State of the Park
1995

The Winds of Change

Forest Preserve Near Long Lake in July

The Adirondack Council
20th Anniversary Edition
1975 - 1995
On the Cover: The Winds of Change

Let Nature Take its Course Following July 15 Storm

The Adirondack Council recognizes the catastrophic effects the July 15 micro-burst windstorm had on some people, communities and private lands in the Adirondacks. But the blowdown was not a catastrophe for the publicly owned, Forever Wild forests of the Adirondack Park. Such storms are natural, periodic events.

In the ancient, old-growth forests of the Adirondacks, blowdowns are actually a means of forest renewal, opening large areas to new growth and allowing a natural progression of forest species. Soon, other tree species formerly suppressed by the forest canopy, as well as seeds carried by wind into the newly opened areas, will grow to replace the fallen trees. Our ancient forests have evolved since the end of the last Ice Age (10,000-plus years). This is only the latest of many such storms.

1950 Storm Far Worse

In 1950, a far larger blowdown occurred. Less than 30 percent of that blowdown was ever cleared by loggers, yet today the forest is healthy in all of the blowdown areas. We have learned from the folly of logging following the 1950 storm.

"I caught a number of [loggers] cutting state trees that weren’t damaged. It was kind of a fiasco," said Clarence Petty, who was the state’s regional forester overseeing the salvage of windblown trees following the 1950 hurricane. Petty is also a member of the Adirondack Council Board of Directors. "They did more damage than they did benefit. This time, it would certainly be more appropriate to leave it alone."

Protected by Constitution

Given the overwhelming expense of logging large areas of remote forest and the fact that timber prices are already severely depressed, logging makes no financial sense. Several timber companies have said the same thing to local newspapers and to us.

Most important, the Forest Preserve is protected by Article 14 of the NYS Constitution, known as the "Forever Wild" clause. This reads, in part, "nor shall the timber thereon be sold, removed or destroyed."

Additionally, state management plans now prohibit logging or any other clearing of the old-growth area of the Five Ponds Wilderness (50,000 acres), even after a blowdown.

In order to reach most of the blowdown areas, new roads would be cut into the forest so trucks could extract the timber. Such roads would cost up to $40,000 per mile to construct. Worse, they would be highly destructive of habitat, especially in Wilderness areas, where motorized access has been banned for 20 years.

Law Has Evolved

State law already allows the use of chainsaws to clear the blowdown at state campsites, along public roadways and on trails. The timber can be set off to the side, where it would provide a home to various species of wildlife and a source of nutrients to the regenerating forest. That would re-establish recreational access for communities that rely on tourism, reduce the danger from falling limbs and fire and still be consistent with the Constitution. Trails buried by miles of fallen trees could be rerouted or abandoned for a period of time. The governor has the authority to declare any area off-limits, by issuing a simple proclamation.

Organizations United Against Removal

The Adirondack Council, National Audubon Society, Association for the Protection of the Adirondacks and Adirondack Mountain Club have all voiced their unified opposition to the removal of fallen trees from the Forest Preserve.
Dear Members and Friends:

The July 15 windstorm in the Adirondack Park brought significant changes to the landscape of the western Adirondacks, particularly in the Five Ponds Wilderness. But the changes in the political landscape in New York State may prove even more significant for the Adirondacks. Shortly after taking office in January, Governor George Pataki proposed large cuts in the budgets of the Adirondack Park Agency and the Department of Environmental Conservation, as well as in the newly created Environmental Protection Fund. After protests from the Adirondack Council and other groups, much of the funding was restored as the budget made its way through the legislative process. But agencies are now looking at new rounds of cuts to meet this year’s budget and even deeper cuts for next year.

The legislature took no action this year on major legislation affecting the Adirondacks other than the budget. The state Senate has a new Majority Leader, Senator Joseph Bruno, who recently appointed two outspoken critics of the Lake Champlain Management Plan to serve on the Lake Champlain Management Conference. This group will be making all of the decisions on the final plan.

Prompted by the Adirondack Council, the Governor and the new DEC Commissioner Michael Zagata took early and strong stands demanding action on acid rain at the federal level. Unfortunately, some officials within DEC are pushing for road building and salvage logging on the Forest Preserve. Other threats to the Forever Wild Clause have appeared as well.

