STATE OF THE PARK 1894 - 1994

100th Anniversary of the "Forever Wild" Clause

he lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

- Article XIV, Section I, New York State Constitution



A Great Year for Park Protection





Governor Cuomo was active again this year on the Adirondack front. Above, he accepts an award from Adirondack Council Vice Chairman Thomas D. Thatcher and Board Chairman Peter R. Borrelli at the Council's first-ever New York City benefit, honoring the significant additions made to the Forest Preserve under his administration (see story page 2). At the gathering, the governor announced that the state would purchase the Morgan Estate (left, a mile of undeveloped shoreline on Lake George), the Heurich Estate (3 miles of undeveloped Lake Champlain shoreline) and Follensby Park (14,500 acres adjacent to the High Peaks). Below, the governor emerges following a speech in which he announced that the Morgan Estate purchase was being finalized.





Church Street, PO Box D-2, Elizabethtown, New York 12932-0640 (518) 873-2240

Dear Members and Friends,

In September 1894, the New York State Constitutional Convention unanimously adopted the Forever Wild Clause to the New York Constitution. For 100 years these words have protected what is now approximately 2.5 million acres in the Adirondack Park. On September 30, 1994, Governor Mario Cuomo came to Silver Bay to celebrate the anniversary of the Forever Wild Clause. That day he announced the purchase of the Morgan Property, immediately across Lake George, for addition to the Forest Preserve. A few days later, the state was to sign the agreement for the purchase of the Heurich Estate on Lake Champlain. These acquisitions are the best evidence of the continued commitment by the Governor, state government and the people of New York State to the Forever Wild legacy of the Adirondack Park. These deals would not have been possible without advocates such as the Adirondack Council pressing for creation of the Environmental Protection Fund, nor without the financial assistance of The Nature Conservancy and the Open Space Institute. In each case, the property owner expressed a strong interest in permanent protection for the lands by adding them to the Forever Wild Forest Preserve and the local communities supported the acquisitions.

Earlier this year on August 24, the U.S. Forest Service, New York State Department of Environmental Conservation and the Town of Indian Lake signed an historic agreement to protect 158 acres of land adjacent to a state boat launch on the Indian River leading to the Hudson River Gorge so that commercial rafting operators and other river users would have permanent access to the launch. This is the first conservation easement in New York State under the new U.S. Department of Agriculture Forest Legacy Program. In addition to boating access, the land will be maintained as open space with trails and eventually primitive camping facilities. The Town will manage the parcel as a woodlot under the DEC's supervision and the Forest Service will own the development rights in the form of a conservation easement. Key players in making this project a reality were Congressman Sherwood Boehlert (R-New Hartford) and Vermont Senator Patrick Leahy, who sponsored the legislation; the Forest Service, the DEC, Indian Lake Town Supervisor Richard Purdue, mineral rights owner H. Hudson Barton IV of Philadelphia, Pennsylvania, who convinced 71 members of his extended family to donate the right to mining on the parcel; and the Denino family of Glens Falls who agreed to sell the land to the Town.

While the Governor worked to enlarge the Forest Preserve for this Centennial celebration, the Black River and Hudson River Regulating Commission headed in the opposite direction. On page 16 of this State of the Park report, you will see that the Regulating Commission has been trying to ignore the constitutional protection of the Forest Preserve.

The last few years have seen significant additions to the Forest Preserve in the Adirondacks. The Adirondack Council will work hard to see that this trend continues as we enter the second century of Forever Wild.

Fim Gurke
Executive Director

Executive Branch

Governor Mario M. Cuomo again made lasting contributions to the future of the Adirondack Park over the past year, both in word and deed. His promise to add more land to the Forest Preserve is coming to fruition.

Top Three

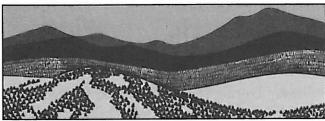


True to his promise, Governor Cuomo ordered the Department of Environmental Conservation (DEC) to purchase the Adirondack Council's three top-priority recommendations for addition to the "Forever Wild" Forest Preserve. With an appropriation of \$9 million from the Governor's budget, the DEC is moving forward with the purchase of the Morgan Estate (a mile of Lake George shoreline), the Heurich Estate (3 miles of undeveloped Lake Champlain shorline) and Follensby Pond (14,500 acres adjacent to the High Peaks).

Standing & Delivering



Four years of hard work paid off this fall when the Northern Forest Lands Council issued its final report on how to protect for both economic and environmental reasons the 26-million-acre forest connecting New York, Vermont, New Hampshire and Maine. The 37 recommendations advise the four states and Congress how to protect jobs (tourism and wood-product industries), wildlife habitat, recreational opportunities and the rural quality of life of one of the nation's largest continuously forested landscapes. For his part, Governor Cuomo helped prompt the study by calling for Congressional cooperation, and Deputy DEC Commissioner, Bob Bendick, chaired the Council.



Northern Forest Lands Council

Upholding Forever Wild



In July 1994, Governor Cuomo tossed aside a longheld, yet incorrect, legal opinion that the DEC Commissioner had the right to designate certain lands in the Adirondack Park "Special Use" (at the time of purchase) and exempt them from the Forest Preserve, thus taking away the protection of the "Forever Wild" clause of the NYS Constitution.

The debate started when the Olympic Regional Development Authority (ORDA) announced its plan to pave several trails for summer biathlon (cross-country skiing and rifle shooting) training at Mt. Van Hoevenberg without a constitutional amendment. The Adirondack Council, the Association for the Protection of the Adirondacks, the Adirondack Mountain Club and others warned ORDA they would take legal action to stop the paving of the trails unless the state reconsidered the status of the land and sought the

permission of the public, which owns the Forest Preserve, through a statewide ballot. The Cuomo administration agreed.



Governor and Sigourney Weaver at the Council's NYC benefit...

Forever Wild-ness



In June, Governor Cuomo attended the Adirondack Council's first New York City benefit, held at Central Park's Loeb Boathouse in honor of the 100th Anniversary of the Forever Wild Clause of the NYS Constitution. The Governor was honored, as was the late Governor Nelson Rockefeller, for adding substantial amounts of land to the Forest Preserve. Christopher (Kim) Elliman was also honored for his wide-ranging and effective efforts to preserve the Adirondack Park. In his address, Governor Cuomo noted: "To New Yorkers, Forever Wild announces a right every bit as valuable as the other rights enumerated in the covenants of our democracy. A right that is as essential a human need as shelter or warmth and love. The right to the ecological integrity of the common landscape. New York is the only state in the nation in which that right is constitutionally guaranteed.

"You know what's really magnificent about your commitment and the commitment of all those New Yorkers who love and struggle for the Adirondack Park? That in this world so troubled, so confused, so bereft of the kind of values that inspire and instill and uplift people; when everybody's looking around for an answer to what really counts, you've found something you're sure of -- giving to something larger than yourselves."

