

20th
Anniversary

ADIRONDACK COUNCIL



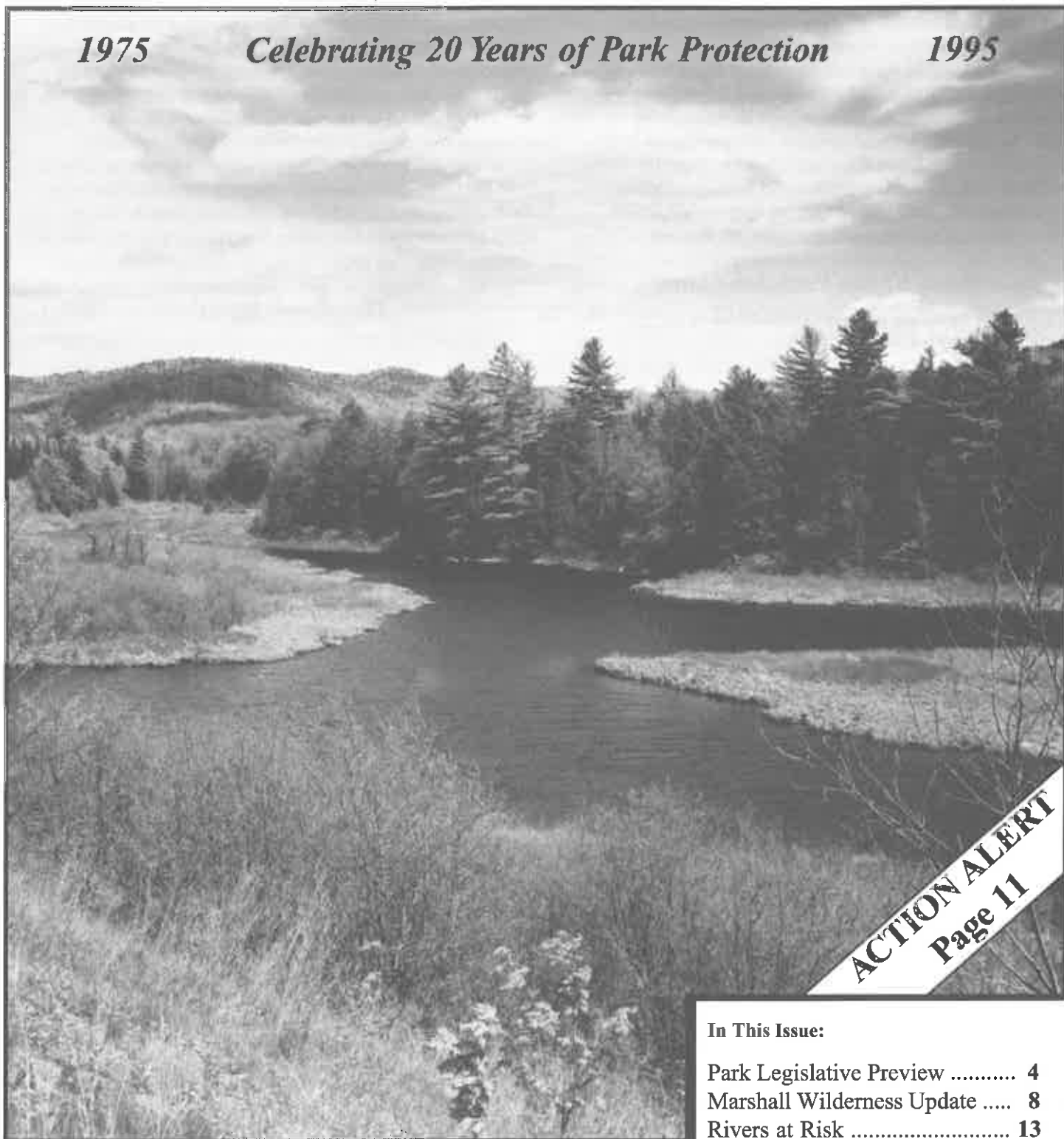
NEWSLETTER/WINTER 1995

Member Organizations: The Wilderness Society, Natural Resources Defense Council, Association for the Protection of the Adirondacks, and National Parks and Conservation Association.

1975

Celebrating 20 Years of Park Protection

1995



ACTION ALERT
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Around the Park

Sold Down the River

On the Cover: The NYS Dept. of Environmental Conservation has missed the boat, failing to purchase a 4.5 acre inholding along the West Branch of the Sacandaga River, a designated Wild River corridor within the Silver Lake Wilderness. The new owners now want to build a cabin on it, but according to the Wild, Scenic and Recreational Rivers System Act, no new structures can be built within a Wild River corridor. As it now stands, the state could face lengthy and costly legal battles with the new owners over what activities may occur on this parcel.

The DEC could easily have purchased the small inholding and added it to the surrounding Silver Lake Wilderness, defusing the situation. To its credit, however, the DEC has included a "small projects" category in the latest draft of the Open Space Plan, highlighted on page 10. But unfortunately, the department does not have an effective process to identify these lands before they are offered for sale. (Photo: Alan Cederstrom)

Study Shows Park Job Gains

During the recent national recession, while the rest of the state's economy was sagging and jobs were disappearing from urban areas, the Adirondack Park experienced a surge in employment.

A study performed by the Rockefeller Institute of Government showed that employment rocketed up by 25 percent between 1985 and 1992 in the Adirondacks, while the state's overall employment rate dropped 0.4 percent. Leading the growth in private-sector Adirondack jobs were strong advances in the hotel industry, social services and health care.

While average income was shown to be lower than in the rest of the state, the report did not compare the Park with other rural areas of New York. Additionally, there was no adjustment made to account for a lower cost of living inside the Blue Line.

The report noted that further growth is expected in the hotel/tourism sector, as well as the vacation-home construction market, as the national economy continues to recover.

On the downside, the report noted that one of every three jobs in the Adirondacks is in state, local or federal government. That is twice the state and national average. (Part of the reason for this situation is the abundance of state and federal prisons in the Park.)

Despite Governor George Pataki's call for large state tax cuts, it is unclear whether government jobs in the Park will be eliminated.

The Rockefeller Institute study was the first of its kind, in that it studied towns and villages inside the Adirondack Park. Previous studies included data from all 12 Park counties, parts of which contain relatively large urban areas outside the Blue Line that skewed the data.

Heurich Property a Done Deal

The NYS Dept. of Environmental Conservation recently announced that the public will soon become the proud owner

of 1,826 acres on the west shore of Lake Champlain. Known as the Champlain Palisades or Split Rock, the property contains nearly three miles of unique, undeveloped shoreline, featuring jagged cliffs and dramatic bluffs.

The \$2 million price tag for the property will be paid to the Open Space Institute, a non-profit group which buys and holds environmentally significant lands until the state can acquire them. Payment comes from the state's Environmental Protection Fund. The property was purchased in 1993 by the Open Space Institute from Gary Heurich, owner of a brewery in Washington, D.C. The Heurich family retains ownership of a 357-acre parcel, including a residence.

The Environmental Protection Fund was created in 1993 through the efforts of the Adirondack Council and other environmental groups and is used to bankroll open space projects as well as recycling and solid waste programs. The Split Rock property was one of several projects eligible for funding from the EPF this fiscal year, including the previously announced purchase of the Morgan property on Lake George.

Dismissed Again!

The Appellate Division of the NYS Supreme Court has dismissed a \$50 million lawsuit brought by anti-environmental activists Donald Gerdtz and Carol LaGrasse against the Adirondack Park Agency, the Adirondack Council and others. Gerdtz and LaGrasse had alleged a conspiracy between the Council, the APA and others to deprive Adirondackers of their civil rights. The decision confirmed a lower court ruling that the suit had no merit.

A Gift Forever

Thanks to the extraordinary generosity of the Adirondack Council's donors and friends, our Forever Wild Endowment Fund now stands at more than \$600,000. This fund is invested only in environmentally responsible companies.

