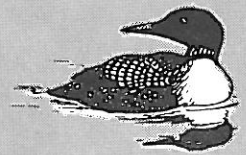




The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

Vol. 4

April 1980

No. 12

MORE ON BLACKFLY SPRAYING

The Town of Piercefield has dropped its blackfly spray program for which it had appropriated \$8,472 in the 1980 budget. Opposition to the program was led by one councilman, who long opposed the program, and two citizens of the town who circulated petitions urging the town board to abandon the program. The St. Lawrence County Legislature had requested the County Environmental Management Council to study the methods and impacts of blackfly spraying. The Council's report indicated that the methods of control may be ineffective and that chemicals used in the control are detrimental to other insects, birds, fish and possibly humans.



THE LEGISLATURE

The Adirondack Council is currently working on a package of proposed bills that it hopes can be introduced this session. One bill would deal with conservation easements. A second would call for a study of lakes to ascertain if the present provisions of the Adirondack Park Agency Act are adequately protecting water quality and shorelines. Two additional bills would expand the list of statutory critical environmental areas (and APA jurisdiction) to include corridors along certain roadsides that are classified Moderate Intensity and Low Intensity, and shorelines of lakes, ponds, rivers and streams navigable by boat and canoe.

A bill authored by the Adirondack Park Agency, A.7683/S.8858, deserves the attention of everyone interested in the free flowing rivers of the Adirondack Park. This measure, if approved, would add approximately 100 miles of Adirondack Rivers to the State System of Wild, Scenic and Recreational Rivers. Included is the Osgood River, one of the riverine gems of the Park, along with the North Branch of the Saranac, the North Branch of the Bouquet, and the North and Middle Branches of the Moose, East Stony Creek, and The Branch (Elk Lake Outlet). The bill is a product of a legislatively mandated study of these rivers assigned to the Park Agency in 1975.

A section of the Oswegatchie was not recommended for inclusion because it was the only river studied that possessed viable hydroelectric potential.

Once included in the State System, the rivers would be protected as free-flowing. Shorelines would be protected because new structures would have to be set back from the river's edge and little tree cover could be cut within 100 feet of each bank. The objective is to retain attractive, natural river corridors to benefit this and future generations. Cool waters for trout, and food and cover for wildlife would be insured.

We ask you to express your views on this bill to your legislators. In particular the Senate needs to hear from you because there seems to be a reluctance to consider the measure in that house. Letters should go to Senator Warren Anderson, Majority Leader, Legislative Office Building, Albany, New York 12248. At the same

address send carbon copies to Senators Ronald Stafford, James Donovan, and Fred Eckert. It would also be helpful to write your Assemblyperson and Assemblyman Maurice Hinchey. The address for members of the Assembly is the same.

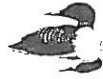
Another APA bill (A.10406/S.8356), commonly called the "density bonus bill", has been opposed by The Adirondack Council. The intent of the measure is to encourage improved siting of structures and other aesthetic considerations in highway corridors and around shorelines of navigable water bodies through the incentive of permitting a 20% greater number of principal buildings. Changing the intensity guidelines, which are at the heart of the Park's private land use controls, is risky business. In particular it is risky to do so adjacent to water bodies. The Council is naturally concerned about shoreline aesthetics. However, we feel it is unwise to encourage more principle buildings around shorelines, which of course means more people, more lake use, and an increased potential for water pollution from both point and non-point sources. The Council and some members of the Assembly might support a compromise bill that would only speak to highway travel corridors. However, the Park Agency has indicated to the Council that they will continue to push for the original measure.

The Adirondack Park Local Government Review Board has proposed a package of bills. One (A.9799/S.8195) would remove Adirondack Park Agency review over single family homes in Resource Management areas. This is unsound in that it could allow for poorly sited homes on the most fragile private lands in the Park. A second (A.9625/S.8141) would preclude the inclusion of the rivers mentioned above into the State Rivers System as it would remove them from their present "study river" status. The opportunity for long term protection of these notable rivers would be lost. A third bill (A.9624/S.8140) would automatically appoint the Chairman of the Review Board to the Adirondack Park Agency. Taking into account the land ownership ratio in the Park, representation already favors the Park resident. The addition of the Review Board Chairman would cause an imbalance that is unjustified.

