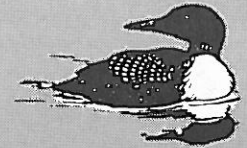




# The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

Vol. 8

January 1984

No. 25

## CUOMO ADIRONDACK POSITIONS EMERGE

### Conservation Easement Bill Becomes Law

A 13-year effort to enact conservation easement legislation in New York culminated on December 31 when Governor Cuomo signed a bill passed by the Legislature in June. The Governor's office hesitated throughout the summer and fall to act, purporting to need more time to understand the implications of the bill especially in regards to utility transmission line sitings. Negotiations involved executive agencies, legislators and the environmental community in an effort to develop mutually acceptable amendment language that would satisfy all concerned. The executive branch was unable to agree on language until it was too late to be enacted at a special session in 1983. As a result the bill appeared headed for a veto based almost exclusively on the concerns expressed by the Power Authority of the State of New York (PASNY) until, on December 30, the Governor proposed several non-negotiable amendments to the legislature. After key legislators agreed to seek these amendments early in 1984, the Governor signed the easement bill.

The Adirondack Council, an active participant in negotiations until the last few days of 1983, has been and continues to be agreeable to any amendments the Governor seeks so long as such amendments do not defeat the basic purposes of the conservation easement bill, undercut the basic purposes of the Adirondack Park and the forest preserve, or adversely impact the Adirondack tourist and forest products economy. The Council will carefully review the wording of the proposed amendments in light of these concerns before taking a position.

Conservation easements provide a method for preserving land in productive open space uses such as agriculture or forest management. They have been successfully used under legislation similar to New York's in many other states. The conservation easement concept has long been in use in New York State. The new law merely clarifies numerous legal questions regarding such easements.

In the Adirondacks easements provide a method to preserve the Park character and protect the regional economy. Also, by providing that the state will pay its share of taxes for easements it holds, the conservation easement law assures local governments there will be no diminution in the local tax base.

Conservation easements can be tailored for any parcel of land. For instance, an owner of 100 acres of woodland might offer to give or sell to the state a conservation easement that allows the owner or subsequent owners to continue to harvest timber, control access to the land and, perhaps, build another structure on it. In this case the owner would essentially be transferring to the state his or her rights to build more than one more structure on the land. Of course, the more rights the owner retains, the lower the value of the easement for the purpose of real property taxes or an income tax deduction.

Each easement can be negotiated so that the interest of both the owner and the state can best be met.

Clarification in the easement law now gives the state important new flexibility in their Adirondack land acquisition program. If easements are used to advantage, the state has a marvelous opportunity to protect the public interest in preserving the open space character of the Park, accomplish more land preservation with the same amount of funds, protect the interests of the individual property owner, foster the wood using industry and, at the same time, protect the local tax base.

Major credit for getting this bill enacted with a Herculean effort goes to Assemblyman Maurice Hinchey (D-Kingston) and Senator Jay Rolison (R-Poughkeepsie). They each deserve letters expressing your appreciation for their efforts in land preservation in New York State.

### Governor Endorses Acid Rain Legislation

"Acid rain is perhaps the most severe challenge facing New York's environment and it is one we can't solve alone." So began Governor Cuomo's testimony before a hearing held by the U.S. House of Representatives' Subcommittee on Health and the Environment at the World Trade Center in New York City. The subject of the hearing was the Waxman-Sikorski-Gregg bill (H.R. 3400), the National Acid Deposition Act of 1983. The Governor underscored the severe problem we face here in the Adirondacks and emphasized that the damage isn't confined to this region but is evidenced throughout the entire Northeast. He added that "precious resources preserved across generations with great effort and at great expense--are being put in jeopardy."

The Council applauds Governor Cuomo's support for legislation controlling acid deposition. The Governor made clear his strong position regarding resolution of the menacing problem of acid rain, and he proposed changes in H.R. 3400 where he felt it could be improved. The changes proposed were:

- increasing the bill's required reduction in annual sulfur dioxide emissions to 12 million tons;
- imposing a tax on emissions of sulfur dioxide and nitrogen oxides rather than a nationwide tax on utilities;
- adding a provision to exempt low income families from bearing the cost of an emissions reduction program.