The face, and perhaps the policies, of the APA are changing. Governor Pataki has appointed three new Adirondack Park Agency Commissioners, including a new chair. Several additional members could be appointed soon. Longtime APA Executive Director Bob Glennon has been removed and the search is underway for a new Executive Director and Agency Counsel. The APA chair promises a new era of cooperation with Adirondack communities.

As you read this report on the events of the past year, you will see that the need for the Adirondack Council to maintain its park protection efforts has never been more urgent. With your help, the Council will continue to be a major force defending the Forever Wild Clause, participating in APA deliberations on private development projects and working with local communities toward a brighter future for the Adirondack Park.

Sincerely,

Timothy J. Burke
Executive Director
Pataki Administration
Gov. George Pataki’s Administration has been in place for less than a year and is still sending mixed signals on its commitment to the environment and the Adirondack Park:

Making the Earth a SEFA Place
Governor Pataki in July discontinued the Cuomo Administration’s policy of allowing the state Office of General Services to block the entrance of the Environmental Federation of New York (EFNY) into the State Employees Federated Appeal (SEFA) — a workplace giving campaign in which the United Way and other charities solicit $6 million in payroll-deduction contributions annually. Pataki decided not to appeal a 1993 NYS Supreme Court decision ordering the state to stop arbitrarily rejecting EFNY’s applications to campaigns throughout New York. The Adirondack Council is a founding member of EFNY. A total of 29 New York-based environmental organizations are EFNY members. State workers across New York now have an opportunity to support these organizations through the SEFA campaign.

Thinking Big, Buying Small
Realizing that small parcels of land could bring large returns in terms of access to the Forest Preserve and water bodies, Governor Pataki endorsed the idea of using the newly created Environmental Protection Fund (EPF) to purchase small parcels without waiting a year or more to add them to the purchase list approved annually by the Legislature. The plan provides more flexibility when dealing with parcels of less than 200 acres and less than $250,000 in price. In the past, state officials have helplessly watched important Forest Preserve holdings and lake shore property go to private bidders because state officials needed time-consuming legislative approval before using money from the EPF.

Pooling Resources
The Dept. of Transportation helped local governments in the Lake George basin deal with runoff polluting the lake by using federal and state highway funds to construct a $60,000 holding pond near Exit 22 of the Adirondack Northway (I-87). The pond will allow solids to settle out before the storm water percolates to the lake through the soil, rather than running directly into the lake, sediments and all. In addition, the Village of Lake George has a $350,000 federal storm water grant to deal with a growing delta of sand and silt.

ORDA Be Better
In June, the Governor decided to take the Olympic Regional Development Authority (ORDA) out of the hands of the Dept. of Environmental Conservation and put it into the hands of the Dept. of Economic Development by appointing new DED Commissioner Charles Gargano as ORDA’s chairman. Readers of previous State of the Park reports will remember that ORDA had been plagued by scandals involving the inappropriate use of the Adirondack Forest Preserve, under former President Ned Harkness. Members of the media had persistently pointed out that allowing the DEC chief to police the actions of an agency he chaired gave the impression of a conflict of interest. Since ORDA is itself an economic development agency, having DED oversee it makes sense.

Laying Aside Layoffs
By March 2, the Governor had already decided to soften cuts he had proposed in February at the Adirondack Park Agency. Due to a successful public education campaign by the Adirondack Council and other organizations, the Pataki budget team backed away from a demand that 11 of the 64 APA employees be laid off. Instead, the administration eliminated funding for three positions, one of which was already vacant.

Breaking an Agreement
In his March 2 budget proposal to the Legislature, the Governor proposed a raid of $18 million on the newly created Environmental Protection Fund (EPF), in an effort to balance the budget. He also added the salaries of Dept. of Environmental Conservation employees to the categories for which EPF could be used. That violated an agreement reached in 1993 by the Legislature and Gov. Mario Cuomo, not to raid the fund or use it for day-to-day operations of state agencies. Gov. Pataki was a state senator when the agreement was reached. He voted in favor of it. After several weeks of advocacy and media efforts by the Adirondack Council and other organizations on the need for environmental spending, the Legislature replaced $10 million of the fund, dedicating half of the restoration to land acquisition.
The political cartoon at right illustrated public concern over the credentials of officials being appointed to positions of leadership in environmental agencies such as the Dept. of Environmental Conservation and Adirondack Park Agency. The cartoon ran in the Daily Gazette of Schenectady June 1, 1995. See centerspread for details on appointments at APA and DEC.

