The Adirondack Council NEWSLETTER

to keep supporters informed of our activities

Vol. 6 April 1982 No. 18

NORTH CREEK SKI CORPORATION PROJECT

A large development has been proposed adjacent to the Village of North Creek in Warren County. Centered around the old North Creek Ski Bowl, the project would include a ski center and lodges, permanent and transient living units (including single family dwellings, town houses, condominiums, and hotels), a health complex, a performing arts center, and shops. It is a 45 million dollar development that could take 7-10 years to complete.

The Council asked for and received party status (including the right to present direct testimony and cross-examine witnesses) in a rather lengthy hearing process conducted by the Adirondack Park Agency (APA). The issues of concern were aesthetic impact, engineering difficulties, adequacy of funding, economic viability, and a range of potential environmental impacts. Economic considerations were key, since projects so conceived can be a detriment to the region and locality if adequate funding is not forthcoming, if market demand falls short of expectation, and/or if the developer reneges on completing roads, utilities and other essential underpinnings.

The Council's major interest was in helping to develop a full and adequate hearing record to facilitate a careful and complete project review and permitting process by the APA. The development appeared early on to have positive potential if guided and monitored carefully by the APA. The Council's primary witness was an economist who teaches at Clarkson College in Potsdam. He recognized the project's potential to be an economic asset but cautioned against anticipating it being a panacea for the town's and county's economic woes. Drawing parallels to the Olympics development in Lake Placid, his testimony showed that neither employment nor commercial activity has shown long term improvement as a result of that development.

The Council's witness also expressed reservations on the Economics Report prepared by a consultant to the developer. Although the Report indicated a very positive ratio of increased tax revenues vs. the cost of providing government services to the new development, it did so based upon a "best case scenario," in which full build-out occurred exactly as envisioned in the developer's plans. "If market expectations fall short of the mark, and the project is only partially completed," stated our witness, "the ratio of revenues vs. costs could change dramatically, resulting in a much less positive economic impact."

At its March meeting the APA voted to approve the project with a number of "conditions" attached to the approval. Most significant were the requirements to minimize sound impacts from the snowmaking equipment and to post performance bonding to insure the completion of roads and assure the placement of essential utilities. Performance bonding has become a common requirement for projects of this nature to insure that roads and utilities servicing new developments do not end up being paid for by local governments and other taxpayers.

PRISONS IN THE ADIRONDACKS

If the New York State Department of Correctional Services (DOCS) proceeds as planned, a fourth prison facility will soon be built within the Adirondack Park. For the most part, the new prison would utilize existing structures owned by Paul Smiths College in Gabriels, a small hamlet in the Town of Brighton, Franklin County. The site was originally used as a TB sanitorium by the Sisters of Mercy and then served as a campus for Paul Smiths. Gabriels lies less than eleven miles from two other prisons - the state's Adirondack Correctional Facility and the Ray Brook Federal Correctional Institution. The Dannemora maximum-security facility is thirty miles to the northeast and two other prisons lie within five miles of the "blue line" that bounds the Adirondack Park. As if this aggregation of prisons were not enough, an additional minimum-security work camp is being proposed near Chazy Lake in the Town of Dannemora.

As with most projects in the Adirondack region, the Gabriels proposal is surrounded by controversy. Some people argue that the local economy would benefit from the creation of approximately one hundred new staff positions that would supervise about one hundred and fifty "campmen." Others feel that prisons are fundamentally inappropriate within this or any other park. They argue that such facilities are antithetical to the purposes for which the Park was created and to the character of the region as it now exists.

Until recently, use of the Park by the state has, with few exceptions, been oriented toward the care and custody of constitutionally-protected wildlands and to the furtherance of public use and enjoyment of these lands. Acquisition of lands for state facilities that do not provide essential Park administrative functions, and whose purposes and objectives could reasonably be met by operations conducted outside the Park's boundaries, seems to be in direct opposition to the mandates of both the Adirondack Park State Land Master Plan and the "forever wild" provisions of Article XIV of the State Constitution.

