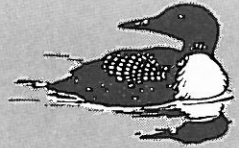




The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

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No. 21

A NEW OPPORTUNITY

A new administration in Albany always brings with it the possibility of change in state policies regarding the Adirondacks. We view this as an opportunity to open the eyes of new individuals to the beauty and grandeur of the Park. An opportunity to improve existing programs and create new ones that will enhance the Park - in terms of both its natural resources and its human resources.

The Adirondack Council believes that the Cuomo administration should feature a ten year Adirondack Park program designed to culminate in a 1992 Park centennial celebration. The program would, of necessity, recognize the limits of increased government regulation or massive expenditures. In their stead, it would act as a catalyst for private action and give a new sense of mission to existing state programs and funds. The program should set a direction through leadership and cooperation that would bring together state agencies, local governments and the private sector aiming for a common goal - a goal of making the Adirondack Park a nationally recognized region where people and the natural environment coexist in harmony and dignity.

Such a program would create a Park that would attract countless more visitors and protect the open space land base for tourism, forest management and agriculture. The resultant Park would have a more certain and stable economic base and would be a model for the nation.

The foundation of such a program should include the following actions:

1. Long Range Objectives

- A clearly stated long range state goal for the Park.
- A specific program and timetable leading up to a nationally advertised Park centennial celebration.
- Increased long range planning for the Park through:
(1) increased emphasis in this area by the Adirondack Park Agency; (2) expedited implementation of the State Land Master Plan by the Department of Environmental Conservation; (3) acceleration of the undergrounding of utility lines by the Public Service Commission; and, (4) implementing a distinctive Park landmark and interpretive signing program by the Department of Transportation in concert with the Park Agency and Department of Environmental Conservation.

2. Forest Preserve

- An absolute, unwavering commitment to the "forever wild" concept as set forth in Article XIV, Section 1 of the State Constitution.
- A state policy for the Park's public lands to manage and foster the wild, natural Adirondack environment and the flora and fauna historically associated with it.
- A forest preserve acquisition policy that gives priority to: (1) rounding out existing large parcels of forest preserve; (2) protecting critical environmental areas; (3) preserving scenic vistas; (4) providing public access to existing forest preserve and wild, scenic and recreational rivers; (5) allowing for the creation of a boreal zone (spruce-fir lowlands) wilderness in the

northwest portion of the Park; and, (6) acquiring conservation easements to achieve the above when retaining the land in private ownership is preferable.

3. Regional Economy

- State programs designed to enhance tourism, agriculture and the forest products industries.
- A concerted effort to abate acid precipitation impacts on the Park.
- A visitor information program, compatible with the Park's character, that emphasizes Park interpretation, natural landmark signing and service information.
- Completion of the Adirondack wild, scenic and recreational rivers system through the addition of approximately 116 miles and inclusion of the total Adirondack system in the National Wild Rivers System without federal intervention.
- A viable open space taxation program that recognizes the unique importance of open space to the Park.
- A conservation easement program with in-lieu payments by the state to local governments thereby recognizing the legitimate state interest in the preservation of Park open space.

The Adirondack Council looks forward to working closely with the Cuomo administration, the newly elected legislature and all other interested parties to achieve these objectives.

It is imperative that we realize that the responsibility to create the kind of Adirondack Park we envision does not fall on government alone. We all have a responsibility to first foster the type of environment in which the program we desire can occur and then assist in developing it. Government cannot and should not do it alone.

1983 LEGISLATIVE PROGRAM

An important function of The Adirondack Council is to promote legislation that will enhance the natural open space character of the Park which, in turn, underpins the economic potential of the region. Because the extent of legislative work undertaken by a tax-exempt organization is limited by law, the Council focuses its efforts on a few key bills.

During the 1983 legislative session the Council will emphasize the following legislation:

- A conservation easement bill that would clarify existing law and provide for reimbursement by the state to local governments for justifiable property tax reductions in exchange for development rights relinquished in perpetuity.
- 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.
- An amendment to the Adirondack Park Agency Act that would designate 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, as critical environmental areas.
- 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.

- An amendment to the Wild, Scenic and Recreational Rivers Act that would add approximately 116 miles of Adirondack rivers to the State's Wild, Scenic and Recreational Rivers System.

The Council considers enactment of these 5 bills vital to the protection of the Adirondack Park and urges our members to contact their representatives in the state assembly and senate to express their support for such legislation. Future NEWSLETTERS will keep you informed of bill numbers and action.

Naturally, part of the Council's legislative program entails opposing legislation that would threaten the Park's character. Examples include proposed amendments to the Constitution that would dilute the "forever wild" protection assured the forest preserve and legislation to weaken the Adirondack Park Agency Act. As such threats arise we will inform our membership.