Disgracin’ the Basin

The state took a giant leap backward recently in its agreement to help clean up phosphorus pollution in the Lake Champlain basin, by refusing to implement a plan to reduce industrial and municipal pollution discharges. Phosphorus is a nutrient that promotes weed and algae growth in lakes. In the case of Lake Champlain, some bays are already as polluted as Lake Erie was when it was considered dead (roughly 20 years ago).

The state had agreed to develop new regulations to control phosphorus pollution, based on a consistent set of water quality criteria for the lake. New York can meet its obligation to reduce phosphorus pollution by slightly reducing discharges from 16 municipal and industrial sources. This would be a proven, cost-effective way to meet our obligations under the Water Quality Agreement, which New York signed, along with Vermont and Quebec in 1993.

By walking away from this plan, New York is either abdicating its responsibility or shifting the burden to non-point sources such as farmers and shoreline owners — the two groups least able to pay for pollution prevention.

It Depends on Who’s Asking

The New York State Thruway Authority has delayed since May the release of information from a survey of canal lands inside the Adirondack Park that the Adirondack Council had requested under the Freedom of Information Act (FOIA).

The Council wanted to determine the status of a Legislature-ordered survey of the 6,000 acres of former canal lands. The purpose of the survey was to identify the extent of encroachments by private parties on state canal lands. In the course of its investigation, the Council learned that private consultations had taken place between the Thruway Authority and a private club, which owns land near three of the lakes. The Council filed a Freedom of Information request on May 19 to review the work done and any correspondence between the two. The request was not honored until early September.

The lakes were obtained by the state as part of the Barge Canal system in the 1800s. Until 1992, the state had been charging a fee and allowing private individuals to treat the land as their own property. The NYS Court of Appeals (People v. Fisher, 1908) declared that canal lands inside the Adirondack Park deserved the same “Forever Wild” protection afforded the Forest Preserve.

The land and lakes were the subject of an earlier Adirondack Council investigation in 1992 and 1993. The Council’s subsequent report to the Legislature detailed abuses of the lands by private individuals. That led to the Legislature’s decision to conduct a $1.4 million survey and transfer any lands not needed for canal purposes to the Forest Preserve.

Thruway Authority documents indicate the Authority shared survey information with the private club and may have resurveyed at least one lake following complaints from the club, before any of the information became public.

A FOIA request from the private club to the Thruway Authority in June was honored in only one week.

Plan? What Plan?

Gov. George Pataki has failed to sign the first update of the NYS Open Space Conservation Plan, despite the fact that he has had a copy since taking office January 1.
State Legislature

Unlike some of the rough and tumble Adirondack debates of the early 1990s, the 1995 session of the NYS Legislature was marked more by inaction than action. The Senate elected a new majority leader in Joseph Bruno, R-Brunswick (Rensselaer County). Assembly Speaker Sheldon Silver, D-Manhattan, presided over his second session, his first without a Democrat in the Governor’s Mansion. Some initiatives started strong and fizzled, while most went nowhere at all. Here’s a rundown of the actions of both houses:

Both Houses

Peachy Keene

The Legislature gave final approval in July to a Constitutional Amendment that will allow the Town of Keene to expand its cemetery and add 132 acres to the Adirondack Forest Preserve in the process. The amendment would allow Keene to expand its cemetery by 12 acres on to an open meadow within the Forest Preserve. In return, Keene will give the people of the state 144 acres of new Forest Preserve on the banks of the east branch of the Ausable River, where it passes through town. The amendment will be on the ballot statewide this November.

Agreement? What Agreement?

It took the Legislature only two years to break its agreement not to raid the Environmental Protection Fund (EPF) or use it for the day-to-day operations of state agencies. This spring, both houses agreed to replace only part of the nearly $20 million in revenue Gov. George Pataki removed in his budget proposal.

What About the Backwoods?

Neither house of the Legislature considered any bill to improve land-use protections for the undeveloped forests and waters of the Adirondack backcountry this year.