You can continue to help the fund grow either through outright gifts to the endowment fund or by making a bequest in your will. For more details, look for the Council's updated Forever Wild brochure, which will be in the mail this spring. Or, call Anne Trachtenberg, Director of Development and Membership at (518) 873-2240.

Thanks

In October, an Adirondack Council representative contacted many of you to let you know about a new dimension to a growing threat in the Adirondacks — the break-up and sale of large tracts of timber land. Owners of some of these huge tracts, whose lands were once crucial elements in the local forest products-based economy, now view them not as productive "working forests," but merely as overhead.

Your response to the Council's call for help in addressing this potential loss of open space was overwhelming. We would like to thank all of you who responded to this new threat to the Park and to let you know that your contributions are already being put to work to stem this dangerous tide.

The Adirondack Council

Park Agency Future Uncertain

ORDA, DEC, Others Face Changes at Top

Major changes could be in store for the Adirondack Park Agency. Governor George Pataki will have the opportunity to appoint each and every one of the commissioners on the Adirondack Park Agency (APA) during his first term in office. By law, the agency has eleven members. Three members represent the commissioners of the Departments of State, Economic Development and Environmental Conservation. There are eight other individuals appointed by the Governor to serve staggered terms. Five must be residents of the Park, and from different counties. No more than five of the eight commissioners can be enrolled in the same political party.

The Executive Law also provides that members with expired terms can continue to serve until a replacement is confirmed by the State Senate. The refusal by the Senate to confirm all but a handful of the appointments offered by Governor Mario Cuomo during his three terms in office has created a situation where five of the eight appointed members are serving with expired terms. Only two members, Jim Frenette and Barbara Sweet have terms that will extend beyond 1995.

Governor Pataki will almost certainly appoint new heads for the three Executive Agencies. It is a fair assumption, therefore, that the Agency will see at least three new faces and votes on the Agency early in 1995.

Some local officials within the Adirondack Park have called upon the Governor to immediately replace all those members currently serving with expired terms. The Adirondack Council feels that such a "clean sweep" of Agency commissioners will prove to be disastrous to the functioning of the Agency. Those members are the most senior and the most experienced members of the Agency, including the current chairman. While change is inevitable, the immediate replacement of eight members is a formula for chaos, that will only slow the review of projects and result in costly and avoidable errors. The Council will urge a more deliberate, rational approach.

The Council will continue to urge the Governor to

appoint members that are committed to the goals of the APA Act, reflecting the interests of all New Yorkers, inside and outside the Park.

Other Potential Changes

The Park Agency is not the only public entity with responsibility to protect the Adirondack Park that faces an uncertain future with a new administration taking over state government.

Major changes are also expected at the Dept. of Environmental Conservation; the Olympic Regional Development Authority; the Hudson River/Black River (HR/BR) Regulating District and others in which the top policy maker is appointed directly by the governor.

Newly appointed DEC Commissioner Langdon Marsh may well be replaced as chief of one of the largest departments in the state. Further, DEC's regional directors are appointed by the governor through the commissioner. The Region 5 Director position in Ray Brook is already vacant. That office oversees the eastern two-thirds of the Park.

At ORDA, a major investigation by the NYS Inspector General uncovered years of alleged lack of accountability and misuse of funds under the oversight of now-retired president Nevin "Ned" Harkness. Harkness and most of the upper-level staff resigned or were fired just before the investigation became public. Harkness was replaced by former ski resort director Robert Fries, who also recently left. With Gore and Whiteface Mountain ski areas, the Mt. VanHoevenberg and Intervale complexes and the Olympic Center to manage, the new ORDA chief will have quite a job ahead.

The HR/BR Regulating District controls the water resources of the Great Sacandaga Lake, Fulton Chain of Lakes, Indian Lake and the Stillwater Reservoir, as well as some of the lands surrounding the water bodies. The Regulating District has a poor record of managing public resources and may see the most drastic changes of all the agencies mentioned thus far.



The Adirondack Council

After a lengthy investigation by the NYS Attorney General's office and accusations of fiscal mismanagement by former president Nevin "Ned" Harkness and others, questions still linger about the future of the Olympic Regional Development Authority. ORDA operates and maintains the olympic venues in and around Lake Placid, including the ski jumps pictured at left. The Authority is currently searching for a new president following Bob Fries' departure after serving for one year in the post.

What's in Store for the Adirondack Park?

The Upcoming Legislative Session

The election of the first Republican Governor in twenty years will bring massive changes to state government in New York. How will the Adirondack Park fare? It appears that Governor George Pataki enters office with a full plate of Adirondack issues. Here are some of the major issues the new governor will face when he takes office:

Adirondack Park Agency — The recent report of the non-partisan Citizens Task Force on the Adirondack Park Agency called for specific improvements in the way the APA operates. Some will require additional resources. In 1993, funding for several new staff led to dramatic results in response time and efficiency within the Agency. The Task Force called upon the Governor to add several more staff positions and to restore funds for planning grants to local governments through the APA. The Adirondack Council will urge Governor Pataki to propose an increase in funding for the Agency so that it can continue to increase its efficiency, help its applicants receive prompt service and work hand-in-hand with local communities.

Environmental Protection Fund — Established as an alternate means of funding a wide variety of environmental programs after the narrow failure at the polls of the proposed Environmental Bond Act in 1992, the Protection Fund contained \$26 million this year in funds from the real estate transfer tax. Governor Pataki has called for increasing the size of the Protection Fund even beyond the projected \$50 million dollars of projects slated for 1995. Pataki has proposed dedicating a portion of an excise tax on soda and beer (adopted in 1990 by the State Legislature to help pay the interest cost from the failed bond act) to the Environmental Protection Fund and expanding the uses for the fund.

Adirondack Wildlife Program — For several years, funding for the Adirondack Wildlife program in Newcomb has been cut by the Cuomo Administration, only to be restored by state legislators. Governor Pataki has the opportunity to put the Wildlife Program on more stable footing and will be urged by the Council to do so.

Timber Tax Payments — Hundreds of thousands of acres of land in the Adirondacks are enrolled in one of two (480/480a RPTL) state programs, one of which gives land-owners tax abatements up to 80 percent in exchange for a pledge to keep their lands undeveloped. Unfortunately, local governments and school districts are not reimbursed for the

lost tax revenue, and local residents must make up the difference. Last year, the Cuomo Administration proposed to help the towns, but only if unclaimed bottle deposits were returned to the state. Reimbursement makes sense inside the Blue Line as a means of protecting open space. But, if Governor Pataki is to support reimbursement, he must find a new source of revenue.

Working Forests — While the effort to save Lyons Falls Pulp and Paper Company got all the attention in the press in 1993, several major landowning timber management companies in the Adirondack Park quietly approached the Cuomo Administration for help to stay in production by having the

state purchase conservation easements on their property. Unfortunately, Governor Cuomo did not heed their call.

Governor Pataki has the opportunity to implement the Adirondack Council's proposal for a working forest conservation easement

program that can help the economy and protect the resources of the Adirondack Park. Under a conservation easement, the owner of the property retains the timber rights on the property but the state buys the development and sometimes the recreational rights. By doing this, the state can keep the working forests in active timber production and can protect the forest related jobs as well. The Adirondack Council will work with Governor Pataki and his staff to help establish a working forest conservation easement program in the Adirondack Park this upcoming session.

Adirondack Waters — It is difficult to ignore the evidence coming in from lake study after lake study that we are at risk of losing the waters of the Adirondacks to death. Governor Pataki has said repeatedly that we need to address shoreline development. The Republican Governor may be the person to break the political deadlock on the most valuable resources in the Park.

