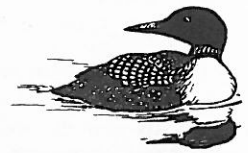




The Adirondack Council NEWSLETTER



to keep supporters informed of our activities

Vol. 3

September 1979

No. 9

PERKINS CLEARING LAND EXCHANGE

When New York voters go to the polls in November they will be considering an important constitutional matter. A proposed amendment would provide for the exchange of approximately 8500 acres of forest preserve land in the Adirondack Park for comparable acreage of adjacent private lands owned by International Paper Company (I.P.).

Called Perkins Clearing, the land is in the Towns of Arietta and Lake Pleasant in Hamilton County. State and I.P. holdings are composed of scattered, small parcels, producing a checker-board pattern that causes access problems and management difficulties for both parties.

The proposal was originally promoted by the Temporary Study Commission on the Future of the Adirondacks almost ten years ago because the Commission felt, as do many people, that the exchange would consolidate state holdings and benefit both landowners. The paper company will have one large parcel to manage for wood products and the state would acquire valuable lands adjoining the West Canada Wilderness, as well as a number of lakes and ponds.

All but one of the Council's constituent organizations support the exchange. The Sierra Club—Atlantic Chapter, however, has consistently opposed the amendment on the grounds that Article 14 should be respected and that forest preserve lands should not be sold or exchanged. They argue that non-forest preserve state lands outside of the Adirondack Park would be a better exchange, although I.P. has not been interested in this. Additionally, some Sierra members feel that even though the state would pick up desirable shoreline property, attractive forest lands would be transferred to I.P. and many of the trees would become saw logs and pulp wood.

Many people are concerned with the classification of the acquired state land. Wilderness enthusiasts argue that the land should be annexed to the adjacent West Canada Wilderness and that motorized access to the land and its water bodies should be prohibited. Many members of hunting and fishing groups favor a wild forest classification so that motorized access would be provided for. Except for the Sierra Club, the Council feels it is best to support the exchange, and then debate the question as to how the new state land should be classified after the transfer is made.

We hope you will seriously consider this matter and vote your conscience in November.



LEGAL INITIATIVES

Members should have recently received a solicitation asking for contributions to The Adirondack Council's Litigation Fund. We hope you will respond, as the existence of this fund is one of the pillars of the Council's strength and influence. The Council, joined by several other organizations, has petitioned the Appellate Division to sue the Department of Environmental

Conservation for violating the State Constitution on Whiteface Mountain. Whiteface is part of the forest preserve and the constitution limits the cutting of ski trails on the mountain to an 80' width. In at least one instance, trail width exceeds 200'. Though Whiteface is far from "forever wild," if the Council were to ignore this blatant constitutional violation it would be condoning a dangerous precedent.

A second action is anticipated because the Environmental Protection Agency has proposed relaxation of air pollution control standards in Ohio. Relaxation would provide for the burning of high sulphur coal in two Cleveland power plants, without scrubbers! The Adirondacks would be the downwind receiver of some of the pollution, and the acid precipitation problem here, already of serious proportion, could worsen dramatically.

If EPA upholds the relaxation, the Council will be a co-plaintiff in a legal action of protest along with The Environmental Defense Fund, The Sierra Club Legal Defense Fund, and, we hope, several other organizations.

If you haven't already read Anne LaBastille's article, "The Killing Rains," that was included in the solicitation mailing, we strongly encourage you to do so. Any of our readers desiring additional copies of this reprint from GARDEN, please contact us. We have an ample supply and ask only that you pay for the postage if you request a sizable quantity.

We encourage readers to voice their concern about the proposed relaxation in Ohio. The deadline has been extended, and comments are now being received until October 13. Write:

Mr. Steve Rothblatt, Chief
Air Programs Branch
United States Environmental Protection Agency
Region V,
230 S. Dearborn Street
Chicago, Illinois 60604

Please help support these very important legal initiatives by sending us a check today. If you do not return the contribution form sent you, please be sure to indicate that you wish the money to go into the litigation fund.