In addition to promoting or opposing specific legislation as discussed above, the Council has decided to consult with local officials and state representatives, the State Board of Equalization and Assessment and other knowledgeable tax experts prior to drafting legislation to create a special Adirondack Park property tax district. The thrust of such legislation would be to recognize the state's legitimate interest in preserving open space in the Park and correlate this interest with property taxation, while insuring that local government units are not adversely affected. Such legislation will be difficult to draft but holds the potential of developing common ground among environmentalists, land owners, residents and non-residents. This potential alone is worth the effort. It is not expected that such legislation will be ready to introduce until next year but discussion needs to start at once.

FOREST RESOURCES REPORTS

Early in 1982 the Council's executive director was asked by the Department of Environmental Conservation (DEC) to chair a Forest Preserve study committee as part of a state-wide Forest Resources Planning Program. At the same time, Council Board member Dr. Tom Cobb was asked to chair a Recreation and Aesthetics study committee. These reports, along with those of eight other study committees (Forest Health, Wood for Energy, Forest Wildlife, Future Timber Supply, Taxes and Profits, Professional Forest Managers, Harvesting and Utilization, and State Forests other than Forest Preserve), will form the basis for a "Draft Forest Resources Plan". That plan will be available for public review and comment from the DEC's Division of Lands and Forests in the spring of 1983.

The Forest Preserve Issue Study Committee was composed of such diverse interests as industry, sportsmen and environmentalists. It was directed to focus on issues that had been identified as a result of an extended public participation process begun in February 1980.

The Committee recommended no change in the "forever wild" protection afforded the forest preserve by Article XIV. Seven goals or recommendations, supported by a "rationale" and suggested strategies are stated:

- Achieve, through public information and education, understanding of the uses and values to the people of New York of the Forest Preserves as currently managed under Article XIV.
- Provide a cost-benefit analysis of present and potential alternative management schemes in terms of man-hour devotion and economic values, so that the general public will better understand the impact of proposed changes in Forest Preserve management.
- Insure, preserve, and enhance regional economic stability in the Forest Preserve counties, through appropriate legislative, executive, and fiscal actions.
- Complete unit management planning for Forest Pre-

serve lands, insuring the fullest possible public participation from local government and commercial, residential, organizational, and individual interests.

- Add to the Forest Preserve lands of particular unique fragile, recreational, historical, or administrative value, or for purposes of habitat protection or protection of other natural resources, as provided for in the 1972 Environmental Quality Bond Act.
- Collect the appropriate technical information necessary to make a decision on continuing the present fire-suppression policy on Forest Preserve lands vs. adopting a policy whereby fire is allowed to play a more natural role in Forest Preserve management.
- Develop within the Adirondack and Catskill Parks continuing theoretical and applied research programs...to include economic values assessment, public use assessment, and inventories of physical, biological, historical, and cultural resources.

The Recreation and Aesthetics Committee perceived New York State's recreation resource as one of the finest, if not the finest, in the nation from the standpoint of the broad range of recreational opportunity provided and its proximity to many millions of people in the northeastern United States.

In brief, the Committee upheld the importance and integrity of wilderness both from the standpoint of the unique and alternative recreation opportunity that it provides, and as a scarce resource that constitutes less than one-fifth of one percent of the commercial forest land in the eastern United States.

The issue of public access is a much more serious and difficult problem. One of the Committee's action strategies in this regard was that "access" criteria be given priority consideration by the Department of Environmental Conservation in acquisition decisions that could open up important isolated tracts of forest preserve or aid in the dispersal of recreation use.

Copies of these reports and the reports of the other study committees can be obtained from the Department of Environmental Conservation.

THE DILEMMA OF HISTORIC PRESERVATION

Imagine a unique historic structure of widely recognized value on forested or other open space private lands of the Adirondack Park. The structure and lands are offered as a gift or for purchase to the state. The lands are judged by the Department of Environmental Conservation to be a very desirable addition to the forest preserve. If acquired they would be protected by Article XIV of the state constitution and managed in a "forever wild" condition. The prevailing interpretation of Article XIV deems that significant structures and other non-conforming facilities and uses should be removed.

What to do? Make the valued forest preserve addition and torch the structure? Let the structure be recycled by the elements through benign neglect? Limit state ownership to the surrounding lands and try to find a private party willing to acquire only the structure and immediate environs for an appropriate adaptive use or simply to conserve it? Make the state acquisition and begin the thankfully arduous process of amending Article XIV (that requires the approval of two separately elected state legislatures and a referendum of the voters) to allow the structure to stand? Complications that logically follow this latter approach are: Can the state afford to maintain the structure, particularly if some appropriate use cannot be made of it? Will the precedent of repeated amendments engender an array of abusive amendments that are difficult to discern from "good" amendments by uninformed or disinterested legislators and citizens?