Backcountry Protection — The Cuomo Administration has left another lingering issue for Pataki to resolve — the leasing of cabins on large backcountry tracts. No longer are these buildings used only as traditional hunting and fishing cabins. Technology and the economy have transformed backcountry leased cabins into vacation homes on the cheap. In 1994, leasing issues were linked to reforms in the state timber tax abatement program and reimbursement to local towns. All three issues collapsed. The Council will work to revive this discussion in the upcoming session.

"The Adirondack Council will work with Governor Pataki and his staff to help establish a working forest conservation easement program in the Adirondack Park this upcoming session."

New York's New Governor . . .

As George Pataki becomes governor of the State of New York, it is difficult to characterize his views or predict what he has in mind for the Adirondacks over the next four years. This gubernatorial campaign was marked by an almost total absence of debate on environmental issues.

As a non-partisan organization, the Adirondack Council does not endorse candidates or participate in political campaigns. However, candidate Pataki did respond to a questionnaire circulated by the League of Conservation Voters (LCV), which does endorse candidates for office.

In the absence of other information, the following are excerpts from Pataki's responses to the questions posed by the League of Conservation Voters as of November 1, 1994.

LCV: *What, in your opinion, are the top five environmentally related problems that New York faces today? Please list in order of priority.*

Pataki: Regional Planning, Transport Reform, Solid Waste, Energy and Protection of the Adirondacks

LCV: *The Governor's budget proposes \$31.5 million to finance the Environmental Protection Fund (EPF) which was passed in 1993 to provide money to preserve New York's environment. What are your spending priorities for the EPF? How would you expand the EPF?*

Pataki: The environmental trust fund provided the foundation for assisting local governments in meeting critical environmental needs as well as enabling the State to address

pressing environmental problems. However, it is a foundation upon which we need to build - to add programs and more funding in the future.

LCV: *Do you support strengthening the authority of the Adirondack Park Agency to limit development in the park (A.965)? Explain your position.*

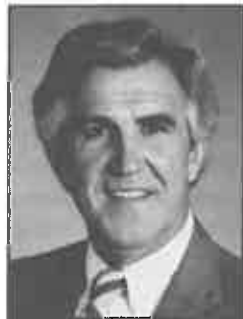
Pataki: The Adirondacks is indeed one of New York State's natural jewels. It is critical that we protect and maintain the wilderness character of the Adirondack Park. The Adirondack Park Agency's most important role is in limiting environmental risks which are the greatest in the Park, including wilderness areas and shorelines. We need to insure that the Park Agency operates in a more appropriate, effective, and timely manner. A long-range plan for conservation easements and shorelines and back country protection is vital for the protection of the Adirondacks. At the same time, we should work to help sustain the economy and lower the tax burden for present Park residents by such methods as infrastructure improvement grants and targeted job programs aimed at industry using renewable resources.

As Pataki's administration began taking shape, Adirondack property rights groups which had supported Pataki in his bid for governor began attacking him. The Adirondack Solidarity Alliance maligned Pataki for including two environmentalists on his 222-member transition team, saying he is "surrounding himself with environmentalists."

. . . and New Senate Majority Leader

The Republican majority conference of the New York State Senate elected Senator Joseph Bruno of Rensselaer County as its majority leader on December 1. Bruno, a long time fixture on the Albany scene, is in his 19th year in the Senate.

Bruno assumes control from Long Island Senator Ralph Marino. Senator Ronald Stafford, whose district encompasses most of the Adirondack Park, is expected to retain his position as chairman of the powerful Senate Finance Committee.



Sen. Joseph Bruno

Bruno has obtained consistently poor marks from the Environmental Planning Lobby for his votes on environmental issues. In 1994, Bruno received a 30% favorable rating based on 19 votes cast and in 1993, a 55% favorable rating based on 24 votes cast.

Senator Bruno recently told the Albany Times-Union that

the Department of Environmental Conservation (DEC) is "overly conscientious" about enforcement and is driving businesses out of the state.

Of greatest concern to the Adirondack Council is the fact that in 1992, Bruno voted in favor of a bill in the Senate Finance Committee sponsored by Senator Stafford that would have abolished the Adirondack Park Agency.

The staff and members of the Adirondack Council played a pivotal role in killing this bill before it could move to the Senate floor.

Bruno is also a partner in the development company First Grafton Corp. The company was embroiled in controversy recently in Bruno's home county. Neighbors complained that First Grafton built an access road for a 600-acre subdivision without approval from planning and zoning officials. Dept. of Environmental Conservation inspectors were critical of the project, but levied no fines or sanctions against the company.

Bruno told reporters he had placed his holdings in a blind trust. However, he said there should have been no controversy because the access road was just a "driveway."

Adirondacks Featured in Sixth Annual Wilderness Conference



Gary Randorf

Overlooking a Wilderness portion of Bandelier National Monument, New Mexico.

A presentation on the Adirondack Park by Adirondack Council Senior Counselor Gary Randorf and two college professors was one of the highlights of the 6th Annual National Wilderness Conference in Santa Fe, New Mexico in November.

The National Wilderness Protection Act turned 30 years old in September. While there are no federal lands in the Adirondack Park, the Wilderness Act was written here in a cabin near the tiny hamlet of Bakers Mills.

Randorf was joined by Professors Robert Buerger of the University of North Carolina-Wilmington and Thomas Pasquarello of the State University of New York at Cortland in presenting a slide show and lecture entitled "Adirondack Park: A Model for Integrating Wilderness Protection and Working Landscapes."

"It appears that what we have labored for in New York State over the past century — to protect and preserve this atypical park of both private and public land — is attracting more and more attention," Randorf said upon his return.

Randorf noted that park users and managers around the country are realizing that the habitat needed for many plants and animals to survive extends beyond the artificial boundary line of most traditional parks that are composed only of public land. He noted that those attending his presentation recognized the need to protect the entire ecosystem in which the parks are located by carefully planning surrounding land uses

and human activities.

The Randorf-Buerger-Pasquarello presentation was well-received and all three were kept well beyond their allotted time answering questions and offering advice from a century of Adirondack experience.

Randorf and his colleagues reminded their audience that the Adirondack Park was the place where Howard Zahniser drafted and redrafted (66 times) the bill that would become the Wilderness Act. His cabin overlooked what would later become the Siamese Ponds Wilderness. This point was driven home by a San Francisco Chronicle editorial circulated to those in attendance. It called Zahniser "a little-known American who ... played a giant's role in preserving the country's vast and growing repository of wilderness lands."

There were 9 million acres of federally protected Wilderness created when President Lyndon Johnson signed the act. Today, there are roughly 100 million acres. But most is west of the Mississippi River. Wilderness lands make up less than 4 percent of the nation's entire land mass. In the lower 48 states, Wilderness accounts for only 2 percent of all land.

Also discussed was the influence of the Adirondack Park as a model for land-protection in other regions and its influence on the likes of David McClure, Verplanck Colvin, Louis and Bob Marshall and Paul Schaefer.

But the conference was not all so pleasant. Chagrined by the election results of Nov. 8, Earth Island Institute chairman David Brower reminded the audience that new Congressional leaders Sen. Robert Dole (R-Kansas) and Rep. Newt Gingrich (R-Georgia) each received a "zero" rating from the League of Conservation Voters.

Former Secretary of the Interior Stewart Udall noted that the Wilderness Act had broad bi-partisan support in 1964. However, he speculated that "if the Wilderness bill were proposed next year it would go nowhere."

