

Saugerties) deserve the thanks of all citizens of New York State for their efforts to achieve this legislation which will make New York State the first state in the country to place limits on emissions of sulfur dioxide and nitrogen oxides thus sending an important message to Washington and the rest of the nation.

- 2) The Adirondack Council's number one legislative priority, erasing the double standard under which state agency projects are merely reviewed and not regulated by the Adirondack Park Agency, was passed by the Assembly and introduced in the Senate but not passed. It is conceivable that the Senate could pass this bill when they reconvene later this year. **Please write your state Senator asking him or her to support this bill (S.9470-A) and send a copy of your letter to Senator Warren Anderson, Suite 510, 84 Court Street, Binghamton, New York 13901. (Senator \_\_\_\_\_, Legislative Office Building, Albany, New York 12247.)**
- 3) Under intense pressure from the Governor's office, both the Assembly and the Senate passed amendments to last year's conservation easement act that will make it more difficult for the state to pursue an aggressive conservation easement program.
- 4) A bill passed both houses allowing state River Regulating Districts and the Oswegatchie River-Cranberry Lake Commission to lease, sell or otherwise alienate state owned lands (S.9342). This bill is clearly unconstitutional and the Governor should be urged to veto it.
- 5) Serious constitutional questions are also raised by bills passed by both houses to allow the sale of the Warrensburg fish hatchery (S.1525-B) and the railroad right-of-way from Lake Champlain to the Clinton prison (S.9504).
- 6) Legislation was passed appropriating \$100,000 to celebrate the forest preserve centennial.



### 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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