THE CASE FOR WILDERNESS

Far too many times we have heard opponents of wilderness complain that classifying lands as such lock them up to the detriment of the infirmed and elderly. We felt compelled to publish the following letter because it so eloquently identifies the benefits one can derive from wilderness though unable to physically visit and enjoy it.

July 22, 1979
322 White Street
Waterville, N.Y. 13480

Dear Mr. Randorf:

This is to tell you how I regret that I cannot be of more support than to encourage you people of the Council in your efforts to maintain the "forever wild" aspect of "our" mountains. In my old age nothing gives me greater pleasure than to

relieve in my mind the days when I was able to hunt, fish, hike and canoe the trails and waterways of the Adirondack Wilderness.

Now living on a fixed income, and having recently undergone surgery from which I am recovering, but with the additional costs plus the inflation, I find it necessary to curtail my expenditures to the bare necessities. It is with regret that I have to do this.

I have children and grandchildren, and I know that the love of the outdoors has become part of the make-up of the children, and I feel sure as the grandchildren mature, they will get indoctrinated into the lore the Adirondacks has for anyone who will stop, look and listen to whatever it is the mountains have to offer.

If in my lifetime, this country of ours ever gets settled down to float on an even keel, I will be glad to make whatever contribution I can. It is to me top priority. If you can continue the news letter, I will be delighted to keep abreast of your activities in warding off the encroachments of those who would destroy.

Sincerely,

Pete Peterson



ARE EXISTING ENVIRONMENTAL REGULATIONS WORKING?

*Following is a paper prepared by Gary Randorf, Executive Director of The Adirondack Council, for the 1979 Sixth Annual Lake Champlain Basin Environmental Conference held at Miner Center, Chazy, New York, June 19-20, 1979.

In 1977, the widely cited task force report of the Rockefeller Brothers Fund, *THE UNFINISHED AGENDA: THE CITIZENS' POLICY GUIDE TO ENVIRONMENTAL ISSUES*, concluded that "ultimately the preservation of all the mysteries and wonders contained within the earth's ecosystem depend less on rules and regulations than on attitudes...Aldo Leopold called the necessary set of attitudes the 'land ethic.'"

How do we change attitudes and values?—through education. Thomas Jefferson recognized that an educated citizenry is prerequisite to an effective democracy. If the educated citizen was essential in Jefferson's era, the environmentally educated, environmentally responsible citizen is vital in our own.

In the 1960's environmental education came into vogue. It was in 1969 that I returned to college to study environmental education at Cornell University. I thought that perhaps in some small way I could help people become more aware of the collision course that modern man seems bent on, as he frequently disregards the interrelationship of all life and the earth. It became clear to me, and I know most of you agree, that civilization increasingly runs roughshod over natural processes and systems. We are all aware of far too many examples.

I don't think we have made much progress, as environmental education is paid little more than lip service. When environmental protection bills regarding air and water quality, surface mining, impact assessment, or land use regulation become law, the reaction of many people is to search the legislation for loopholes or to ignore it. This is true with the regional environmental legislation that I am most familiar with, The Adirondack Park Agency Act. I feel certain that a number of Adirondack Park landowners either do, or would like to, ignore this statute. They are reluctant to make personal sacrifices in life style for the benefit of a healthy environment. Additionally, economic incentives have not been forthcoming, and they could be a great help. Real property tax reform, perhaps in the form of current use taxation, and scenic easement legislation are two examples of economic incentives that might function as catalysts in encouraging change in attitudes and

values. People could be led to see that land stewardship makes good environmental and economic sense.

We have not made much progress because educational institutions, governmental agencies and other organizations have not yet themselves been convinced of the need for stringent land and water regulations, at least when the regulations personally affect them or their constituencies. Few people or organizations have the will to bite the bullet. Those of us who are convinced of the need and benefit of personal sacrifices in life style haven't made the progress we would like in convincing others. Perhaps this is partly because we are too few, trying to influence too many. And agencies have not emphasized communications adequately as they get absorbed in carrying out mandates or charges.