Ironically, a project of this importance does not fall within the review jurisdiction of the Adirondack Park Agency (APA), which is limited to an advisory role in matters involving state-sponsored projects. During its monthly meeting on March 26th, the Agency voted on the Gabriels proposal (an affirmative vote by a majority of the Agency is necessary to take action on this matter) and recommended against proceeding with the project. A spokesman for DOCS said the Department would continue with the prison work despite the Agency's recommendation.

At stake, perhaps, is no less than a test of the state's willingness to grapple with tough issues that may well determine the future character of the Park. Meanwhile, Citizens Against More Prisons in the Adirondacks (CAMPA), a group opposed to the prison, has sued DOCS for failure to comply with provisions of the State Environmental Quality Review Act and a decision on this matter may complicate the issues.

The Adirondack Council determined that direct involve-

ment in the Gabriels proposal was appropriate and provided written and oral testimony that was entered into the record of public hearings held by the APA in both Gabriels and Ray Brook. Initially, the Council felt that the issues were site-specific and we urged that negative impacts on the local community be minimized in various ways. It soon became apparent, however, that Gabriels was a project that could have Park-wide negative impacts and we expressed these concerns both at the hearings and in a memorandum to Agency Commissioners. A Resolution adopted by the Council opposed the Gabriels Prison and any future proliferation of state or federal prisons in the Adirondack Park. We intend to follow developments in this case closely and will continue to press for a solution that protects the basic integrity of the Park.

THE ADIRONDACK RAILWAY

Late last year, the Commissioner of New York State's Department of Transportation, Bill Hennessy, proposed dismantling the rail line running from Utica (Remsen) to Lake Placid. The Adirondack Council joined several other organizations and individuals in a strong protest. In a resolution passed by the Council's Board and sent to Hennessy, the Chairman of the Adirondack Park Agency, and the Governor's Office, the Council argued that the railroad, which has the potential to be a considerable economic asset to the Adirondack region, should be kept intact until such time that the economics of dismantling of the line are subjected to public scrutiny, until such time that it is assured that an operator(s) cannot be found, and until such time that interested parties can be assured that there isn't a future for this railroad.

The Council also argued that the proposed dismantling was "new land use and development," subject to the advisory review jurisdiction of the Adirondack Park Agency, and called upon Commissioner Hennessy to file a Notice of Intent with the Agency should the Department of Transportation move forward to scrap the line.

In December, Hennessy granted a 90-day delay of his dismantling plans. And fortunately, in late March, a group stepped forward with a proposal for operating the line. Hennessy plans to meet with the group and may grant an extension to the deadline depending upon the validity and status of the group's offer. There is hope.

ACID RAIN—A PLEA

In previous newsletters we have asked you to consider writing your federal representatives to express your concern about acid rain. Now we are making a PLEA that you do this. Floor votes in the House of Representatives on amendments to the Clean Air Act could take place in a few weeks and the prospects for what Congress might pass are down right discouraging.

In the House, Committee support so far has been for Representative Luken's "Dirty Air Bill," a measure that would aggravate the acid rain problem by relaxing automobile standards and reducing the level of control technology required on some utility and industrial facilities. Unfortunately, the Administration and utilities endorse this bill as well.

Whoever your Representative may be, please write and state your opposition to Luken's radical rewrite and weakening of the Clean Air Act. Urge their support of the strong Clean Air Act measure sponsored by Representative Henry Waxman, which maintains but fine tunes existing Clean Air Act provisions, and includes an amendment that requires reduction of the pollutants causing acid rain. Address: Representative _____, U.S. House of Representatives, Washington, D.C. 20515.

It is also very important that you write your two Senators, urging their support of a strong Clean Air Act "package," such as that introduced by Senator Robert Stafford of Vemont. Senator Stafford's amendments strengthen and improve the Clean Air Act and include an acid rain control section, incorporating provisions similar to those sponsored by Senators Mitchell of Maine and Moynihan of New York. Address: Senator _____, U.S. Senate, Washington, D.C. 20510.

Facts to remember:

-Several reputable, objective research bodies, including the National Academy of Sciences, have concluded that sulphur dioxide emissions should be substantially curtailed if acidified lakes and rivers are to recover.