We agree with the Governor that details of "an effective and workable national acid rain program remain open to debate and perhaps improvement" but that "what is now beyond debate is the sheer urgency of the question, the necessity of taking action before the effects of acid rain become irreversible".

Support for H.R. 3400 is growing. Environmental groups such as The Adirondack Council can be pleased with their efforts as



Governor Cuomo testifying before Congressional committee in support of strong acid rain control legislation.

106 representatives have now signed as co-sponsors, exceeding the goal of 100 set by the National Clean Air Coalition. On the Senate side, Senator Robert Stafford has announced his intention to hold hearings and mark-ups early next year on the Stafford-Hart Acid Rain Bill (S.769). The Stafford-Hart bill is gaining bi-partisan support.

In an election year Congress is often reluctant to act. The first two months of 1984 will be make or break for the Clean Air Act, determining whether we must wait yet another year to protect our lakes, forests, soils and health.

As Governor Cuomo so succinctly stated in his testimony "Science, and logic, and experience all tell us the time to act is now, that by delaying we risk our future and the future we will leave to our children."

Your efforts can make the difference. The following important messages must be given to Congress:

1. The Clean Air Act must be reauthorized and strengthened in the area of acid rain in this Congress.
2. Senators should co-sponsor S. 769 (Stafford-Hart).
3. Representatives should co-sponsor H.R. 3400 (Waxman-Sikorski-Gregg).

Write your Senator at the U.S. Senate, Washington, D.C. 20510; and your Representative at the U.S. House of Representatives, Washington, D.C. 20515. For more information, contact The Adirondack Council.

### Governor Names APA Chairman

Herman J. "Woody" Cole, recently nominated by Governor Cuomo for Chairman of the Adirondack Park Agency, was an invited guest at The Adirondack Council's November Board of Directors meeting. Mr. Cole graciously agreed to meet with the Council and representatives of several other environmental groups and attempted to answer myriad questions regarding the Adirondack Park and his qualifications to head the Park Agency.

The Council is impressed with Mr. Cole's deep concern for people and his desire to communicate effectively with the Adirondack resident. He made clear that his top priority as Chairman would be to influence and assist local governments to develop planning programs. He also stated that: completion

of unit management plans by DEC was of great importance in that it clarifies for local Adirondackers their use of state land; the forest preserve should have increased accessibility to the handicapped and hunters and fishermen; he would emphasize acid rain as a major issue; and that economic development of the Park must be based on tourism.

Some of these points have a great deal of merit. Their emphasis, however, and Mr. Cole's stated objectives fall short of what the Council called for in the April NEWSLETTER "...leadership should reflect the statewide concern for the Park, the quality of its natural environment and the potential for the Adirondacks to become both the nation's foremost Park and a positive example of humans living in harmony with their natural environment."

Unfortunately, Mr. Cole was woefully unprepared to articulate any goals for the future of the Adirondack Park and apparently has not carefully considered the Park as a statewide resource to be managed for all the people of the state. The Council believes that his lack of expertise in regional planning, park planning or natural resource issues and his unfamiliarity with important legal and institutional principles that are the foundation of the APA Act are serious deficiencies. The Council, however, intends to have further discussions with Mr. Cole before it takes a final position on his nomination.

Before Mr. Cole can take over the reins at APA, he must be confirmed by the State Senate. Senator John Dunne, Chairman of the Committee on Environmental Conservation and Recreation, has told the Governor he will hold confirmation hearings when the Governor has submitted the complete list of nominations for the four expired terms on the Agency. The Senator has also indicated he intends to hold a public hearing as well as the normal legislative hearing.

Anyone wishing to be informed of the hearing dates and to comment on the nominations is encouraged to write Senator John R. Dunne, Room 711, Legislative Office Building, Albany, New York 12247.



## LOON SURVEY

The Adirondack Loon Preservation Project's first survey year has just been completed in what is expected to be a 4-year study of 1056 lakes in northern New York. The North American Loon Fund has helped make this project possible by their financial support but the real credit goes to the volunteers.