Real progress awaits substitution of ethical for economic criteria. Aldo Leopold told us, and I heartily agree, that "a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

The key to Leopold's ideas is the concept of sequential ethics (what is right and wrong). Life existed before the mental capacity to think in terms of right and wrong. For eons, we can suppose, ethics applied only to the self. The first expansion of ethics included families, prompted no doubt by the impulse to sustain one's kind. As ethics evolved man next conceived of actions being right or wrong pertaining to tribe, then to nation, race, and mankind. Ecologically conscious man extends his perspective to consider what is right and wrong for animals, plants, all life, and the total environment. Actions are conceived of being right or wrong on grounds other than those of utilitarianism.

Aldo Leopold addressed how a land ethic might work to regulate man's use of land. Land he felt, might be used but not abused, occupied but not owned absolutely. "We abuse land," Leopold concluded, "because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." Leopold's notion of community included living and non-living components. Unless man is concerned about what is right and wrong for the living and non-living components, regardless of the human interest, a less than healthy community will result. If man abuses the environment, the environment will in the long run abuse man.

Humans spend nearly 20 years bringing up their young. A major part of that process is devoted to teaching them what is right and wrong in their relations with other people. Consider if the same amount of time and effort were invested in instilling an environmental ethic as is now given to building a personal one. Man-land responsibility, including the need for restraint and sacrifice on the part of the individual, would be within reach. The calls for protection would not blow away in the wind or be dismissed as a good thing for someone else to do. The point is that the individual freedom we prize cannot connote freedom to abuse earth any more than it connotes freedom to abuse other people.

Until a land ethic is commonplace we need stringent land use regulations. At this time, master plans, no matter how lofty, will not work without regulations and ordinances to back them up. In the Lake Champlain Region the greatest progress to date in protecting the lands and waters is embodied in the Adirondack Park Agency Act.

Progress has been realized in several areas:

1) Large land speculators have largely been driven away because the law doesn't allow them to "make a killing."

2) The intensity guidelines have prevented large-scale land subdivision and the splintering of the Adirondack Park into a suburbia of small residential lots.

3) The shoreline restrictions have helped protect water quality and shoreline aesthetics, although some of us feel that this section of the statute needs strengthening.

4) The very presence of the APA has been a valuable educational tool. The vocabulary of many local government leaders now includes terms like wetland values, critical environmental areas, and natural resource planning.

But since public acceptance has been slow in coming, the

APA land regulations have only worked to a degree. Compliance with the law has been sketchy because of the lack of APA enforcement personnel and because of public disobedience. Because of poor public acceptance and years of lambasting the APA, it is not surprising that the Agency has on occasion been too lenient and overly compromising. Projects are rarely denied. Those that are approved with conditions, as the majority are, are often not subjected to follow-up checking. Conditional approvals, therefore, are sometimes rendered meaningless. Additionally, the APA statute provides only for advisory review or state agency projects. Many of the present larger development projects are being conducted by state agencies, and they are doing pretty much as they wish.

APA's environmental regulations will only work as they are designed to when the attitudes and values of a much larger number of people support them. All of us working in and interested in environmental regulations in the region must spend more time functioning as educators and communicators to help develop a region-wide environmental ethic. Until that happens, environmental regulations will only be partially successful at best.

Note: Much of the basic thought expressed in this paper was extracted from an article published in CENTER MAGAZINE, written by Roderick Nash and titled, "Do Rocks Have Rights?"



THE ADIRONDACK PARK

(Part Three - Continued From Vol. 2, No. 5, November 1978)

The Adirondack Park Agency is an independent, non-partisan agency within the State of New York Executive Department. It consists of a commission of eight private citizens, appointed by the Governor for limited terms, and three state officials: the commissioners of the Department of Environmental Conservation and Department of Commerce, and the Secretary of State. Five of the private citizens must be permanent residents of the Park, three must reside permanently outside the Park, and not more than five may be affiliated with the same political party.

The commission is aided by a staff that includes specialists in planning, law, ecology and economics.