-Researchers in several states and Europe are convinced that there is sufficient evidence of a link between acid rain and decreased productivity of forests, as well as actual dieback of sensitive tree species.

-The fine sulphate particles that cause acid rain are also injurious to human health.

-Public opinion polls show that the vast majority of Americans support a strong Clean Air Act and are willing to pay for clean air.

-The cost to utilities to begin reducing the sulphur dioxide emissions that are causing acid rain are not that great. A very reputable study by ICF, a consulting firm in Washington, D.C., has estimated that the cost to reduce sulphur dioxide emissions by 50% over the next 10 years would increase utility costs in the Northeast by 2-3%. Utility costs in the highest polluting states in the Midwest would increase by only 6-7%. Even if their costs were substantially higher, Mid-westerners would still be paying less than rate payers are presently paying in the Northeast!

LEGISLATION

Bills the Council Supports

The 1982 Legislative Session is well underway and a host of bills are being considered that affect the Adirondack Park.

Two bills have been introduced by Assemblyman Hinchey that were submitted by the Adirondack Council. One (A.10654) calls for an Adirondack Park Agency study of lakes and ponds in the Adirondack Park to ascertain if present protective mechanisms are serving to adequately protect shorelines and water quality. The study would be conducted over a one year period and the Agency's reporting would include recommendations for what, if any, additional protection is necessary to protect these waters of the Park, waters that provide so much in the way of recreational opportunities and aesthetic enjoyment to the citizens of the state.

A second (A.10655) would add shorelines of lakes, ponds, and navigable rivers to the statutory list of Critical Environmental Areas in the Adirondack Park Agency Act, requiring Park Agency review of new land use and development proposed to occur with 200 feet of applicable water bodies. Shorelines are critical areas, both in terms of their fragility, aesthetic and recreational importance, and susceptibility to intensive development. Subjecting development proposed in such areas to Park Agency jurisdiction and scrutiny seems most appropriate and corrects what many people feel has been a discrepancy in the Adirondack Park Agency statute since it was enacted.

Two other measures are strongly supported by the Council. One would add approximately 85 miles of Adirondack rivers to the State System of Wild, Scenic and Recreational Rivers (S. 1574-A/A.2024-A). A second would clarify and codify conservation easements and provide for the taxation of such easements held by the state in the Adirondack and Catskill Parks (S.6753-B in the Senate; represented by two bills in the Assembly, A.7981-A and A.8031).

Bills the Council Opposes

The Adirondack Park Local Government Review Board has submitted two bills that have been introduced by Adirondack-area legislators. One (S.8313/A.10362) would drastically change the membership of the Adirondack Park Agency, including the addition of 12 members to be selected by each of the Adirondack County legislative bodies. The second measure (S.8359/A.10402) would amend the Adirondack Park Agency Act to substantially increase the number of buildings allowed along roadways on private land classified Resource Management.

These damaging measures should be opposed, and fortunately it is doubtful that the state legislature would seriously consider such proposals. If passed they would cause the Park Agency to be "strangled" by local government control and would cause future development to greatly increase along travel corridors, among the most sensitive areas of the Park.

Three amendments to the State Constitution are proposed that would modify Article XIV's "Forever Wild" protection of the Forest Preserve. One (S.7563/A.10483) would provide for the collection of dead timber. A second (S.7548/A.9334) would permit the cutting of trees on part of the Preserve to "improve" wildlife habitat. The third measure (S.7546/A.9333) would make provision for new Forest Preserve acquisitions to be managed as production forests, permitting the construction of road and buildings and the use of motorized equipment.

These ill-advised proposals cannot be justified and would contravene the intent and purposes of the Forest Preserve, which are to provide watershed protection and wildlands recreation. In the Senate, the measures were reported directly to the floor from the Judiciary Committee several weeks ago. Fortunately, they have remained on third reading for almost as long and there appears to be little pressure to bring them to a vote. In the Assembly there appears to be even less impetus to move these bills and some of the leadership have dedicated themselves to blocking these measures.

It is reassuring to see that the Legislature, generally, is committed to insuring that the "forever wild" Forest Preserve remains just that.