Smooth Transition



By appointing long-time deputy Langdon Marsh to succeed DEC Commissioner Thomas Jorling even before Jorling left office, the governor did both the environment and DEC a favor. Marsh is well-known and well-liked in the Legislature, allowing his appointment to breeze through the Senate in a matter of days at the end of the 1994 session. (See "A Simple Nod" under Senate.)

1-800-123-DUCK!



In April, the NYS Division of Military and Naval Affairs and NY National Guard published a new toll-free telephone number for Adirondack and Tug Hill residents and visitors who have questions or comments about military aircraft using the region's airspace for training flights. The number is 1-800-228-3567. Questions and complaints are being handled by the National Guard.



After nearly being lost to auction on three separate occasions, the Heurich Estate has been secured for the Forest Preserve

Lumber Slumber



One of the most pervasive problems facing the Adirondack Park today is the enormous amount of timberland (300,000 acres) threatened by fragmentation and development. Another 500,000 acres may face an uncertain future. Although the governor learned of the problem more than a year ago, he has yet to propose a solution to the fiscal pressures on timber-based industries. A Senate-sponsored working-capital, loan-guarantee program adopted in 1992 has done little to stem the tide.

Well-managed private timberlands are an asset to the Adirondack Park. Such land can provide wildlife habitat and some recreational opportunities not available on adjacent "Forever Wild" Forest Preserve lands. Working forests are often the only buffer between the Forest Preserve and residential/commercial areas. They also provide jobs to

thousands of Adirondack residents who depend on a healthy forest for their livelihoods.

By creating a conservation easement program for timberlands (in which the state buys development rights, but the private owner retains the deed and timber rights), the state could preserve jobs as well as the forests. Under such a plan, timber companies get an infusion of capital. Communities keep their job-base and their corporate property taxpayers, who require few municipal services in return. The environment is protected through reduced development and the guarantee of sustainable harvesting practices.

In short, this could have done a great amount of good for a small amount of money. (See Legislative Branch, pages 4-5).

Legislative Branch

The Assembly

The tragic and untimely passing of Assembly Speaker Saul Weprin — a champion of the Environmental Protection Act (fund) and advocate of Adirondack Park protection — brought Sheldon Silver of Manhattan to the Speaker's job this spring. Weprin had replaced fellow Brooklyn Assemblyman Melvin Miller as Speaker the year before.

Special Attention



Speaker Silver's revitalization of the Adirondack Working Group Weprin started in 1993 was an encouraging first step toward better protection for the Park's backcountry and water quality. In May, Silver appointed Environmental Conservation Committee Chairman Richard Brodsky (D-Scarsdale) and Alexander "Pete" Grannis (D-Manhattan) as co-chairmen, and may add several more interested Assembly members to the panel.

Friendlier Skies



The Assembly again passed a bill, sponsored by EnCon Committee Chairman Brodsky, which would give the state greater protection from acid rain. The Senate did not act on the bill. H. Robert Nortz (R-Cape Vincent) and Chloe Ann O'Neil (R-Parishville) were the only Northern New York Assembly members to vote against the bill.

Bad Sign



Despite the best efforts of Assemblyman G. Christian Ortloff (R-Plattsburgh), his Northway sign bill to give the Adirondack Park Agency the authority to work with DEC in determining the size, shape, composition and location of informational kiosks, was not taken up by the assembly. (See "Pointing the Right Direction" under Senate below.)

Chainsaw Diplomacy



In a disappointing repetition of her late husband's worst legislative initiative, freshman Assemblymember Chloe Ann O'Neil (R-Parishville) introduced a Constitutional Amendment to allow the cutting of trees on the "Forever Wild" Forest Preserve. Such a plan would not only cause irreparable harm to the Adirondack Forest Preserve, but could also flood the timber market and cause havoc with supplies and prices.

The Senate

The first house to pass the Environmental Protection Fund in 1993 decided to act more slowly this year.

A Simple Nod



The Senate brought stability to the Department of Environmental Conservation during the Legislative Session (July) by confirming Gov. Mario Cuomo's appointment of acting Commissioner Langdon Marsh to Commissioner, rather than waiting until after the November gubernatorial election. The action by the Republican-dominated Senate was a refreshing departure from party politics.

Pointing in the Right Direction



The Senate overwhelmingly approved a bill to allow construction of informational kiosks at locations designated by the DEC and Adirondack Park Agency along the Northway (I-87). The kiosks would have provided directions to local businesses and nearby Forest Preserve access points, along with interpretive information on the key environmental and cultural features of the area. The Assembly took no action.

You Do It



While the Senate would not act on a bill designed to curtail acid rain by regulating New York utility companies, it did unanimously approve a resolution last December (sponsored by Senator Ronald Stafford, R- Plattsburgh)

calling on Congress to protect the Adirondack Park from continued acid rain by regulating the actions of Midwestern utilities. Congress responded with a series of letters from the New York delegation to EPA Administrator Carol Browner. In the reply, EPA agreed to a new timetable for a study of the effect of the new Acid Rain Program on the Adirondacks and promised to take action if the Park continues to suffer ecological damage.

Fine for Cutting



Despite evidence that timber theft from the Forest Preserve continues to be a problem throughout the Adirondacks, and despite the recent proliferation of illegal dumping on public lands, the Senate refused to consider a bill that would have increased the fines for these offenses. The fine for tree-cutting remains at \$10 per tree — the same penalty since the turn-of-the-century.

The Low Road



The Senate again passed a bill trying to prohibit the state from closing the non-conforming road leading to Crane Pond in the Pharaoh Lake Wilderness. The Department of Environmental Conservation has avoided closing the road due to violence in 1990, despite the fact that the State Land Master Plan requires closure of the road. A

procedure exists for opening and closing roads on public lands, but no one has attempted legally to change its status. The Assembly did not act on this bill.

Even Lower Road



The Senate passed a bill sponsored by Sen. William Larkin (R-New Windsor) which would have opened the entire Forest Preserve to all-terrain vehicle use in the name

of assisting the handicapped. All motorized/mechanized travel is banned in Adirondack Wilderness Areas as a means of protecting fragile habitat. Proponents had claimed that a similar program existed in England, which was (and is) untrue. They also claimed handicapped hunters had no other means of access, which is also untrue. DEC officials already have special permits available for the disabled, to ensure the system is not abused.

Both Houses

Contrary to logic, the state's substantial 1993-94 budget surplus did nothing to ease or speed-up 1994-95 budget deliberations by the NYS Legislature. In fact, budget wrangling and yet another change in leadership for the Assembly combined to push some Adirondack issues into the background this year. But not all.

Land Ho!