The Adirondack Council



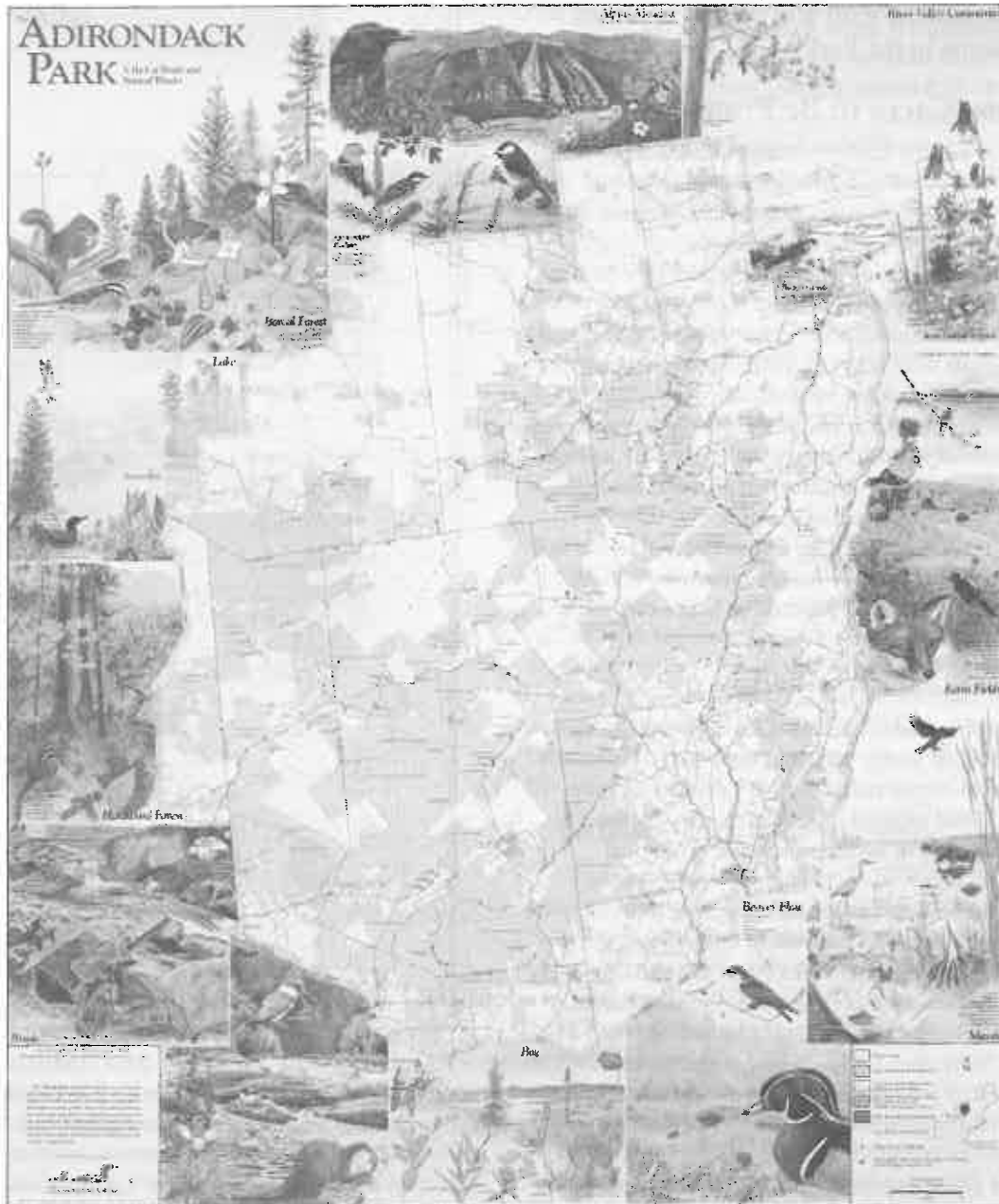
David Brower

Teaming Up On New Education Project

The Niagara Mohawk Power Corp., the Adirondack North Country Association and the Adirondack Council have joined forces to help young people better understand and appreciate their own communities. Using the Adirondack Park as a model, students will be asked to identify "special places" in their own local areas and consider the ways and means to ensure that these special places will not be lost as growth and development are planned.

Through role-playing and other hands-on activities, middle school students will be encouraged to become active participants in helping to plan the future of their own communities. Diversity will be stressed, both in natural landscapes and in the built environment, showing that a healthy environment and healthy economy are not incompatible.

The poster shown below is being distributed along with other educational materials to every school participating in the project. The 35" x 43" poster/map not only serves as a guide to recreational access points and areas of interest throughout the Park, but also is surrounded by the beautiful watercolor art of Anne Lacy, whose work can be seen throughout The Adirondack Wildguide. Members and friends may get copies of the poster for \$20 plus \$2.90 postage. Posters can be obtained by calling (518) 873-2240. Master Card and Visa accepted.



The Bob Marshall

The Adirondack Council's proposed Bob Marshall Great Wilderness would encompass a 408,000-acre expanse of pristine forested lands, lakes and wetlands. The public already owns over 230,000 acres in The Bob with 22 private ownerships comprising the rest. The Council continues to urge the state to develop a plan to purchase lands within The Bob from willing sellers if and when they become available. As one of the forested, roadless areas of 300,000 acres or more in the United States originally surveyed by Marshall in the 1930s, The Bob would provide an expanse large enough for native species like the moose, wolf and cougar to return to their rightful home in the Park.

Canoe Carry to Be Protected

One bright spot in the land-protection effort for the Bob Marshall Great Wilderness is the impending purchase of Canoe Carry East, a portion of the 51,000-acre Whitney Estate, by the Adirondack Nature Conservancy.

The Conservancy plans to purchase the 377-acre parcel for roughly \$720,000. It includes nearly 9,000 feet of shoreline along Forked Lake, the southern border of The Bob. Conservancy officials said Whitney Industries rejected a higher offer from a non-conservation bidder.

The purchase would mean protection for the entire three-mile southern shore of Forked Lake. Canoe Carry West was sold to the state in 1993. A state campground occupies the remainder of the south shore to the east.

The Conservancy plans to offer Canoe Carry East for sale to the state when the deal with Whitney Industries is completed. If that happens, the entire southern shore of Forked Lake would be part of the Forest Preserve.

Misclassified

The DEC recommended and the APA approved categorizing a large parcel of newly acquired state land in the heart of The Bob as Wild Forest rather than Wilderness or Primitive. The Council had urged the state to classify the land as Wilderness or Primitive to better protect the ecological integrity of The Bob.

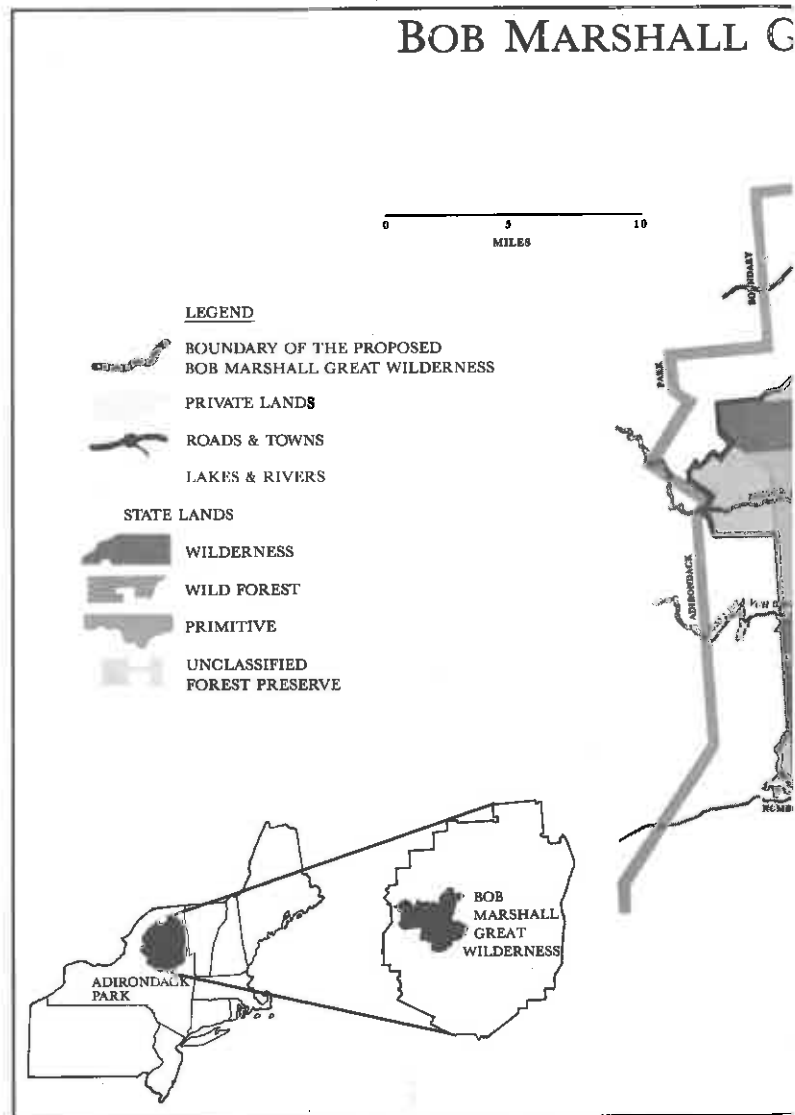
So why did the state opt to classify this land as Wild Forest? The parcel, located southeast of Cranberry Lake, is adjacent to both the Five Ponds Wilderness and the Cranberry Lake Wild Forest. According to the APA, the land was classified as Wild Forest to allow continued use by snowmobilers. There are also lands within the parcel temporarily leased to private parties, but these private leases are limited in time and will eventually expire. Had the state classified the land as Primitive, existing uses could have continued until a phase-out date at which time the land could be added to the Five Ponds Wilderness.