Other measures, held over from the 1981 legislative session, are still under consideration, that would, if passed, weaken the Park Agency's jurisdiction and powers relative to private land or would change the membership of the Agency. The passage of these proposals should be resisted. The present law seems to be working effectively and fairly and there is a good balance of local and state interests represented on the Agency at present.

NEW BOOK ANALYZES AND EVALUATES ADIRONDACK PARK AGENCY

Protecting Open Space: Land Use Control in the Adirondack Park uses opinion surveys, interviews, case studies, site investigations and analyses of administrative records to produce an assessment of the development and impact of the Adirondack Park Agency Land Use and Development Plan. The book was written by G. Gordon Davis, former General Counsel to the Agency, and Richard A. Liroff, a Senior Associate at The Conservation Foundation. It is the first detailed analysis and evaluation of the Park Agency, covering such topics as: the genesis of the private land use plan, the environmental impact of the APA's regulatory program, legal issues raised by the Park Agency Act, and lessons from the Adirondacks. *Protecting Open Space* is available from Ballinger Publishing Company, P.O. Box 281, 54 Church Street, Cambridge, MA 02138 for $25.00.

FROM THE EXECUTIVE DIRECTOR

It has been five months since you received a NEWSLETTER! I assure you it is not because the Council has not been busy. On the contrary, the work load has been such that it has taken this long to find a few hours to sit down with pen in hand. And now I have help. Several of the articles have been written by Michael DiNunzio, presently working as a part-time consultant to the Council. In June a permanent, second professional staff person will join the Council.

You will notice that we have gone back to our original 4-page format. This is not because we are short on things to report on, but is due to the fact that the 8-page format we tried for the last two NEWSLETTERS has to be printed on a newspaper-type press that results in poorer quality and less flexibility. For the present we have returned to the old format and will make every attempt to get it out quarterly.

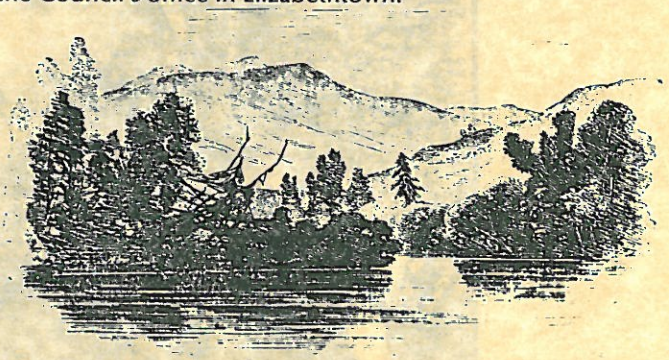
ADIRONDACK FORESTRY ASSOCIATION

The Council is currently sponsoring a 10-week study to assess the feasibility of establishing an Adirondack Forestry Association. Gerard Cole, a Master's candidate at Antioch/New England Graduate School, is conducting this research in Elizabethtown, under a cooperative arrangement between the two organizations.

Forestry and tourism are the two largest industries in the Park. During the decade of the eighties, ever-increasing demands will be placed upon our limited resource base to accomodate various development pressures in addition to providing both renewable natural products and a wide range of recreational opportunities. While addressing these demands, it is necessary to protect and insure the productive use of private lands through carefully planned long-term forest management. In many areas, forestry associations have been instrumental in achieving this goal.

A forestry association can take many forms, including that of a marketing cooperative, regional land trust, limited partnership, or land management program. Our study will concentrate on defining the need for such a program, taking into account similar services offered by governmental agencies, private consulting foresters, industrial foresters and others. If a clear need is identified, the questions of organizing and implementing an Adirondack forestry association will be addressed. Additional areas of study include an analysis of private non-industrial forest lands, a survey of landowners to determine interest in the program and an examintion of regional markets for forest products.

Council members who might have an interest in the full range of forest management services that a forestry association could provide are encouraged to call or write Gerard Cole at the Council's office in Elizabethtown.



Lower Saranac Lake, N. Y.

*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.

The Adirondack Council is funded solely through private contributions and grants.

If you are not yet a contributor, please consider lending us your financial support. Send contributions to the address at right. Please make checks payable to: The Adirondack Council.

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