During the budget process, both houses approved spending \$9 million for the purchase of lands listed on the current NYS Open Space Plan. The state has committed to buying the Heurich Estate on Lake Champlain and the Morgan Property on Lake George, and Follensby Pond in Franklin County is also listed and therefor eligible.

Refilling the Roster



A springtime lobbying effort in which NYS Forest Rangers, Adirondack Council staff members, and other enviros met jointly with Legislators in both houses paid big divideneds. The Legislature, led by Sen. Ronald Stafford (R-Plattsburgh) appropriated more than \$1.5 million to hire 12 Forest Rangers and three supervisors, as well as 10 Environmental Conservation Police Officers, to refill dwindling ranks in both agencies.

Endangered Program Saved



The Legislature continued its financial support for the

work of the Adirondack Wildlife Program through an appropriation of \$100,000 spearheaded by Assemblyman Michael Bragman (D-Syracuse). The program faced a total loss of funding after perennial sponsor James Tallon (D-Binghamton) took a private sector job last fall.



Canada Lynx

Mountains' Due



At the inception of the 1994 Session, the Legislature marked the beginning of the Centennial Celebration of the "Forever Wild" clause by passing a resolution commemorating the legacy of the forever-protected Forest Preserve, created by the delegates to the 1894 NYS Constitutional Convention. The resolutions were sponsored by Sen. Stafford and Assemblyman Brodsky.

Whose Woods These Are . . .



Following an Adirondack Council investigation into the private use of certain Herkimer County lakes belonging to all New Yorkers, the Thruway Authority's Canal Corporation was granted \$1.4 million to perform a complete survey of the barge canal lands inside the Adirondack Park surrounding North, South, Sand, Woodhull and Canachagala lakes, as well as Hinckley Reservoir, to determine the extent of the public's ownership and which lands and waters belong in the "Forever Wild" Forest Preserve. Other water bodies just outside the Park are also slated for survey.

Park? What Park?



Neither house of the Legislature even managed to start a serious discussion this year about updating the 20-year-old land-use laws administered by the Adirondack Park Agency. The statutes are in dire need of revision to better protect the Park's backcountry and water quality.

Loophole Lumbers On



Despite session-long discussions of loopholes in the state's timber land property tax abatement programs that allow timberland owners to construct cabins almost anywhere in a private forest with no environmental review, the Legislature failed to take action on any of three reform proposals offered. Haphazard construction of roads and cabins in the backcountry is a well-documented practice with serious consequences for Adirondack water quality. In some cases, landowners who lease cabin sites receive substantial property tax breaks (as much as 80 percent) as an incentive to keep their lands undeveloped and in timber production.

Break is Broke



The Legislature took no action on the need to update tax-abatement programs for timberland owners in the Adirondacks and elsewhere. The existing state-mandated programs require local governments to offer the tax breaks, but provide no state funds to cover the loss in revenue to the local taxpayers.

Dept. of Environmental Conservation

There was a major change in leadership at the Department of Environmental Conservation in 1994, as Commissioner Thomas Jorling stepped down to take a job with International Paper Co., in Purchase, NY, and was replaced by long-time Executive Deputy Commissioner Langdon Marsh. Marsh has a keen interest in the Adirondacks and appears to be sensitive to the needs of the Forest Preserve. Marsh continued Jorling's work on acid-rain prevention and has begun dealing with overdue unit management plans for Wilderness and Wild Forest Areas of the "Forever Wild" State Forest Preserve.

Happy Trails



One of Commissioner Marsh's first official announcements was made at the Adirondack Council's Annual Meeting in July, where he embraced the Council's recommendation for reversing the tide of over-use that is damaging the High Peaks Wilderness by creating a public-information center near the most popular trailheads, and instituting a permit system for hiking and camping to control trail erosion and water pollution and preserve extremely sensitive and rare alpine vegetation.

Backwoods as Classroom



Another plan set into motion by newly-appointed Commissioner Marsh was to enlist the ranger force as environmental teachers. New rangers trained in Adirondack Park interpretive skills will be able to answer questions and lend guidance on a wide range of conservation issues. An informed public is more likely to respect natural resources and will be better stewards of the Park.

Acid Accord



Along with the Adirondack Council and Natural Resources Defense Council, DEC helped to force the U.S. Environmental Protection Agency into two separate settlements on issues contained in lawsuits filed by all parties against the EPA over implementation of the 1990 Clean Air Act. Recognizing that the Adirondack Park was unlikely to receive substantial benefits from the EPA's new acid-rain regulations, the DEC and the Attorney General joined the environmental organizations in negotiating deals in which the total acid-rain-causing emissions allowed under the program will be reduced by up to an additional four million tons nationwide over the next five years; and convinced the EPA to appoint New York experts on acid rain to review the federal study on whether the program is effective in the Adirondack Park (the area even EPA agrees is hardest hit by acid rain in the United States). As part of the two settlements, EPA will consider a number of remedies if the program proves ineffective at curbing the acidification of Adirondack waters and forests.

Ride On



DEC opened up more than half of the Forest Preserve to mountain biking by allowing trails on all of the 1.3 million acres of Wild Forest to be used. DEC also began enforcing the 1985 ban on mountain bike use in Wilderness Areas.

The Adirondack North Country Association, a not-forprofit economic development organization, published a trail guide that shows the more than 1,000 miles of mountain bike trails that are now legally open on Wild Forest lands. To obtain a copy, write to ANCA at 183 Broadway, Saranac Lake, NY, 12983.

ORDA Know Better



In one of his last official acts as Commissioner of DEC, Thomas Jorling cancelled the contract the Olympic Regional Development Authority (ORDA) had agreed to with Cellular One, a cellular telephone company hoping to use Forest Preserve facilities atop Whiteface Mountain as a signal station for their phone customers. Jorling recognized that the agreement and the related tree-cutting violated Article XIV of the NYS Constitution (the "Forever Wild" clause) which prohibits the sale or lease of state Forest Preserve lands to anyone. Jorling also levied a \$10,000 fine on the corporation for violating the Constitutional protection of the Forest Preserve.



Trail erosion — the wear and tear of human use and weather.

UMPiring the Greenlock



The Department has finally issued a draft of the High Peaks Unit Management Plan (UMP) that proposes closing the South Meadow Road, called for in the 1975 State Land Master Plan. The UMP is a long-overdue plan for dealing with overuse of the High Peaks Wilderness by the region's 100,000 annual visitors, dubbed "greenlock." According to DEC figures, more than 540 cars were parked along the Adirondack Loj and South Meadow roads and in the existing private parking lot at the Loj on Labor Day this year. More than 400 people climbed to the summit of Mt. Marcy and more than 330 reached the peak of Algonquin Mountain (the state's two highest) the same day.