Possibly a "generic" constitutional amendment should be sought that would establish a limited and fixed acreage "land bank" for historic purposes. The acreage would be keyed to the number of significant structures and immediate surround-

ing acreage that could ultimately become available to the state, and that also are determined to be publicly desirable and affordable - a number that is, by the way, presently unknown. The bank would be diminished by the acreage needed for each "historic purposes" acquisition. Some perceptive people, concerned about the possibility of "generic" abuses of Article XIV, cautiously ask, why not then an administrative site land bank, a prison land bank, a forest management land bank, a museum?

A final alternative that has been offered is to suggest that there is no conflict. If historic resources are maintained for public enjoyment and understanding of the forest preserve and/or for Departmental activities necessary in protecting state lands, then the attorney general should find that such historic resources are consistent with Article XIV. All that is necessary is an administrative or statutory decree to that effect! Many readers would say the perpetrators of this approach, if they have read Article XIV and the long history of Attorneys' General opinions closely, have pushed their tongues far into their cheeks to suggest this solution.

The Council is studying this issue but has no position at present. Members are encouraged to send their comments to our office to help the Board in developing a position.

COUNCIL ACTIVITIES October - December 1982

Media Contacts

In late October Gary Randorf, George Davis and Clarence Petty visited with the editorial boards and reporters of many major upstate metropolitan area newspapers. During this media tour they also taped radio and TV interviews.

The primary purpose of the trip was to discuss the "State of the Park - 1982" report and help New Yorkers better understand and appreciate the Adirondack Park. Judging from the news articles and editorials we have seen, the trip was successful. Since we don't feel we can afford a clipping service, we appreciate our members sending us articles concerning either the Council or the Park and encourage more of you to do so.

In December George taped a TV news spot concerning the "State of the Park - 1982" report and both Gary and George were interviewed at length for a five part Plattsburgh newspaper series on Council activities.

Public Meetings

More than fifty individuals turned out in both Buffalo and Rochester on October 25 and 26 when Gary Randorf, George Davis, Clarence Petty and, in Rochester, Dick Booth conducted public educational meetings on the Adirondack Park. The Park's history, resources and pending issues were discussed. The Buffalo meeting was co-sponsored by the Niagara Frontier Chapter of the Adirondack Mountain Club and the Foothills Trail Club. The assistance in arranging the facilities and the hospitality shown us by Jim and Marnie Leverett were particularly appreciated. In Rochester the meeting was co-sponsored by the Monroe Community College with arrangements made by Dr. Betty Hopkins.

Sagamore Island Development

George Davis presented the Council's opening statement and Gary Randorf cross-examined witnesses at the Adirondack Park Agency's public hearing on the proposed Sagamore Island development (see July 1982 NEWSLETTER) in mid-October. The Adirondack Council had earlier been granted full party status. In our opening statement Davis stated that "The Adirondack Council is not opposed to the project that is the subject of this hearing. Indeed it applauds environmentally sound development that complements the Park and is located in or adjacent to existing communities. The Council is especially pleased with the prospect of the Sagamore Hotel being restored.

"The Council is, however, concerned about certain aspects of the total project and their impacts on the Park's character and resources. We hope to be able to make specific suggestions that will alleviate our concerns and still allow the project to go forward...The Adirondack Council hopes that the Agency and the Town of Bolton will, in their project review process, find ways to protect the visual amenities, Park character, water quality and other resources...

"We offer the following specific recommendations:

- (1) That the project not be approved until the Agency is convinced that no decrease in the water quality of Lake George will take place as a result of the project and that any permit be conditional on providing best available technology at the sewage treatment plant.
 - (2) That the project not be approved until the Agency is convinced that the financing to fully complete the project and all Agency imposed project conditions is available; or, alternatively, that financial guarantees insure that partial completion of the project and its infrastructure will not place any financial burdens on any government entities or taxpayers, or cause any negative impacts on the natural and visual resources of the project site or adjacent areas.
 - (3) That the project not be approved until the Agency is convinced that the impacts on local government services have been adequately addressed and an opportunity for the public to be heard on the subject at a hearing, which has been excluded from this hearing by Agency direction, has been afforded.
- and perhaps most importantly,
- (4) That no new buildings be allowed on the island's eastern shore that would be visible from the lake, 600 feet off the island's eastern shore, during the summer months when deciduous vegetation is in leaf."

Randorf is continuing to monitor this project and has recently filed an initial reply brief with the Agency.