The 75 volunteer observers sending information on sightings include a broad cross section of individuals -- from lakeshore camp owners to DEC forest rangers. Two hundred sixty-five lakes were surveyed and, of these, 113 had loon sightings. A total adult loon count of 247 with 82 young successfully raised was reported.

There is, of course, more to the project than the survey. Much emphasis is on education, and areas of disturbance will be pinpointed where citizen contact could help preserve nesting areas and protect the loon from needless disturbance.

This year has been a learning experience. Next year we will be working closely with the National Audubon Society and its eight northern New York chapters. Plans are being made for a workshop to be held in March to train volunteers. Anyone interested in participating in next year's survey should contact Anita Davis at the Council.



## BACTERIAL CONTROL OF BLACK FLY FEASIBLE

A report issued by scientists Daniel Malloy and Robert Struble of the State Education Department's Biological Survey Office indicates that black flies can be successfully and economically controlled by a bacteria. This bacteria, commonly known as Bti, effectively reduces the adult black fly population by more than 85% at the center of the treated area and 60% one mile from the treated area. The bacteria is applied directly to streams where it kills the black fly in its larval stage without endangering other species.

The Adirondack Council is cautiously optimistic that this research paves the way for an effective black fly control program that does not endanger the rest of the environment. The Council has been involved in litigation each of the past two years to block the dangerous aerial spraying of pesticides to control the black fly in the Adirondack Park. A safe option now appears on the horizon. Not only does the research indicate that Bti is more effective than the pesticides that have been in use, but it also appears to be less expensive. News articles have indicated that Bti costs more than 40 times as much as aerial spraying on a square mile basis. They overlook the fact that using Bti on the larval stage of the black fly allows more precise and effective application. The cost of using Bti is approximately \$1.25 per acre. In contrast, the Town of Indian Lake spent \$7.35 per acre in 1983 for aerial pesticide spraying to control the black fly.

Now there appears to be an environmentally sound, effective and economical option for those towns that believe black fly control in populated areas is necessary to their tourist based economy. The Adirondack Council hopes some towns will choose to try it.

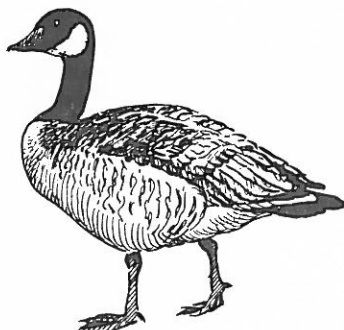


## 1984 LEGISLATIVE PROGRAM

One of The Adirondack Council's top priorities is to promote legislation that will enhance the very special character of the Park which, in turn, underpins the economic potential of the region. The Council must focus its effort on a few key bills because the extent of legislative work undertaken by a tax-exempt organization is limited by law.

During the 1984 legislative session the Council will emphasize the following legislation:

- An amendment to the Adirondack Park Agency Act that would make Agency findings on development projects proposed by other state agencies binding unless specifically overruled by the Governor (A.8001).



- An amendment to the Wild, Scenic and Recreational Rivers Act that would add approximately 129 miles of Adirondack rivers to the State's Wild, Scenic and Recreational Rivers System (S.4273 and A.3285).
- An amendment to the Adirondack Park Agency Act that would designate as critical environmental areas shorelines in low intensity use, rural use and resource management areas, as well as lands in low intensity use and within 150 feet of federal or state highways.
- An amendment to the Adirondack Park Agency Act that would require the Agency to study all lake shorelines presently designated moderate intensity use for the cumulative impact of permitted development on water quality, physical and biological resources, aesthetics and other resources (S.5579).
- A bill introduced by Senator John Dunne (S.6016) to amend the environmental conservation law in relation to coal conversion and acid precipitation. It sets a state policy of no net increase in sulfur dioxide emission for utilities converting to coal; in addition, it mandates a 50% reduction in sulfur dioxide emissions by the year 2000.

The Council will give bill numbers and actions in future NEWSLETTERS so that our members can contact state legislators expressing support for such legislation. Conversely, it may be necessary for the Council to oppose legislation that threatens the Park's character, and when such threats arise we will inform our membership.