New York's Open Space Plan calls for formation of a committee to advise the DEC on establishing a 600,000-acre

Oswegatchie Great Forest that would encompass the area proposed for The Bob. But the DEC has yet to form this committee called for two years ago in the Open Space Plan and the APA is not classifying lands in a way that will advance the creation of The Bob Marshall Great Wilderness.

Cabins and Roads

Among the many threats to the integrity of the Bob Marshall Great Wilderness and other remote areas of the Park is the way timber companies and other large landowners have been allowed to exploit their right to lease portions of their land to individuals seeking hunting cabins or vacation retreats.



Currently, state law allows large landowners to obtain an 80 percent property tax break on their lands in exchange for the landowner's agreement not to develop the land. However, there is a loophole in the program that allows landowners to construct and lease cabins on portions of their holdings without the loss of the property tax exemption over the bulk of the property.

While the Adirondack Council does not oppose the
The Adirondack Council

Great Wilderness

leasing of traditional hunting and fishing cabins, we have been critical of state policies that allow the construction of cabins and roadways without any environmental review. We also feel that leased structures should be restricted to only short-term uses (e.g. the big game hunting season) for which they were intended. Some leased structures are now being used as vacation homes for much of the year.

There are two main problems associated with haphazard construction and overuse of this type:

- **Water pollution** - Cabins are often placed very close to water bodies and rivers, where runoff from construction and use of the building flushes directly into the water. The resulting nutrient loading promotes weed and algae growth,

In an effort to prevent pollution in the waters of the proposed Bob Marshall Great Wilderness and other areas of the Park, the Adirondack Council will work to ensure that the tax abatement programs for large landowners include measures to protect Park resources.

Railroad Plan Faulty

Public hearings are expected soon on a joint plan developed by two state agencies on the best use of the 119-mile long, 100-foot wide railroad corridor running from Lake Placid southwestward to Remsen, near Utica.

The Adirondack Council supports revitalizing passenger/tourist rail service over the line, but has strong objections to using portions of the line that abut Wilderness Areas as snowmobile trails.

The Council has already noted for the public record that snowmobilers have been using the Lake Lila Primitive Area illegally for some time, gaining access from the rail road bed. Some have gone so far as to hold races on the lake itself. The noise impact on this natural wildlife sanctuary from even the most modern snowmobiles can cause considerable damage. Avoiding such problems was the reasoning behind the ban on motorized travel in designated Wilderness Areas.

Since 1992, the Adirondack Council has participated in deliberations over the corridor management plan as a member of the Citizens Advisory Committee. However, the Council has been fighting an uphill battle to keep snowmobiles from encroaching on the most remote and sensitive habitat in the Adirondacks. Besides Lake Lila, the rail line runs along the borders of the St. Regis Canoe Area, Five Ponds Wilderness, Pigeon Lake Wilderness and HaDeRonDah Wilderness.

Further, round whitefish (endangered in New York) are located in Hoel Pond, adjacent to the rail line and the St. Regis Canoe Area. Several bald eagle wintering sites and osprey nesting sites are within a half-mile of the rail corridor, further stressing the need to protect these special habitats.

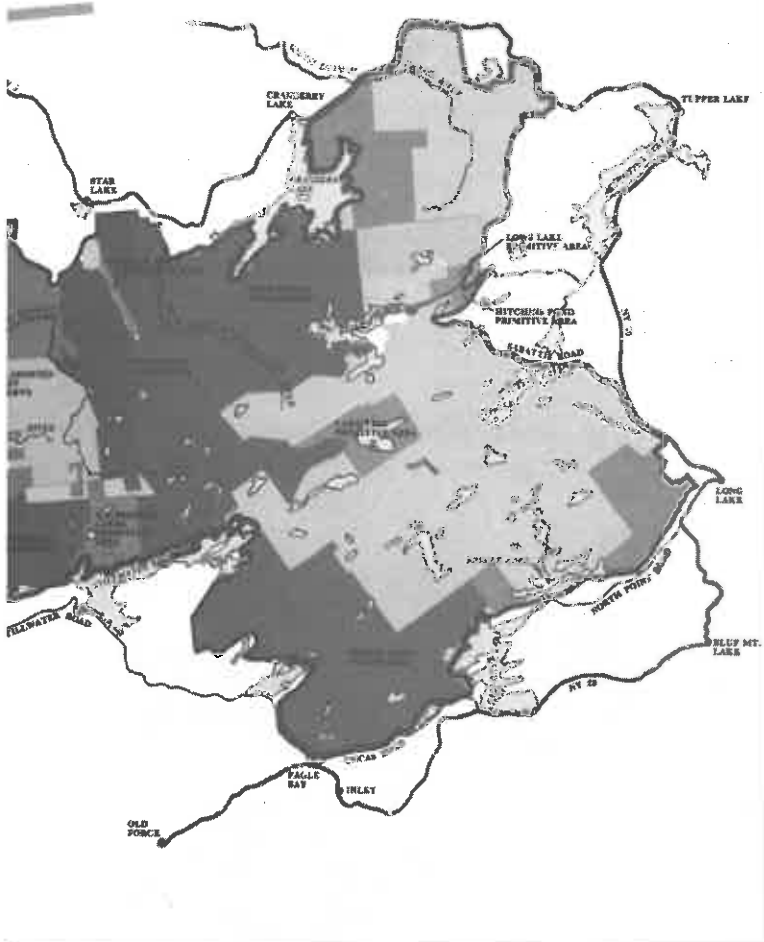
Those interested in voicing an opinion to the state can write to W. Garry Ives, Chief, Bureau of Preserve Protection & Mgt., NYSDEC, 50 Wolf Road, Albany, NY 12233. Comments must arrive by Jan. 20, 1995 to become part of the official record.

Activists Turn Out to Support "The Bob"

The Adirondack Council would like to thank all of our activists who turned out for, or wrote letters in support of "The Bob" during recent hearings on the New York State Open Space Conservation Plan. Your message to the DEC was loud and clear. The Council appreciates your efforts and looks forward to working with you in the upcoming months on various issues.

If you aren't already an Adirondack Council activist and are interested in writing letters, meeting with your state representatives or attending public hearings to protect the Adirondack Park, please join the Adirondack Council's Statewide Activist Network. For more information, please contact Activist Coordinator Lisa M. Genier at the Council's Albany office at (518) 432-1770.