Buries Hatchery Hatchet



After several years of public wrangling between the DEC and the Upper Saranac Lake Association, new DEC Commissioner Marsh decided early in his tenure to offer an olive branch. The association has evidence that DEC's fish hatchery was pumping too much phosphorus and other organic nutrients into the water, causing algae blooms on the lake. DEC countered that it had cleaned up the hatchery to the best of its ability. Still, the algae bloomed, the lake had turned green and tempers had flared. Fortunately, Marsh and the association have agreed to a joint study of the lake's nutrient/algae problem and a plan to develop constructive solutions.



Gary Rand

Greenlock on Whiteface Mountain.

Bulldozing Wilderness



As part of the High Peaks Wilderness Unit Management Plan, DEC has proposed the construction of a new, 100-car parking lot inside the borders of the High Peaks Wilderness near the South Meadow Road, despite clear evidence of ongoing overuse of camping facilities and trails and the existence of multiple parking facilities at nearby Mt. Van Hoevenberg. There is no need to bulldoze Wilderness or spend additional funds when there is plenty of parking at a nearby state facility. While the draft Unit Management Plan calls for closing South Meadow Road once the lot is built, it remains to be seen whether DEC officials will follow through with the road closure.

Forest Gumption



The DEC's regulations governing property-tax-abatement programs for timber companies and other large landowners allows landowners to "cherry-pick" one-acre lots from the overall tract and exempt them from the program, so they can be leased to recreational users. This has led to abuses of the taxpayer-financed abatement programs, which were designed to discourage development and fragmentation of habitat in the backcountry. A recent state report on the subject called this practice "pockmarking" and advised that it was destructive to the most remote and environmentally sensitive areas of the Park. Unsupervised construction of roads and cabins has already led to a loss in water quality in remote Adirondack lakes and ponds, around which many of these leased structures are located.

Perhaps most important is the fact that the law passed in

1975 governing the tax abatement programs requires that enrolled lands be devoted exclusively to timber production. Since those landowners enrolled in the programs receive tax breaks of up to 80 percent, DEC should at least be sure that the goal of deterring development is met.

Um, Which Program Was That?



DEC and Board of Equalization and Assessment experts admitted in a 1993 report to the Legislature that they had no idea what was happening on more than 800,000 acres of Adirondack land whose owners were receiving substantial property tax breaks under a state-mandated program (RPTL Section 480). The program was designed to keep large landholdings from being fragmented and losing their forestry and ecological values to the state. However, DEC said it had so little information on the participants of the program, it advised the legislature to discontinue it, which would leave the future of about one-quarter of the Park's private land in doubt.

Inaction In-Deed



DEC has not resolved the legal ownership to more than 25 acres of land in the northeastern corner of the Adirondack Park, for which DEC and six other private individuals say they have a deed. Similar alleged encroachments on state land by private owners exist along Raquette Lake. The citizens of New York, who own the Forest Preserve, and the people who believe they are the private owners of the disputed land, all deserve a resolution to this issue.

Adirondack Park Agency

The Adirondack Park Agency (APA) was again at the center of attention this year. The task force appointed last year by Chairman John Collins made its final report, loaded with recommendations on how to make the APA's administrative duties run more smoothly. APA board members are now reviewing the 105 recommendations and are poised to begin adopting the best of them this winter.

Send Lawyers, Guns, and Money



While anti-environmental extremists continue to claim that the APA acts illegally in enforcing its development regulations, not one of them seems to be able to prove it. The APA was sued three times between 1981 and 1987. But from 1987 to date, 50 suits have been filed against the APA. So far, the APA has not lost a single major defense of its regulatory decisions.

Report to the Commissioners



The Task Force on Expediting Adirondack Park Agency Operations and Simplifying its Procedures recommended 105 ways to improve the workings of the APA. These include changes in determining jurisdiction; simplifying rules and regulations; simplifying application and project review; offering public information; holding more comprehensive public hearings; improving wetland protection; streamlining information management; improving enforcement; and offering local-government assistance and technical support. Since the report, the APA board and staff have met to prioritize the recommendations and tailor them to the APA's needs. The next step should be taking the money-oriented recommendations and others requiring new laws to the State Legislature in January.

'Feeble Instrument'



The APA issued its Annual Report for calendar year 1993, explaining the Agency's operations and charting trends that affect the Park's natural resources. Both the report and Chairman Collins' opening letter note: "... the Private Land Use and Development Plan is a feeble instrument with which to try to protect the natural resources, open space and visual character of the Adirondack Park." The report also notes that the number of residences in the Park has grown 60 percent since 1967. "It is time for the people, through their Legislature, to consider changes . . . I urge you to look this report over carefully and give thought to the strengths and weaknesses of the Adirondack Park Agency and its enabling legislation."

The Only Good Subdivision Is A . . .



While it is rare for the APA to receive congratulations in this publication for approving a subdivision permit, there was one project over the past year which deserves such attention. The APA's approval of a subdivision plan in Warren County, near Warrensburg, led to the Adirondack Nature Conservancy's purchase of the Hudson River Ice Meadows — a rare community of plants formed by the scouring action of the ice on the rocky shore, where shelter allows the ice to remain well into June each year. (See "Icy Welcome" under Local Government, page 11).

Backcountry Infobahn



Even before the task force recommended it, the APA began updating its ever-important information retrieval system. The new computerized system is used to help the APA determine whether it has jurisdiction over certain projects, by assessing environmental and historical information on the project site. The speed and practical uses of the new system earned the APA an award from the National Academy of Public Administration in Washington, D.C. The APA's time for responding to applicants' jurisdictional inquiries has improved dramatically. The system was created with the help of the State University of New York (SUNY) at Albany's Center for Technology in Government.

Do We Need This?



The APA acted to preserve the natural resources in the Village of Lake Placid and surrounding area recently when it assumed jurisdiction over a proposal to build a 13-acre Wal-Mart department store. About 5 acres of the site would be paved for parking and access roads. The proposed site would be next to a scenic vista at the village's entrance. The Wal-Mart plan called for the construction of the largest single retail building in the Adirondack Park. The construction and increased traffic expected could have enormous impacts on the region, along with devastating economic impacts to dozens of small-business owners in and near the village. Wal-Mart has sued APA in an attempt to rid itself of APA's jurisdiction, but also hedged its bets by submitting modified plans to the APA after filing suit. Whether APA ultimately retains jurisdiction or not, it has given local citizens time to review the plans. One local group of concerned citizens has formed in response to the mammoth retailer's proposal, gathering over 1,000 signatures of those opposing the project.

Assessing the Damage



With the help of a \$126,000 grant from the U.S. Environmental Protection Agency, the APA is conducting a comprehensive study of the ecological functions of wetlands in large landscapes. The study involves the Oswegatchie/Black River watershed in the western Adirondack Park, which comprises nearly 20 percent of the Park's entire land mass. The two-phase program will be completed with help from SUNY Plattsburgh and the Adirondack Lakes Survey Corp. The idea is to monitor the cumulative impact of landuse decisions made by governments across the watershed and determine how to coordinate the information for future decisions.