The Adirondack Park State Land Master Plan sets policy for the management of the 2.3 million acres of state lands in the Adirondack Park. It is administered by the Department of Environmental Conservation and emphasizes the preservation of wilderness values. Fifteen tracts of Adirondack Forest Preserve, comprising about one million acres, are designated wilderness. These areas are reserved for such wilderness uses as camping, hiking, canoeing, fishing, hunting, trapping, snowshoeing and ski touring. Motorized access and motorized equipment are prohibited in wilderness areas.

Other categories of state lands: primitive and canoe areas, managed similarly to wilderness areas; intensive use areas, where such uses as public campgrounds, developed beaches and boat launching sites are appropriate; and wild forest areas, the largest single category (totaling 1.2 million acres), where a variety of outdoor recreational uses are allowed, including the use of motorized vehicles in designated places.

The Adirondack Park Land Use and Development Plan applies to the 3.7 million acres of private lands in the Park. It is administered by the Adirondack Park Agency in conjunction with local governments. The Plan is designed to preserve the natural resources and open-space character of the Park while providing ample opportunity for necessary development. The Plan does this by directing development to minimize its impact on the Park's natural qualities.

Being regional in scope, the Plan provides a general framework in which local governments can, with financial and technical assistance from the State, accept responsibility for local planning. The Adirondack Park Agency works closely

with local governments to help them refine the overall Plan to reflect their special local needs and interests.

Land Use Classifications - The Plan gives the Agency regulatory authority over regional land uses-i.e., uses of more than strictly local significance-and establishes shoreline development restrictions throughout the Park.

Under the Plan, all private lands are mapped into six broad land use classifications. The classifications are based on many factors: existing uses and growth patterns; physical limitations relating to soils, slopes, elevations; identification of unique features such as gorges and waterfalls; biological considerations such as wildlife habitat, rare or endangered flora and fauna, and fragile ecosystems (e.g., swamps, bogs and marshes); and public considerations such as historic sites, proximity to critical state lands, and the need to preserve the open-space character of the Park.

For each classification, the extent and type of appropriate uses are specified. "Overall intensity guidelines" prescribe the approximate number of principal buildings that should not be exceeded in a square mile of a particular land use area. Lists of "compatible uses" for each category also serve to guide development.

In addition, all projects requiring review and approval by the Agency are listed. These "regional projects" vary with each category. In the case of subdivisions, for example, the Agency's jurisdiction generally ranges from a 100-lot project in hamlets to a two-lot subdivision in resource management areas.

*Hamlets - These are the growth and service centers of the Park. Hamlet boundaries usually go well beyond established settlements to provide room for future expansion. The Plan permits all uses within hamlet areas and sets no limit on development intensity. (In all classifications, local governments may impose stricter land use controls than those of the Adirondack Park Land Use and Development Plan.)

*Moderate Intensity Use Areas - Most uses are permitted, but relatively concentrated residential development is most appropriate. Overall intensity guideline: 500 principal buildings per square mile (1.3 acre average lot size).

*Low Intensity Use Areas - Most uses are permitted, but residential development at a lower intensity than above is emphasized. Overall intensity guideline: 200 principal buildings per square mile (3.2 acre average lot size).

*Rural Use Areas - Most uses are permitted, but rural uses dominate. Low intensity residential development is also suitable. Overall intensity guideline: 75 principal buildings per square mile (8.5 acre average lot size).

*Resource Management Areas - Covers nearly two million acres, or 53% of the Park's private lands. Special care is given to protecting the natural open-space character of these lands. Suitable uses include agriculture and forestry, game preserves and private parks. Residential development is permitted at a very low density. Overall intensity guideline: 15 principal buildings per square mile (42.7 acre average lot size).

*Industrial Use Areas - This is where existing industrial uses (including mineral extraction) are located and where future industrial development is most suitable. Additional areas may be identified by local and state officials.

Fifty or 100 years from now, when most other issues of the current session are long forgotten, the New York State Legislature of 1973 may well be remembered and judged for its action in preserving the Adirondack Park as the last significant wilderness in the eastern United States.

Former Governor Nelson A. Rockefeller
at the signing of the
Adirondack Park Agency Bill
May 22, 1973

(to be continued)

*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.

*Contributions are tax deductible

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The Adirondack Council

Box D-2, Elizabethtown, NY 12932

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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