The final measure would ease the procedure for amending the private land map. The Council and the Adirondack Park Agency oppose the first three bills. In our view these measures would needlessly weaken the Adirondack Park Agency Act and the protection of the Park and its resources to the benefit of no one.

Two measures have reappeared from last year that would weaken the "forever wild" protection of the forest preserve. Bill A.8852/S.7227 would provide for amending the state constitution to allow cutting of vegetation on a tract of forest preserve classified Wild Forest to "improve" wildlife habitat, primarily for white-tailed deer. The Council feels there is little merit in weakening Article 14 for this purpose. To the contrary, the juxtaposition of logged private lands (comprising 60% of the Adirondack Park) and the less accessible "forever wild" state lands, provide a diversity beneficial to the broadest array of wildlife, both game and non-game species. Known as the "deadwood bills", A.3081 and S.3042 would allow residents of the state to gather dead and down timber from state forest lands, including the forest preserve. The Council opposes these measures. The heat value of wood that is punky and rotten enough to fall to the

forest floor is miniscule. When balanced against the administrative headache that such a program would create for the Department of Environmental Conservation, the bills make little sense. The U.S. Forest Service allows the public to gather dead wood on some of its non-wilderness lands. Recent reports indicate that this policy has caused more problems than it is worth. Wood "hunters" drive off roads and across streambeds, cut green wood, and leave a mess behind.



HELP FOR THE GOLDEN EAGLE?

The finest potential Golden Eagle habitat in the east may well be located in the central Adirondacks according to several noted ornithologists and biologists. Though nesting here fairly recently, the birds seem to have vacated the area for the present even though conditions and character of the area have not appreciably changed. The experts speculate that low level military training flights may have driven the birds away. Three training areas are superimposed over the terrain delineated as the prime nesting and foraging area of the eagles. One biologist was on a mountain top in the area and observed a training plane flying by at the same elevation he was at!

The Council has written the Air National Guard in the hope that this area can be avoided by the training missions.



FOREST LAND TAXATION

by Donna Maturi

Having completed my first year of law school in Boston, I gratefully returned to the Adirondacks for my tenth summer, eager to begin a ten week internship with the Council. Each year the federal government awards aid to universities for summer work study programs. I was awarded such a grant through my university, Suffolk University Law School. The Council agreed to be my sponsoring agency (each sponsor must be either a non-profit or governmental agency contributing 20% of the grant money) and in exchange I agreed to devote my time to an issue of interest and concern to the Council. For me, it was an excellent exchange!

In the months prior to my arrival the Council had focused its energies on a variety of issues of importance to the Park, one being the effect of real property taxation on private forest lands in the Park. This issue would be the primary focus of my work. After a period of time spent familiarizing myself with the real property tax laws affecting forest lands in the state, and with the special problems faced by owners of forest lands in the Park, it became clear that an effective means of evaluating the matter would be to interview land owners and document their problems, opinions and recommendations.

I drew up a survey (with much help from Gary Randorf, Harold Jerry, and John Stock) that solicited information on forest land characteristics: acreage owned, primary and secondary uses; economic information: income producing capability, actual yearly income per acre, management costs; tax information; and information regarding land use mechanisms employed or contemplated by owners. Fifteen landowners in all were interviewed, who together own approximately 1.1 million acres or 30 percent of the Park's privately held property.

The results of the study clearly indicated that the small woodlot owner in the Adirondacks is being threatened and that increasing property taxes are a significant factor affecting the small woodlot owner's continued operations. The problem of increasing real property taxes is expected to worsen as localities in the state move

toward full value assessment of their properties because forest lands have traditionally been assessed at a lower percentage of full market value than many other classes of property. While it appears that larger landowners or industrial forest owners possess the resources to withstand such an increase in the taxation of their lands with present statutory incentives, current statutes on real property taxation of forest land provide little or no incentive to the non-industrial forest owner. A change in the tax laws is needed as well as making available to forest owners alternative open space protection methods (scenic easements) to help ease present tax burdens.