Indian River Dam

In early November The Adirondack Council filed with the Federal Energy Regulatory Commission a motion to intervene in the licensing proceedings for a hydropower development on the Indian River at the outlet of Indian Lake. In the motion the Council asserted that "the hydropower development of the Indian River, as proposed, would:

- 1) Violate Article XIV of the New York Constitution...by allowing new structures (e.g., powerhouse and transmission lines) on Adirondack forest preserve;
- 2) Violate the New York State Wild, Scenic and Recreational Rivers Act and implementing regulations by allowing new structures to be placed within 150 feet of the Indian River, a designated recreational river; and,
- 3) Violate the Adirondack Park State Land Master Plan by allowing new non-conforming uses and structures within the Blue Mountain Wild Forest area."

As of press time, the Federal Energy Regulating Commission has not replied to our motion.

Acid Rain Trip

Executive Director Gary Randorf was invited to participate, with expenses paid, in an acid rain comparison trip this autumn in the Muskoka District in Ontario. Gary was chosen to represent private organizations in New York concerned with acid rain impacts. The purpose of the trip and associated meetings was to view Muskoka's acid precipitation research programs, to see some of its geography and to share data and ideas for action between one of Canada's acid sensitive regions and the United States' most seriously impacted area - the Adirondack Park. A reciprocal trip is anticipated in the spring.

Wilderness Paper

Program Consultant George Davis presented a paper entitled "Natural Diversity for Future Generations: The Role of Wilderness" at a national workshop in Athens, Georgia sponsored by the University of Georgia, United States Forest Service and National Park Service. Expenses were provided by the sponsors. Copies of the paper are available on request from The Adirondack Council.

Meetings

During the final quarter of 1982 the staff participated in the following meetings in addition to those mentioned above:

October

- 4 Lectured and presented the Lakes to Lichen slide/tape program to a conference at Silver Bay
- 5 Lectured and presented a slide/tape program on acid rain to the Adirondack Mountain Garden Club in Pottersville
- 8 Attended the Adirondack Association annual meeting in Saranac Lake
- 16 Attended the North American Loon Fund board meeting in Boston
- 17 Attended the Wilderness '84 Conference meeting at Adirondack Loj
- 19 Served on an acid rain panel at an Environmental Educators Conference at Silver Bay
- 23 Moderated a workshop on State Land Master Plan Update at the New York State Environmental Conference in Albany
- 27 Served on a citizens interest group panel at an acid rain conference in Burlington

November

- 2 Spoke to Lake Placid Chamber of Commerce regarding the Council's position on aerial insecticide control
- 8 Met with representatives of Niagara Mohawk, Public Service Commission and APA in Albany to discuss herbiciding in utility line rights-of-way
- 9 Spoke to regional meeting of Soil Conservation Service in Ticonderoga regarding acid rain effects and needed action
- 9 Participated in a land stewardship debate at Paul Smiths College
- 10 Attended the Adirondack Council Board Meeting in Albany
- 12 Met with the Executive Director of APA to discuss the Agency's proposed goals program
- 16 Lectured to a Women's Church Group in Wilmington about global environmental issues as they relate to the Adirondacks
- 18-19 Attended the APA meeting in Lake George
- 22 Met in Albany with representatives of several public interest organizations to discuss potential candidates for Cuomo administration appointments

- 29 Presented an illustrated lecture on the forest preserve and the role of The Adirondack Council in the Adirondacks at Paul Smiths College

December

- 4 Attended the Colloquium on Historic Preservation Issues in the Adirondack Park at Union College in Schenectady
- 9 Lectured to wilderness recreation management students at North Country Community College on Wilderness Management and Designation from the Council's perspective
- 13-14 Attended the APA meeting followed by a meeting on APA's goals program
- 14 Attended a public hearing on the Draft Environmental Impact Statement for Warren County Sanitary System Alternatives

PUBLIC MEETINGS

The Adirondack Council hopes to hold more public informational meetings about the Park in mid-March. These meetings will be similar to those held in Buffalo and Rochester in October and on Long Island this month. We plan on visiting the lower Hudson area (Dutchess, Orange, Putnam, Ulster and Westchester Counties) March 15-18. Members or organizations who would like to help us arrange these meetings are encouraged to contact our office as soon as possible.

One meeting, to be held in Westchester county, is already confirmed:

WESTCHESTER COUNTY
Friday, March 18, 8:00 p.m.
Westmoreland Sanctuary
Chestnut Ridge Road, Bedford

POSTAGE DUE?

Much to our chagrin, we have learned that in a few cases our end of the year financial appeal arrived with 17¢ postage due! This certainly does not create the frame of mind we would hope for when making a much needed appeal for funds.

However, we plead innocent. We specifically asked our post office to weigh the mailing before it was sent and they did so, on both of their scales, and informed us that it would go first class for 20¢. Unfortunately a few receiving post offices disagreed.

Although there is no way to know which post offices have accurate scales and which don't, we do know that we appreciate your patience and generous contributions. We promise to make good use of them - the contributions that is!



The Adirondack Council

Box D- 2, Elizabethtown, NY 12932

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

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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.

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