Just as important, the study will help APA determine a threshold for acidic deposition (acid rain, snow, fog, etc.)

in the western Adirondack Park — an area already heavily affected by acid precipitation. That information could be used to determine whether the new acid-rain regulations for utility companies created under the Clean Air Act Amendments of 1990 are effective. By determining how much pollution the area can sustain without significant ecological damage, the federal government can regulate emissions in the Midwest to prevent continued acid-rain damage from coal-burning power companies.

Educating Visitors



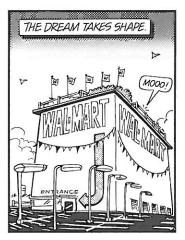
Nearly 87,000 people visited the APA's two Visitor Interpretive Centers at Paul Smiths and Newcomb in 1993 to take advantage of its vast store of educational materials about the Park's natural resources and political history. Quite a few of these visitors also enjoyed the free use of snowshoes and a network of hiking- and cross-country-ski trails.

Doonesbury









BY GARRY TRUDEAU

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Let's Make a Deal



A developer who had planned the construction of a home too close to the shore of Tupper Lake recently gave the APA a choice. He said he would be willing to move the home away from the lake (which would have protected against nutrient loading from runoff), or he would build it close to the lake and simply donate a separate parcel of land to the Forest Preserve. The APA board opted for the latter even though the Department of Environmental Conservation complained that the land was inaccessible and difficult to manage. The decision set a dangerous precedent. It also allowed shoreline construction that was far too visible, especially in an area classified "Resource Management." These lands are supposed to be the least-developed, most pristine of the private lands in the Park.

Jeopardy



The APA made another odd decision this year, when it accepted an offer from the owner of an unpermitted boathouse to make a contribution to a local land trust rather than pay a fine to the state for the illegal construction. This created the appearance of impropriety, since one of the APA board members is involved with the same land trust. Further, the paltry \$5,000 fine paid did not reflect either the level of damage done or the value of the property, which exceeded \$250,000 according to APA staff estimates. The

Council is urging the Legislature to change the APA law to allow the agency to exact administrative penalties, as other state agencies do.

Habeas Corpus!



More than a year and a half after the Legislature and Governor appropriated the money for the APA to hire a counsel to the executive director, a successful candidate has yet to be found. By not acting, the APA is tempting the Division of Budget to cut the funding for an important position as well as depriving the staff and board of key legal advice. The APA Task Force recommended two additional attorneys.

What Constitution?



Without considering the requirements of the "Forever Wild" clause of the state Constitution or the ownership rights of the citizens of the state, the APA used an administrative procedure to reclassify lands in Clinton County from Forest Preserve to private when the Department of Environmental Conservation had a legitimate claim to these lands. By not insisting that the question of ownership be settled before acting on reclassification requests, the APA may be giving up lands that belong to all New Yorkers and are supposed to be protected by the Constitution (see "Inaction In-Deed", page 7).

Local Governments

While local officials with seats on the Department of Environmental Conservation Region 5 Open Space Conservation Advisory Committee provided several reasons for concern, there were many bright spots in local policy decisions around the Park over the past year.

Nerve-Spray Attack Halted



For the first time in decades, no Adirondack communities sprayed aerial pesticides to control black fly infestations. Last year, only a handful of towns still purchased plane-loads of neurotoxins such as "Scourge" and "Dibrom 14" to kill adult black flies (which live about a month each spring). Many towns have switched to "Bti," a biotic remedy that kills the larvae before they hatch from streams. It employs neither chlorine nor neurotoxins, as previous methods had. Others have decided to let natural predators reestablish themselves and control the blackflies. The Town of North Elba, which received a "thumbs down" last year for a late-season decision to spray chemicals, has switched to "Bti," (and has earned a reverse of last year's thumb!)

Zoning Shored Up



In the late fall of 1993, the Lake Placid Village government decided to adopt a zoning overlay district to protect the remaining undisturbed shoreline in the community.

Dumping Pollution



The Village of Willsboro has begun construction on its new sewage treatment system. While such a facility will be expensive, building one will end the community's practice of dumping raw sewage into the Boquet River, just upstream from Lake Champlain.

Lasting Legacy



Indian Lake Town Supervisor Richard Purdue did his town and the entire Park a service in August, by working with the state and federal governments to protect the land



Richard Purdue

that local commercial interests use. The action made Purdue the first local official in the Adirondack Park to complete a Forest Legacy Project. The town received most of the money needed for the project from the U.S. Forest Service to protect 158 acres of land needed for a staging area by local commercial rafting companies and countless individual boaters. Under the

plan, the Forest Service owns an easement on the land, enforced by the NYS DEC. The town still owns the land and will keep all revenue from regulated timber-cutting, while developing a primitive campsite to draw more tourists to the region.

Cooperation = Salvation



Towns surrounding the Great Sacandaga Lake have recently begun a cooperative effort to deal with the consequences of the lake's increasing popularity with recreational boaters and summer-home seekers. The 29-mile-long reservoir was created in the Sacandaga River Valley in 1930 to stem flooding of the Hudson and Black Rivers. As a result, it is divided by three county lines, seven town boundaries and three villages, making it impossible for any single government to create regulations on development, boating, fisheries, public access and a host of other topics. The Sacandaga Lake Association and Sacandaga Chamber of Commerce have been talking with officials from all towns in the lake basin and hope to create a Great Sacandaga Council to administer and enforce a common plan. With a lot of hard work, the Sacandaga can avoid the overdevelopment that plagues the comparably sized Lake George.



eonard Lee Rue III

Beaver Cleavers



Last October, in the rural northern Adirondack Town of Bellmont (Franklin County), a town crew illegally dug out a beaver dam (it had no state permit), sending water rushing downstream. The torrent washed out another dam and toppled a high-voltage power line, leaving 15,000 Park residents without electricity, some for days.



Whitewater rafters enjoy a ride down the Indian River. A permanent staging area has been guaranteed to river users through the recently completed Forest Legacy project in the Town of Indian Lake.

F-Troop



After three years of delay tactics (such as months of discussion over minor changes in state eminent domain policy), local government representatives on the DEC's Region 5 Committee have yet to recommend a single parcel of land for addition to the state's Open Space Protection Plan. So far, these representatives can't, or won't, identify a single place that should be protected for public use in all of Clinton, Franklin, Essex, Warren, Washington, Saratoga, Hamilton and Fulton counties. These local officials even refused to endorse proposals from the Office of Parks, Recreation and Historical Preservation to expand small areas of public land outside the boundary of the Adirondack Park even though these proposals had gained local support.