My research also indicated that while the industrial forest owner in the Park is not in need of an effective spokesman, the smaller forest owner, who collectively supports the industrial owner by supplying wood to its mills, does require more effective representation. By advocating changes in the present laws that are more responsive to this group's needs, The Adirondack Council can help achieve much in the preservation of an important sector of Adirondack open space.

Ed Hale, correspondent to the WatertownTimes, has commented on the study in an article, **FOREST LAND TAX SYSTEM HELD THREAT**,

"The present system for taxing Adirondack forest land threatens the future of the park's timber industry, a new study reports.

"The energy crisis is spurring increasing concern over the future of northeastern forests. They are a source of fuel for homeowners, jobs for area residents, natural beauty for tourists and taxes for local governments.

" 'It (the study) confirmed what we had suspected: that taxation is becoming an increasingly graver problem', Council executive director Gary A. Randorf today told The Times...

"The Council is blending its traditional environmental interest with a concern for the forest industry in its pursuit of legislative action to give Adirondack forest owners a tax break.

" 'I think everyone feels', Randorf said, 'we should try to keep forestry viable in the Adirondacks.'

"The Council's executive director, in introducing the new study, points out that a large percentage of the park's 3.6 million acres of privately-owned land is used for the production of timber for wood products.

" 'The wood-products industry is of paramount importance to the social and economic structure of the park,' Mr. Randorf says. 'These private forest lands also contribute significantly to the open-space character of the park.'

"In researching the report, Donna G. Maturi questioned 15 landowners who together own 1.1 million acres, or 30 percent of the park's privately held property...The author, a former Adirondack Park Agency employee and Boston University law student, reported:

--The taxation level for the participating landholders approached or exceeded 50 percent of their lands' income-producing capacity.

--Tax pressures, however, bear most heavily on the small woodlot owner.

--Private owners holding land for wilderness or conservation use also are adversely affected by the tax system.

"And the author suggests that the state's Real Property Tax Law be modified to meet the needs of Adirondack forest owners. She writes:

'The number of owners considering sale or transfer of their forest lands indicates a need for alternative open-space protection methods, such as scenic easements which would preserve the forest lands in perpetuity, while providing tax relief to landowners.'"



CONSERVATION EASEMENTS

by Gary Randorf

For the past three years The Adirondack Council has strongly supported conservation easement legislation. The Council has done this on the assumption that development rights on private land will continue to be granted or sold to the State of New York. Two years ago the state was granted a conservation easement by the Adirondack Mountain Reserve on thousands of acres surrounding the AuSable Club. In 1979 the development rights on over 6,000 acres of Nehasne Park, southwest of Tupper Lake, were given to the state as a conservation easement.

Logically, the state will continue to accept or purchase easements and additional people will be inclined to give or sell them. Landowners who do not wish to develop their lands can benefit by reductions in their income tax and reduction in inheritance taxes for the heirs. And at some point they may attempt to seek a reduction in their real property assessment. In the next year or two it is anticipated that the courts will decide if that is in order. Recently in New Jersey, judges of the State Division of Tax Appeals unanimously ruled that the granting of a conservation easement on privately owned land shall lower the assessment on the tract to reflect its accompanying market value. If a similar decision is reached by the courts in New York it is probable that additional landowners will wish to sell or donate easements in the future.

How does the state (public) benefit from these easements? Long term preservation of open space is the first thing that comes to mind, and although some people might disagree that it is a public benefit, we expect that the majority of the people of the state would feel differently. To millions of people the Adirondack and Catskill Parks represent the only significant areas of open space in the state, and guaranteeing their long term preservation is most appealing. On some occasions public access will not be provided by easements. The Council reasons that nevertheless the public benefits by viewing the open space or by simply knowing it's there. Preservation of the notably scenic meadows at the intersection of Adirondack Loj Road and Route 73 near Lake Placid, or those in the foreground of the magnificent vista from the Harrietstown Road between Saranac Lake and Paul Smiths, benefit the public immensely though they may never set foot on the land. And wouldn't easements along public travel corridors guarantee quality open space for millions of Park visitors and the thousands of residents who never see the back country?