GEAT WILDERNESS



degrading water quality.

- **Loss of habitat** - The original purpose of the property tax breaks offered to large landowners was to keep large, private forests healthy and unbroken. The building of roads and structures, unless carefully planned, can severely degrade plant and animal habitat, and can lead to changes in land use that result in the loss of productive forest lands and the jobs that depend upon them.

The Adirondack Council

Open Space Plan Update

In response to more than a year of prodding from the Adirondack Council, the NYS Dept. of Environmental Conservation recently amended the state's Open Space Conservation Plan to address the need to protect more than 800,000 acres of Adirondack timberland from sale and fragmentation.

The statewide Open Space Conservation Plan must be updated every two years.

Commercial timberlands, or "working forests," are not only a source of employment for thousands of Adirondack residents, they are the buffer between the Forever Wild Forest Preserve and the settled areas of the Park. They provide food and shelter to a rich diversity of wildlife, some of which prefer these lands to the never-cut Forest Preserve.

The current revision to the Open Space Plan was released to the public on October 4. In it, DEC explains the significance of the lands and notes that a pool of \$5 to \$10 million per year should be set aside within the Environmental Protection Fund to secure conservation easements on working forest lands.

The conservation easement program is more appropriate than outright purchase in the case of working forests for a number of reasons. Easements are contracts between the state and the landowner, in which the landowner agrees not to develop the land in exchange for a cash payment from the state. They protect the landscape without halting commerce.

The owner can continue harvesting trees and employing Adirondackers, but the land remains intact.

However, while the plan takes heed of the Council's advice regarding working forest lands, DEC has done little or nothing to implement its plan to create the Bob Marshall (Oswegatchie) Great Wilderness. Long-time Council members will recall that the state embraced the 408,000-acre Bob Marshall Great Wilderness proposal in 1991, offering a similar plan to create a 600,000 acre Oswegatchie Great Forest in the same location, with Wilderness at its core and Wild Forest at the edges.

To date, however, the state has yet to appoint an advisory committee to make recommendations for action to the DEC. To its credit, the citizens advisory committee set up in DEC's Region 6 (western Adirondacks) has grown weary of waiting for action from DEC headquarters in Albany and has begun to address protection strategies on its own.

Other issues addressed in the plan include:

Canal Recreationway: For some reason, the draft of the 1994 plan first circulated to the citizens advisory committees contained a paragraph that was omitted from the plan released to the public in October. That paragraph noted that canal lands located inside the Adirondack Park (Herkimer County) that were no longer needed for maintenance of the canal system should be turned over to the DEC to be incorporated in the Forest Preserve wherever feasible. Because the Adirondack Council took action in 1992, state law now requires that after a thorough survey, canal lands no longer needed to operate the canal system should be offered to the

DEC. We hope that the deletion of this important paragraph from the draft plan does not signal reluctance on the part of the Canal Corporation (part of the Thruway Authority) to abide by this requirement. The Council intends to see that the law is followed.

Northern River Corridors: The current draft includes a new section recognizing the need to protect the river corridors of the northern Adirondack Park, most of which are owned by timber companies. Conservation easement deals are encouraged to protect the lands. While this alone is a good development, DEC failed to recognize that conservation easements alone will not do the entire job of protecting these lands. Recent court decisions reasserted the public's right to canoe down any navigable waterway in the state. This may affect the price large landowners feel they can charge leaseholders who have had exclusive use of these rivers for decades. The potential loss in revenue, coupled with high tax bills for shorefront land could prompt many landowners to seek an outright sale. Some of these lands should be purchased for the Forest Preserve when they become available.

Priority Projects: The plan fails to include the main branch of the St. Regis River in this category, but correctly includes the Hudson River Gorge and the National Lead/Tahawus lands in Hamilton and Essex counties respectively.

Small Projects: This is a new section, correctly identifying the need to protect parcels of less than 200 acres and less than \$250,000 in price, without listing them separately in the Plan.

The Council has submitted detailed comments on the draft to DEC. The final plan must be signed by the governor.



Preston Ponds in the heart of the Adirondack High Peaks is just one of the high priority areas requiring protection, which are listed in the updated Open Space Plan.

The Adirondack Council

Adirondack Park Working Forests at Risk Write to Governor Pataki Today

The future of hundreds of thousands of acres of privately owned working forest in the Adirondack Park is uncertain. For nearly a century, ownership of these forest lands has remained in the hands of the forest industry and others who have sustained a flow of renewable products from their holdings while producing jobs for Adirondackers and open space benefits for Park residents and visitors alike. But because of economic difficulties, owners of these lands feel pressure to subdivide and develop their lands rather than keep them in productive forestry.

Fortunately, many of these landowners would like the state to purchase conservation easements on their lands. But currently, the state has no money to do this. (Under a conservation easement, the state buys development rights but the landowner retains the deed and timber rights.) The state needs to have money readily available to purchase conservation easements on the working forest lands in the Adirondack Park. With conservation easements, the state can help both the economy and the environment by preserving jobs and forests at the same time.

This is where we need your help. Right now Governor Pataki is developing his budget, which includes how he is going to allocate monies in the Environmental Protection Fund. We have an opportunity to influence what Governor Pataki does with his budget, but only if we act quickly. Please write a letter to Governor Pataki immediately.

In your letter...

- **Tell Governor Pataki that the state must protect the working forests of the Adirondack Park so that these lands can remain in active forestry and not be subdivided and developed.**
- **Urge Governor Pataki to allocate \$5 to \$10 million in the Environmental Protection Fund for working forest conservation easements to help save the forest-related jobs of the Adirondack Park while protecting the Park's wildlife, water, scenic beauty and other open space resources.**

Please send your letters to:

**Governor George Pataki
New York State Capitol, 2nd Floor
Albany, New York 12224**

Together we can ensure that the working forests of the Adirondacks are protected, but time is running out. It is critical that Governor Pataki hear from us now. You can make a difference. Please send your letter today.

Forest Rangers Graduate

More than twenty New York State Forest Rangers were honored in a ceremony held by the Dept. of Environmental Conservation Dec. 16 in Albany as graduates of the Department's first Forest Ranger training academy.

The academy was created to quickly train 20 new rangers, 15 of whom were hired after a successful lobbying effort in which the Adirondack Council accompanied rangers in visits to state legislators whose votes were needed to approve funding for the new positions. Several other rangers were already on the job, but had not completed all of the required training until attending the academy.

Council members who attended the annual meeting at Garnet Hill Lodge in July will recall that newly appointed DEC Commissioner Langdon Marsh announced the creation of the academy during his keynote address at the Annual Awards Dinner. He also noted that rangers attending the academy would learn interpretive skills to help instruct hikers and campers about the natural world.

At the ceremony, Marsh said the rangers are symbols of DEC's commitment to preserving and protecting the state's

natural resources. He reminded the crowd of more than 200 that the rangers have a proud, century-long history of service to New Yorkers.

The academy was organized by Forest Ranger Supt. Edward F. Jacoby, Jr. Recruits were trained in search and rescue; wildfire suppression and prevention; land navigation; helicopter rescue; interpretive skills and law enforcement.

The new rangers will be assigned to territories throughout the state. They will join more than 100 colleagues already serving in the field.

Candidates were selected from those who responded to a civil service canvass. About half of the trainees were already DEC employees.

The Forest Ranger corps is the largest such state force in the Northeast. Roughly half of the new graduates have been assigned to posts in the Adirondack region. Three will go to Essex County; one to Herkimer County; one to Oneida County; two to Washington County; one to Fulton County; one to St. Lawrence County and one to Franklin County. In most cases, rangers are serving areas close to their own hometowns.



Adirondack Rivers Update

No(t) Trespassing

The legal battle to re-establish the public's right of passage on all rivers navigable by canoe took another small step toward victory in mid-December.