Ready, Shoot, Aim!



The local government team on the Region 5 Committee struck again in the spring of 1994, when Domtar Industries, the Park's fourth-largest landowner, wanted help protecting its 105,000 acres of forest in the Adirondack Park. They justified their refusal to recommend conservation easements for the Domtar land by saying they didn't feel obligated to help a "foreign" (Canadian) company. The company was responsibly trying to avoid the break-up of its lands and had obtained local support for its easement plans. Hundreds of Adirondack residents are either employed by Domtar or hunt/fish Domtar lands under lease agreements. Both jobs and leases are in jeopardy without an easement program. Stay tuned.

Open Season



In May 1994, the Ticonderoga Town Board scrapped its plans for creating an APA-approved, local land-use plan. Such a plan would have given the town the ability to handle all minor development projects alone, without consulting the Adirondack Park Agency. Even worse, the board removed existing site-plan requirements for construction of single-family homes, garages and accessory buildings.

Icy Welcome



Warrensburg and Warren County officials are attacking the Adirondack Natural Conservancy in an attempt to get the tax-exempt, not-for-profit, land-protection organization to pay property taxes on a small parcel it purchased along the Hudson River this year. The Conservancy purchased the land — referred to as the Ice Meadows — because it contains a rare community of plant species, whose habitat is created by the scouring effect of river ice that lasts well into June each year due to its sheltered location. The Conservancy's ownership will require no municipal services and will add no students to local schools — the two most expensive functions of local governments. In fact, it may bring additional tourist money to the community simply because the land is protected and the opportunity to see a rare natural wonder exists. Ironically, the Warren County Board of Supervisors called on the state of New York to acquire the land, since the state would pay taxes on it. Let's see how the Region 5 committee local representatives respond to that. (See "F-Troop", above.)

Washington

The promise of a new administration with an environmental bent seemed to yield mixed results over the past year. There were some gains in the Environmental Protection Agency's (EPA) attitude toward shortcomings in the Acid Rain Program, and some losses in federal funding for forest protection. Congress, on the other hand, has been generally more helpful in protecting the Adirondack Park.

Questions & Answers



In the first of two substantial concessions on the new Acid Rain Program, the USEPA agreed to the Adirondack Council's demand for a careful study of the effects of the two-year-old program on the health of Adirondack lakes and forests. As part of the agreement, EPA chose two New York acid-rain experts suggested by the Council to review the scope of the study and the data collected. Further, EPA promised to take action if the study's findings indicate that the Adirondack Park is not receiving enough of a pollution reduction to recover. The Adirondack Council, along with its national coalition member the Natural Resources Defense Council, were joined by the Department of Environmental Conservation and the NYS Attorney General in our legal challenge to the EPA's program (U.S. Court of Appeals, D.C. Circuit.)

Four Million Tons Gone



The second major concession EPA made in the Acid Rain Program was to eliminate a loophole that would have given utility companies nationwide the ability to buy, sell and use the rights to four million more tons of sulfur dioxide pollution than EPA was supposed to make available. The EPA Acid Rain Program awards one pollution allowance to utility companies for each ton of sulfur dioxide that company is allowed to emit each year. Each year, fewer allowances will be made available until 2010, when EPA hopes acid rain-causing emissions will reach 50 percent of what was emitted nationwide in 1990. Companies that clean up beyond EPA requirements can sell the extra pollution allowances to other companies that emit more than their limits. The Natural Resources Defense Council led the negotiations with EPA. This summer, the EPA admitted its method of awarding excess allowances to companies was flawed. Closing the loophole will remove as much as 800,000 tons of acid rain-causing pollutants per year from the market between now and 2000, or a total of four million tons.

Help from Our Reps



While the Adirondack Council's legal challenge played an important role in EPA's decision to negotiate fair settlements to two of the shortcomings in the Acid Rain Program, our elected representatives also leant a hand at a critical time. While the EPA was considering the Council's challenge, Congressional representatives from around the state weighed in by writing to EPA Administrator Carol Browner in an effort to convince her to treat the Adirondack Park with more care. Those who put pressure on the EPA to

protect the Adirondacks include: Senate Majority Leader John Mitchell (D-Maine); Sen. D. Patrick Moynihan (D-

New York); Rep. John M.
McHugh (R-Jefferson
County); Rep. Sherwood
Boehlert (R-Utica); Rep.
Louise Slaughter (D-Rochester), and Rep. Thomas J.
Manton (D-Queens). In fact,
Congressman McHugh's letter
to EPA drew a multi-page
report and letter from EPA's
Assistant Administrator for
Air and Radiation, Mary D.
Nichols.



Congressman John McHugh

Forest for the Trees



In late October, 1993, Congress reaffirmed its commitment to the Forest Legacy program by placing yet another \$7 million into the fund for protecting jobs and habitat by protecting open space, bringing the total amount of the fund to more than \$20 million. This summer, the program made its first impact on the Adirondack Park, when 158 acres in Indian Lake were protected through a conservation easement that allows the town to own the land it needs for a staging area for local rafting companies and for campsites, while the U.S. Forest Service oversees timber cutting using personnel from the NYS Department of Environmental Conservation. The town keeps the timber revenue and the jobs and tourism associated with the rafting/boating industry; and open space is protected from development. (See "Lasting Legacy" under Local Government, page 10.)

The Big Picture



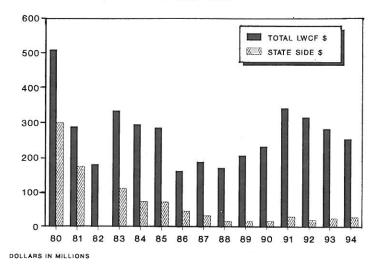
The EPA gave the Adirondack Park Agency a \$126,000 grant to study the cumulative effects of development and acid rain on large watersheds and the wetlands within them. The information gathered should help the Park Agency better perform its role of protecting the Park's natural resources, by helping the Agency look beyond the impact of single development projects and take the entire scope of local development into consideration when making permit decisions. (See "Assessing the Damage" under APA, page 8.)

Fund? What Fund?



Despite a plea from several major environmental organizations to boost the amount of money being made

LWCF STATE SIDE SHARE FY 1980 - 1994



Reprinted from Wild Lands and Open Space: Priorities for the Land and Water Conservation Fund. "State Side" refers to grants made to individual states.

available to states from the federal Land and Water Conservation Fund, the Clinton Administration did no such thing. The fund generates \$900 million per year for conservation of natural resources, drawn from royalties paid for off-shore oil-drilling rights. While the Bush Administration's appropriations from the fund exceeded those of the Reagan Administration, the Clinton Administration is using even less of the fund for conservation projects than either Bush or Reagan. Currently, Clinton is making less than 30 percent of the \$900 million fund available for conservation annually, with the rest being spent on federal budget deficit

reduction. Most is being spent by federal agencies rather than in grants to states and most is being spent west of the Rocky Mountains. The last significant Adirondack project to receive money from the fund was the purchase of Camp Santanoni in Newcomb fourteen years ago.