Additionally, it has been proven many times over that open space is more affordable by municipalities than is development because public services are not required. And open space does not generate visual, air, water, and sound pollution as do many other land uses.

If state-held easements are to increase in number, and if their acquisition leads to tax revenue loss to the municipalities of the Adirondack Park, doesn't it make good sense to support legislation that would have the state pay taxes on the value of the development rights held? We think so, because open space that, theoretically at least, benefits all people of the state, will then be supported by all instead of just by the taxpayers in a particular locality.

Such legislation has been advanced by the Adirondack Park

Agency in the past. But because there was so little visible support for it, the measure has never been reported out of the Governor's office to the Legislature (the normal route of all legislation authored by an Executive Department Agency).

Opponents of easements have said easements are evil because they provide tax shelters to the rich. We believe such thinking clouds one's mind to the positive benefits of open space preservation. As the state moves forward, as we hope it will, to preserve travel corridors, a variety of landowners, other than the wealthy, will have the opportunity to preserve his/her property and receive tax relief as well. Additionally, it would seem advantageous for the state to acquire easements on some of the open space lands owned by the wood products companies. Some of the Adirondack Park's finest open space would be preserved and the economic benefits accruing to the companies would help insure their continued presence as one of the mainstays of the Adirondack economy.

We call on everyone and every organization to consider this matter carefully. Even if you think the Park has enough open space now it might be wise to endorse and support conservation easement legislation, and in so doing promote more equitable real property taxation in the Adirondack Park.



BOOK REVIEW

Birds of Essex County, New York, second edition. -- Geoffrey Carleton. 1980. Elizabethtown, New York, High Peaks Audubon Society, Inc. vi + 35 pp., 1 map. \$3.00 + 50¢ postage. -- This is the fourth updating or, as mentioned on the title page, but not on the cover, the Second Edition, all with the same title and by the same author. These four printings were published in rapid sequence, namely the original in 1976, followed by two supplements, and now this edition in 1980. The present publication, unlike its three predecessors, is pocket-sized, and is thus handy for carrying around in the field. This small booklet has some attractive pen-and-ink drawings of birds, as well as a map of the county, plus a photograph of the author on the back cover.

The reviewer has known the author for more than 40 years and can state without hesitation that Jeff Carleton is one of the most astute and careful field ornithologists anywhere. This briefly annotated checklist reflects his meticulous and thoughtful care in the same manner as his work on *The Birds of Central and Prospect Parks*. No record gets into print, including his own, without critical scrutiny by him. In addition to the Essex County list which contains 270 species, a bibliography and index are included.

Essex County is ideally situated as it is bordered on the east by the Lake Champlain lowlands, as well as possessing the highest elevations in the state of New York with the famed Adirondack Mountain wilderness all about. It is the 159 breeding species which impresses the visitor to this lovely area. Only here do certain species nest in some of the more remote localities, and in a very few adjacent counties, but nowhere else in the state. Such rare birds as Golden Eagle, Common Raven, Spruce Grouse, both three-toed woodpeckers, Gray Jay, and Boreal Chickadee are avidly sought by birders from elsewhere. A notable addition to the breeding species of New York was that of the first Wilson's Warbler found nesting in Essex County in 1978. In addition to Carleton, this area is fortunate in having a small, but keen and knowledgeable corps of resident observers whose reports are continually adding to the permanent record. This publication is a must to the visitor fortunate enough to be able to go birding in this county at any time of the year.--JOHN BULL.

Copies of the book can be obtained for \$3.50 postpaid From: High Peaks Audubon Society, Discovery Farm, RD 1, Elizabethtown, N.Y. 12932.

This book review is provided through the courtesy of High Peaks Audubon.

*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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*Contributions are tax deductible

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The Adirondack Council

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A coalition of the National Audubon Society; The Sierra Club, Atlantic Chapter; 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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