On December 12, the NYS Court of Appeals dismissed an appeal brought by the Adirondack League Club in a case of alleged trespass that pits the League against the Sierra Club and other individuals who canoed the Moose River through League property two years ago.

The appeal challenged a ruling by a NYS Supreme Court judge during the trespass trial. The Supreme Court judge noted that a state law declaring the public's right to drive logs on navigable rivers was antiquated and did not reflect current recreational uses for rivers.

The judge ruled that he would use a new test to determine whether rivers were navigable. In essence, any river that can be navigated by canoe without requiring the canoeist to portage beyond the river's high water mark is open to public use. Therefore, the League would have to prove that someone in the group it sued went beyond the high water mark to win the trespass case. Unhappy with this new test, the League challenged the judge's right to impose it.

Earlier this year, the Appellate Division of the Supreme Court upheld the lower court's ruling. At that point, the "canoe test" became the law of the land. The League then appealed the Appellate Division ruling to the Court of Appeals.

Without reviewing the facts in the case, the Court of Appeals dismissed the League's challenge. In a one-sentence explanation of the dismissal, the court said there were still issues to be resolved in the trespass case by the Supreme Court.

Meanwhile, the "canoe test" remains in effect.

Four Rivers at Risk

The fate of existing hydro-electric facilities that affect the flow of four rivers in the Adirondack Park, including the Beaver, the Hudson, the Sacandaga and the Raquette, will be determined in the near future.

The future of facilities on the Beaver River will have an enormous impact on the health and vitality of the proposed Bob Marshall Great Wilderness.

The licenses for these hydro-electric facilities expired in 1993. The owner, Niagara Mohawk, must go through a process to get new licenses issued in order for their hydro-electric facilities to continue to operate. These are not license renewals, but rather entirely new licenses and operating conditions for the facilities. Negotiations are now underway.

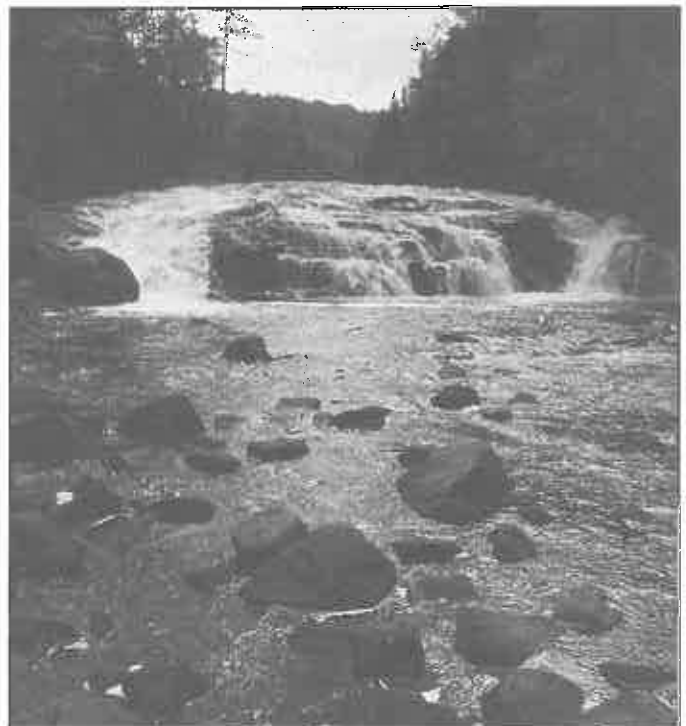
Such operating licenses are issued by the Federal Energy Regulatory Commission (FERC) in conjunction with the Department of Environmental Conservation (DEC), but the process also provides that other interested parties, such as environmental groups, can get involved to ensure their concerns are addressed in the new license. The basic goal of this process is to come to a final agreement on new licenses which balances all the interests involved.

The Adirondack Council

Because the hydro-electric licenses are for a period of thirty to forty years, there are many issues surrounding the hydro-electric projects that must be resolved before new licenses can be given. Issues range from environmental concerns such as minimum flows to ensure adequate fish habitat to recreational issues such as scheduled whitewater releases for kayakers and canoists. The process also determines whether any hydro-electric dams should be decommissioned and the rivers be allowed to return to their natural states.

Hydro-electric facilities located on the Beaver River are the first projects in the Adirondack Park to go through this licensing process. Because three of the eight hydro-electric facilities on the Beaver River are located in the Adirondack Park, the Adirondack Council is participating in this negotiating process along with New York Rivers United, a coalition of environmental groups.

The Adirondack Council believes that if it is determined that a hydro-electric facility is needed for the production of electricity, then that facility should be operated with the least damage to the natural resources. Specifically, the Council is concerned with protecting riverine wildlife habitat, fisheries, lands along the rivers and expanding certain recreational opportunities on the river system. The Adirondack Council's primary concern is to protect the section of the Beaver River that is adjacent to the Pepperbox Wilderness. The Pepperbox Wilderness Area, which borders the Beaver River to the north, is an important part of the Council's proposed Bob Marshall Great Wilderness area and is the most remote and undisturbed Wilderness area in the Adirondack Park. The Adirondack Council is working to ensure that uses of this area adjacent to the Pepperbox Wilderness are limited so as to not compromise the wilderness character of the area.



Buttermilk Falls on the Raquette River

Gary Randorf

Plan Drafted to Guide Future of Lake Champlain

After more than three years of work, utilizing nearly \$12 million in federal funds, the Lake Champlain Management Conference recently released its draft plan for the future of the Lake Champlain Basin. The Plan addresses a diverse array of issues ranging from pollution by toxic substances and nutrients to management of recreation, fish and wildlife resources.

Formed by an Act of Congress in 1990, the 31-member Management Conference guides the work of a host of governmental, academic and other cooperating agencies, organizations and individuals collectively known as the Lake Champlain Basin Program (LCBP). Two representatives of the Adirondack Council sit on a New York State Citizen's Advisory Committee, which works with a similar committee from Vermont to help the Management Conference devise a pollution prevention, control and restoration plan for Lake Champlain.

Eleven Action Plans

The draft plan to guide the future health and use of Lake Champlain, entitled "Opportunities for Action," contains eleven separate action plans:

- Reducing Nutrients
- Managing Nonpoint Source Pollution
- Preventing and Reducing Toxic Pollution
- Protecting Human Health
- Managing Fish and Wildlife
- Protecting Wetlands
- Managing Non-Native Nuisance Aquatic Plants and Animals
- Managing Recreation
- Protecting Cultural Heritage Resources
- Building Capabilities for Cooperative Watershed Planning & Protection.
- Educating and Involving the Public

In addition, the Management Conference is initiating a study this fall to provide a detailed economic analysis of the Plan. They are also assessing what sources of funding might be available and examining the most efficient way to carry out the Plan.

Where We Stand

The Plan should be based upon an ecosystem approach to the management of Lake Champlain. Since the Management Conference operates on a consensus basis, it is not clear whether its disparate members can agree on a holistic, integrated plan to restore the health of Lake Champlain. The Council is urging the Management Conference to turn away from its uni-dimensional, single-interest approach to problem solving, which often creates new problems instead of solving old ones. Fortunately, the draft Plan calls for ecosystem-based management of fish and wildlife species. This concept should be supported and extended to other project areas such as land use planning, control of pollution from toxic substances and phosphorus,

and recreation management.

The Adirondack Council is calling for the Management Conference to identify one or more locations on each side of the lake to serve as models for implementing the interdisciplinary strategies contained in the plan. Once the public sees the results of a comprehensive approach in these areas, there is likely to be much more support for duplicating model programs throughout the basin.