In their September, 1994, report to Congress and the governors of New York, Vermont, New Hampshire and Maine, the Northern Forest Lands Council recommended that 60 percent of the fund's appropriations go to state grants for conservation starting in 1995.



Cascade Lake, Hamilton County. Rendered lifeless from the effects of acid precipitation.

Courts

The last 12 months were busy ones for state and federal courts deciding environmental and recreational issues, with all of the most important decisions being decided in fair and reasonable way. Here's a summary of selected cases:

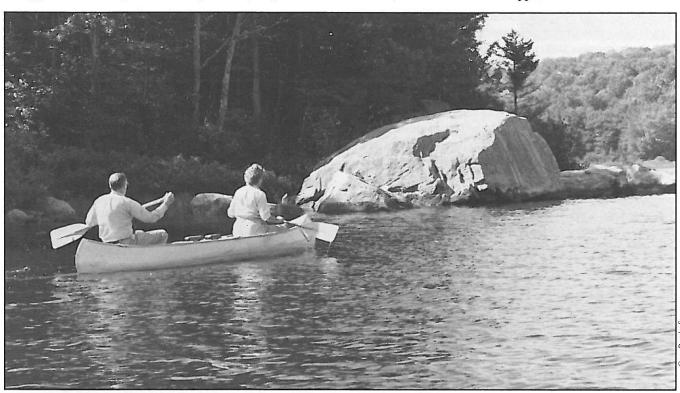
A Canoe Runs Through It



This summer, the NYS Supreme Court's Appellate Division resolved a decades-old dispute over whether land-owners who own both banks of rivers that can be canoed have the right to exclude the public from the water by posting signs and stringing fences across the rivers. The case pitted the Adirondack League, a private club whose lands cover a significant portion of the southwestern Adirondack Park, against a group of New York canoeists who paddled the Moose River through League lands. The League had prevented the public from paddling canoes through its property for decades. Two years ago, Department of Environmental Conservation Commissioner Thomas Jorling ordered law enforcement officials to stop citing paddlers for trespass when they boated past private

land — as long as they entered and exited the river from public land. When the group of paddlers glided past the League's property line and down the Moose, the League sued for criminal trespass, seeking \$5 million. In a landmark ruling, the court held that any river that can be navigated by canoe would henceforth be considered navigable under the law. The ruling is expected to open many miles of previously "closed" Adirondack rivers to recreational use.

The Adirondack Council advocated opening river access in talks with the Legislature in 1991 and 1992, along with safeguards to protect property owners from liability and property damage. But the Legislature halted its deliberations when the lawsuit was filed. The League has appealed the case to the NYS Court of Appeals.



Green Power



The United States Supreme Court overturned the NYS Court of Appeals when it ruled this spring that state should not have to delegate to the federal government the authority to require environmental responsibility and recreational amenities from those who seek long-term licenses to operate hydro-power dams. New York State officials and Washington State officials had argued in respective state courts that the federal Clean Water Act gives individual states the right to set conditions for both water quantity and quality within the Federal Energy Regulatory Commission (FERC) review process. New York's court ruled in favor of utility compa-

nies which sought to severely limit state's rights in river regulation, but were overruled by the Supreme Court. Most dam licenses last 30 to 50 years. Of the 43 dams with expired licenses in New York, none have been reviewed since 1943. Adirondack rivers with dams whose licenses have expired include the Raquette, Sacandaga, Beaver and Hudson. As part of the FERC review, the Adirondack Council, New York Rivers United and other concerned organizations are working to improve environmental and recreation conditions on those rivers.

Green Charity



The fledgling Environmental Federation of New York (of which the Adirondack Council is a member) won a minor victory in state Supreme Court this year when a judge

ordered the NYS Office of General Services to reconsider EFNY's application to participate in the State Employee's Federated Appeal. SEFA is a workplace campaign where civil servants can contribute to not-for-profit organizations through payroll deductions. Since EFNY's role is to raise money for 23 not-forprofit environmental organizations throughout the Tri-State area of New York, New Jersey and Connecticut, it sought the right to be listed in the SEFA brochure and solicit funds along with the United Way and other not-for-profit fundraising groups. After EFNY argued that OGS was ignoring its own guidelines, the judge ruled that OGS had rejected EFNY's application arbi-



trarily and too hastily. He ordered OGS to re-review the 500 pounds of application paperwork OGS had required of EFNY and said he would hold a formal hearing to resolve the matter if OGS again made a decision that could not be justified under its own guidelines. This summer, OGS again told EFNY it did not qualify for SEFA and EFNY has requested a hearing.

Any friends of the Adirondack Council who work for any state or county governments or school districts

can help in this effort. Please let us know if you work in the public sector and would be willing to raise the issue of the Environmental Federation of New York at your workplace.

That's Close Enough



In another 1992 lawsuit decided this year by the Appellate Division, APA won a case in which a shoreline landowner on Lake George sued when he was denied permission to expand his building to within six feet of the water on several sides. One side of the building was already six feet from the water, but was built before the APA's land-use plan went into effect in 1973. The owner argued that having the rest of the walls six feet from the water was no worse than one side. The APA disagreed, as did the State Supreme Court. The owner appealed to the higher court, but lost the decision in April.

Boat Bloat



In February, 1991, the APA sent a "notice of apparent violation" to the owner of the Old Valcour Marina on Lake Champlain, stating that the current and previous owner had violated the Park's land-use regulations by expanding the marina more than 25 percent without permission from the APA. Due to a staff error, the APA initially ruled that it did not have enough information to continue the proceeding. APA reconsidered its position after further discussion and renewed the enforcement action. The owner sued in 1992, claiming APA could not reconsider without another "notice of apparent violation" being sent. Supreme Court in Clinton County ruled against the APA on the "notice" issue. APA appealed that decision to the Appellate Division of the Supreme Court, which found that the APA had followed proper notice procedures and that the marina expansion clearly violated the law. The owner and APA are expected to negotiate a lawful permit and/or remedial action.



"Boat bloat" at Old Valcour Marina.

Hudson River/Black River Regulating District

The recent state investigation into potential misuse of public funds by current and former officials of the Hudson River-Black River Regulating District spotlights the problems facing the quasi-governmental, river-regulating entity. Since most of what the district regulates is located in or near the Adirondack Park, its lack of sensitivity toward the Forest Preserve and other natural resources is distressing. Its job is to regulate the flows of the Hudson and Black river systems to prevent flooding from Albany to Watertown. The centerpiece of the flood control system is the Great Sacandaga Lake, which has experienced significant management problems (See "Cooperation = Salvation, under "Local Government" on page 10).