## ENDOWMENT FUND ESTABLISHED

Through the generosity of the Citizens to Save the Adirondack Park (CSAP), the Council has established an endowment fund. CSAP, created in 1974 to help stop massive uncontrolled and ill-advised development of the Park, disbanded recently. Feeling that The Adirondack Council best represented their ideals, they presented the Council with a check for \$8,710, all of their remaining financial assets, with the stipulation that the money be used to establish an endowment fund and be matched by the Council. Council Director Clarence A. Petty and his wife Ferne, who were instrumental in forming CSAP, deserve our heartfelt thanks and gratitude for making our endowment fund a reality.

Any Council members who wish to help us match this gift through direct giving, bequests, or other means should contact the Council's office in Elizabethtown.



## COUNCIL ACTIVITIES October - December 1983

### Dr. LaBastille Lectures in New York City

A capacity audience was captivated by Dr. Anne LaBastille's lecture and slide presentation entitled "The Adirondacks: The Beauty and the Peril" at the American Museum of Natural History in November. The Adirondack Council co-sponsored the event in New York City with the Museum, and the more than 900 people attending made clear their keen interest and love for the Adirondack Park. The Council is grateful to Dr. LaBastille for her excellent presentation.

### Acid Rain Issue Gains Momentum

If public interest in an issue can be gauged by the number of meetings, conferences, and forums held on the topic, then acid rain scores high. Council staff attended a New York Symposium on Atmospheric Deposition in October, delivered a paper on "Acid Rain in New York State" to the annual meeting of the New York State Public Health Association in November, attended the Coalition of Northeast Governors Conference on Acid Rain, and presented testimony before the U.S. House Subcommittee on Health and the Environment on the Waxman-Sikorski acid rain bill H.R.3400 in December. The January calendar is set for the Acid Rain '84 Citizens Conference in New Hampshire when a platform will be formulated to unify a national and international call for action on acid rain.

### New Member Organization

The Adirondack Council is honored to add as a member organization the National Parks and Conservation Association.

Established in 1919 the NPCA is the only national, private, membership organization that focuses on defending, promoting and improving our country's parks and on educating the public about their significance. Dr. Thomas Cobb, an Adirondack Council Director, is a field representative of NPCA.

### Perkins Clearing Hearings

George Davis represented the Council at both the Rochester and Albany public hearings held by the Adirondack Park Agency and presented testimony urging wilderness classification for the Perkins Clearing area. Testimony at the Indian Lake and Elizabethtown hearings was presented by Council Directors Clarence Petty and Dean Cook.

Although we go to press before the Agency votes on the classification, our appreciation goes to the scores of members who responded to our action alert and sent letters on Perkins Clearing to the Agency. There can be little doubt of the broad support that exists statewide for wilderness classification.



### The Adirondack Council

Box D-2, Elizabethtown, NY 12932  
(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.*

**EXECUTIVE DIRECTOR:** George D. Davis

**PROGRAM ASSISTANT:** Anita L. Davis

#### OFFICERS:

**Chairwoman** . . . Frances Beinecke  
**Vice Chairman** . . . Arthur M. Crocker

**Secretary** . . . . . Barbara Glaser  
**Treasurer** . . . . . Timothy L. Barnett

#### BOARD OF DIRECTORS:

Timothy L. Barnett  
Richard Beamish  
Frances Beinecke  
Peter A.A. Berle  
Richard Booth  
Thomas Cobb  
Dean Cook  
Arthur M. Crocker  
James C. Dawson

Marilyn M. DuBois  
Edward A. Earl  
Lynne T. Edgerton  
Kim Elliman  
John Ernst  
Barbara Glaser  
William T. Hord  
Harold A. Jerry, Jr.

Sally Johnson  
Richard W. Lawrence, Jr.  
James Marshall  
Clarence A. Petty  
James Rogers III  
Paul Schaefer  
Gene Setzer  
David Sive

U.S. Postage  
**PAID**

**BULK RATE**  
**PERMIT NO. 40**  
Elizabethtown, NY  
12932

**Contributions are tax deductible**

A copy of the last financial report filed with the New York Department of State may be obtained by writing: New York Department of State, Office of Charities Registration, Albany, NY 12231 or The Adirondack Council.