An economic analysis of the Plan should incorporate the principles of "green accounting." Although the Management Conference is working hard to assess the economic implications of its recommendations, we are concerned that antiquated, non-environmental cost accounting methods may be used to justify avoidance of controversial issues and costly remediation strategies. Traditionally, the environmental costs of pollution, waste disposal, resource depletion, human health problems, and reduction in quality of life have been marginalized or completely ignored. We can no longer expect the citizens of the basin to bear these "externalized" costs. It will take millions of dollars to restore Lake Champlain's decimated fisheries, eliminate the deliberate dumping of toxins and nutrients into its waters, and to maintain its scenic beauty. But it will cost much more if we do nothing and pass these problems on as a legacy of shame to future generations.

The Plan will be ineffective unless an independent body is charged with the authority and responsibility for coordinating its implementation. Many of the problems we see today have resulted from the fact that 224 political entities function within the basin, including two states, one province, and two nations. It would be naive to think that these problems can be solved by simply encouraging cooperation among these entities. Pollution reduction standards must be developed and enforced throughout the area. Land use practices should be modified to prevent losses of water quality, wildlife habitat, and scenic amenities. Most important, oversight and coordination is needed to funnel state and federal funding into the basin, where localities lack the political clout to attract such money.

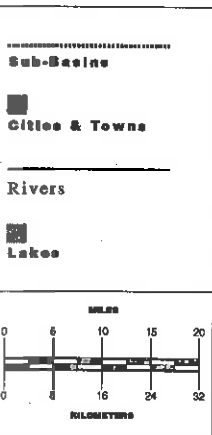
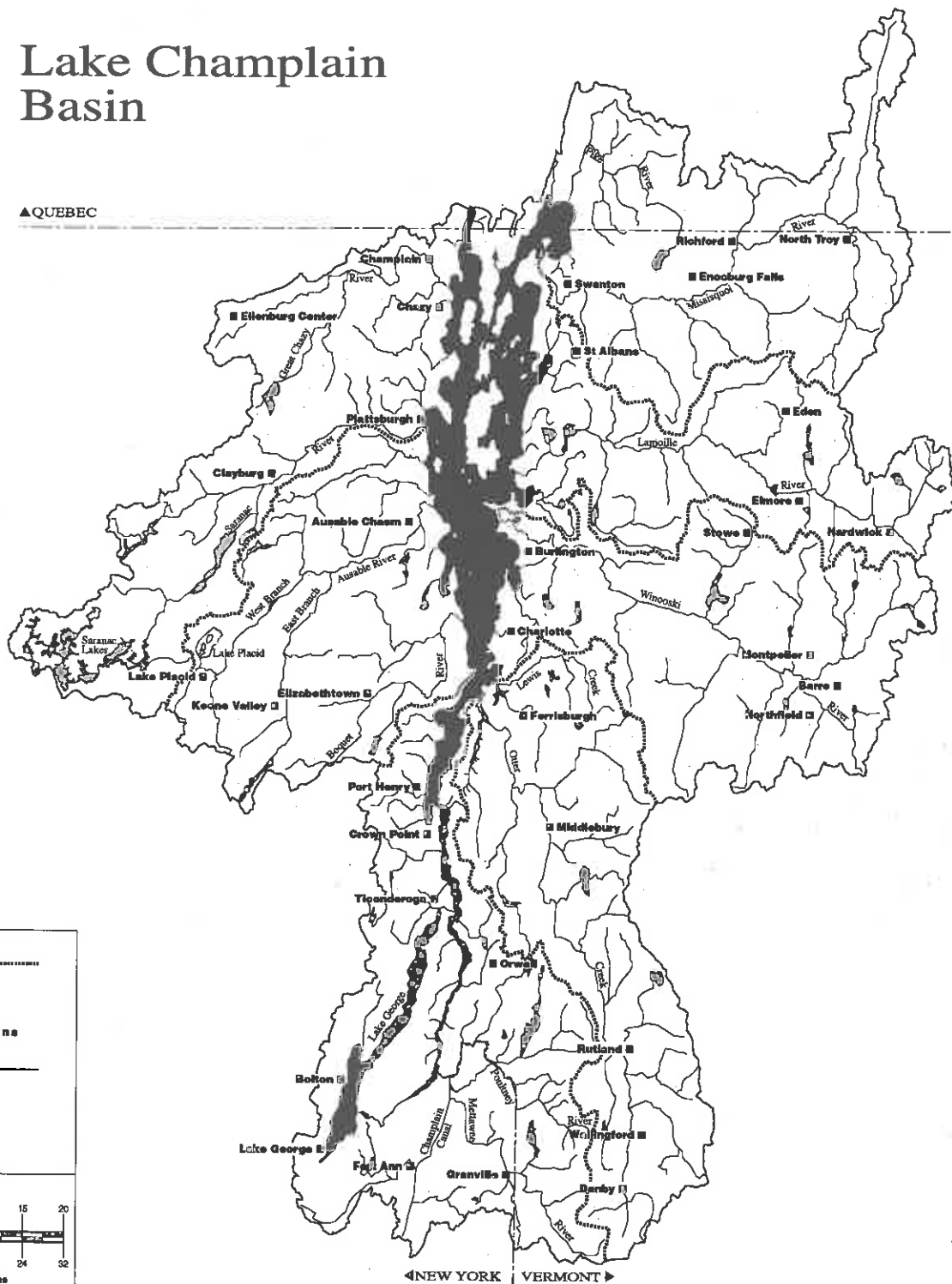
Vital Statistics

- Basin Size: 8,234 square miles
- Lake Size: 435 square miles (120 miles long)
- Basin Population: 607,788
- Supplies drinking water for about 200,000 people
- There are 3,100 U.S. farms in the basin
- Contains 43 marinas
- Home to more than 80 species of fish, 318 species of birds, 56 species of mammals, 21 species of amphibians and 20 species of reptiles

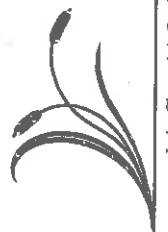
The Adirondack Council

Lake Champlain Basin

▲ QUEBEC



Lake Champlain Basin Program



Rivers and streams draining over 8,000 square miles of land in New York, Vermont, and the Province of Quebec contribute more than 90% of the water which enters Lake Champlain. Since about 2,000 square miles of this drainage basin lie within the Adirondack Park, including about 100 miles of Champlain's shoreline, the Adirondack Council has maintained a strong interest in the health of the Lake.

Over the next several months, the Management Conference will solicit people's reactions to the draft Plan and continue their review of the Plan's technical aspects. Public input will help guide Conference members in setting priorities in the final Plan scheduled for release next year. For a copy of the draft plan, write or call: Lake Champlain Basin Program, 54 West Shore Road, Grand Isle, Vermont 05458, 1-800-468-5227. Comments on the draft must be submitted by March 24, 1995.

Park Centennial Poster Available Again




To celebrate the recent public acquisition of a large portion of the Heurich Estate on Lake Champlain, the Council is again making available its Adirondack Park Centennial poster, showing the property's magnificent shoreline as viewed from Vermont. Featuring an incredible photo of the lake taken by Adirondack photographer Gary Randorf, the poster makes a great gift and is destined to become a collector's item. Cost is \$20 plus \$2.90 shipping and handling. Order by calling (518) 873-2240. Master Card and VISA accepted.

Twenty Years of Park Protection

January 14 marks the 20th Anniversary of the founding of The Adirondack Council. Back in 1975, the Adirondack Park Agency was in its infancy. Several national environmental organizations joined forces to create the Council as a watchdog of the Agency and other state entities entrusted with the Park's public resources. Today, member organizations include the Natural Resources Defense Council, The Wilderness Society, National Parks and Conservation Association and The Association for the Protection of the Adirondacks.

The Council has been the leading voice for Adirondack Park protection and preservation with over 18,000 individual members and reaches over 500,000 people through its member organizations.



ADIRONDACK COUNCIL

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Member organizations: The Wilderness Society; Natural Resources Defense Council; Association for the Protection of the Adirondacks; National Parks and Conservation Association; and other concerned organizations and individuals.

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