My Forest!



In the Summer '94 newsletter entitled Waterline, officials of the Hudson River-Black River Regulating District admit not only to defying a century-old principle of the NYS Constitution, but also seem bent on continuing to circumvent the "Forever Wild" clause (Article XIV, Section 1). The newsletter notes that the district has been ordered by the Department of Environmental Conservation to remove a dam-keeper's residence it owns from Forest Preserve lands in the Town of Indian Lake. It also notes that the district does not intend to comply. Further, the district is encouraging the construction of a boat launch at the dam near the illegal house in an attempt to "greatly strengthen the argument that the house and resident dam-keeper should be retained." It also notes that it is pursuing the boat launch despite the objection of the Indian Lake Association. Even worse, the district admits in the article that technological advances have rendered the house unnecessary.

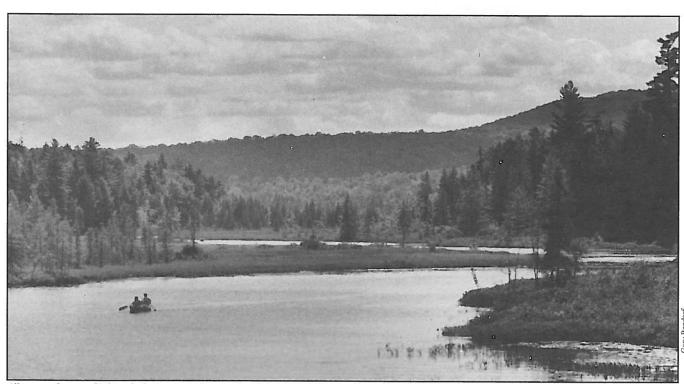
To top it all off, the district is courting legal action not only from the DEC, but also from any state resident who

wishes to sue on behalf of the Forest Preserve, using a littleknown provision of the "Forever Wild" clause that allows citizens' lawsuits.

Wasting Water

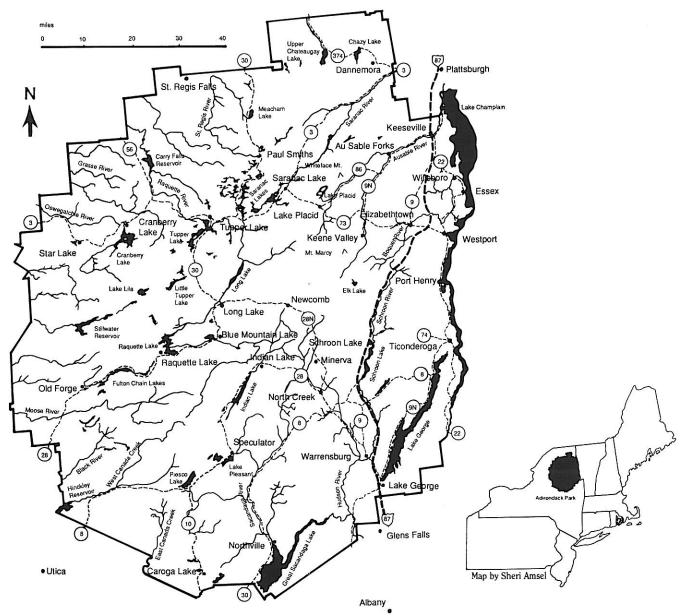


In commenting on the federal licensing process for dams, the district officials confuse the reason for creating the lake (flood control), with the side benefit of producing electric power. It complains that "a number of special interest groups and government agencies apparently plan to use the federal proceeding as a platform from which to air their ideas about how (the lake) ought to be operated. It is difficult to believe that a federal agency would interfere with a state's river-regulating system just because the water stored in its principal reservoir is usually released through a power plant instead of being wasted." The district's belief that protecting fish and wildlife and the recreational use of local residents is a waste of water raises serious concerns about its ability or willingness to protect the resources and recreational values of the lake.



All uses and users of Adirondack rivers must be considered in the management planning process.

The Adirondack Park



The Adirondack Park is the largest public park in the contiguous United States. It contains six million acres, covers one-fifth of New York State, and is equal in size to neighboring Vermont. Few people realize that the Adirondack Park is nearly three times the size of Yellowstone National Park.

Some 58 percent of the Adirondack Park is private land, devoted principally to forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 210,000 seasonal residents, and hosts an estimated nine million visitors annually.

The remaining 42 percent of the Adirondack Park is publicly-owned Forest Preserve, protected as "forever wild" by the State constitution since 1895. One million acres of these public lands, representing one-sixth of the entire Park, are designated as Wilderness, where a wide range of non-motorized recreation may be enjoyed in an incomparable, natural setting. The majority of public land — more than 1.3 million acres — is classified as Wild Forest, where motorized uses are permited on designated waters, road and trails.

Plants and wildlife abound in the Adirondack Park, many of them found nowhere else in New York State. Uncut ancient forests cover tens of thousands of acres of public land. Ironically, much of the Park is more wild and natural today than a century ago, when irresponsible logging practices and forest fires ravaged much of the yet-unprotected Adirondack region. Someday, all native wildlife, including those extirpated in the last century, such as the wolf, cougar, lynx and moose, may live and breed here.

The western and southern Adirondacks are a gentle landscape of hills, lakes, ponds and streams. In the northeast are the High Peaks, 43 of them above 4,000 feet, 11 with alpine summits that rise above timberline.

The Adirondacks include the headwaters of five major drainage basins: Lake Champlain and the Hudson, Black, St. Lawrence and Mohawk rivers. Within the Park are more than 2,800 lakes and ponds and more than 1,500 miles of rivers fed by an estimated 30,000 miles of brooks and steams.

Embodied in this and other Adirondack Council studies is a vision of an Adirondack Park that will serve as a global model for integrated land use and conservation. In the next century and beyond, the Adirondack Park must continue to offer vast areas of undisturbed open space, a sanctury for native plant and animal species, and a natural haven for human beings in need of spiritual and physical refreshment. It must also provide for sustainable, resource-based local economies and for the protection of community character and countryside values.

This publication is but one step in the Park protection process. Through continuing public education and advocacy for the protection of the Adirondack Park's natural character, the Adirondack Council hopes to advise public and private policymakers on ways to safeguard this last remaining great expanse of open space.

The Adirondack Council

Founded in 1975, the Adirondack Council is an active not-for-profit organization dedicated to protecting the natural and open-space character of the Adirondack Park through public education, interaction with local government agencies, and lawmakers, and legal action when necessary. The Council receives moral and financial sustenance from its 18,000 individual members and from private foundations. Individual memberships begin at \$25. Membership benefits include regular newsletters, special reports, and action alerts.

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Albany Office:

353 Hamilton St. Albany, NY 12210 (518) 432-1770

Main Office:

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