Despite clear evidence of declining water quality in Adirondack lakes and ponds, the Legislature failed even to consider measures to cope with the problem. The Assembly had passed such bills in 1992, 1993 and 1994.

The photo above is a perfect example of why the Legislature should approve increased penalties for cutting trees on the Forest Preserve. (See Forest Preserve Fine for Cutting, opposite page.)
Urging the Party to Action

The GOP-controlled NYS Senate sent a strong message to the GOP-controlled Congress in January, when it became the first house of the New York Legislature to approve unanimously a resolution calling on Congress and the U.S. Environmental Protection Agency to better protect the Adirondack Park from acid rain. The measure was sponsored by Sen. Ronald Stafford, R-Plattsburgh.

Create It, Change It, Kill It

Sen. Ronald Stafford, R-Plattsburgh, this spring drafted legislation that would create a panel of experts who could work exclusively within the Adirondack Park to promote tourism and boost local economies. The idea was to create a purely Adirondack effort tailored to the Park’s tiny, rural communities. Assemblyman Alexander “Pete” Grannis, D-Manhattan, co-sponsored the bill, virtually assuring its passage. But by mid-session, Stafford wanted to include communities outside the Park, but inside his Senate district, such as the city of Plattsburgh. Stafford eventually withdrew his support for creating the commission, effectively killing it.

Action on Acid Rain Stalled

Despite bi-partisan support in the Assembly, the Senate refused to act again this year on an Assembly bill aimed at requiring New York-based utility companies to gain approval for interstate trades of sulfur dioxide pollution allowances. A pollution allowance is the right to emit one ton of sulfur dioxide pollution, a chief component of acid rain. The bill would have given the Public Service Commission and the Dept. of Environmental Conservation the right to review proposed out-of-state trades to determine whether the trade could result in increased acid rain in New York (eg. a trade to a Midwestern, soft-coal-powered electric plant). The state regulators would then have the ability to modify or deny trades that could cause harm to New York’s environment.

Forest Preserve Fine for Cutting

The Senate again refused to consider a bill sponsored by Assemb. Richard Brodsky, D-Searsdale, that would increase the penalties for cutting trees on the Forest Preserve — a violation of the NYS Constitution’s “Forever Wild” clause.

The bill would have set substantial penalties for those caught dumping garbage on the Forest Preserve as well. Environmental Conservation Committee Chairman Michael J. Tully, R-Roslyn Heights, was the Senate sponsor. The fine the Dept. of Environmental Conservation may impose for cutting trees on the Forest Preserve has been $10 per tree since the turn of the century. Forest Rangers and Environmental Conservation Police recently reported that the frequency of timber theft from the Forest Preserve is on the rise.

Local Action on Acid Rain

The Assembly again passed a bill that would require New York-based utility companies to gain approval for interstate trades of sulfur dioxide pollution allowances. (See Action on Acid Rain Stalled, above.) The sponsor, Assembly Environmental Conservation Chairman Richard Brodsky, D-Searsdale, ushered the bill through the Assembly twice, gaining overwhelming bipartisan support. Local lawmakers voting in favor were Chris Ortloff, R-Plattsburgh, and James King, R-Ticonderoga.

Taking a Stand on Wet Ground

The Assembly refused to act on a Senate initiative that would have allowed anyone to destroy beaver dams, kill beavers and drain wetlands of nearly any size in the Adirondacks and around the state if it appeared the wetland was threatening roads or property. No permit would be needed from any state agency.

Assembly

We Love Smokestacks

Not everyone in the Assembly’s North Country delegation saw the value in preventing New York’s utility companies from trading pollution allowances to facilities that could cause acid rain in the Adirondacks. Local Assembly members who voted against the bill were Chloe Ann O’Neil, R-Parishville (St. Lawrence County), Robert D’Andrea, R-Saratoga Springs (Saratoga County), and Anthony Casale, R-Mohawk (Herkimer County).

A Bad Sign

The Assembly again refused to act on a bill sponsored by Sen. Ronald Stafford, R-Plattsburgh, that would have created a system of kiosks at rest areas of the Adirondack Northway (I-87) to provide information on the public use and enjoyment of the Forest Preserve, and promote local businesses and other places of interest to travelers. Sites were to be chosen in consultation with the APA.
Local Governments

There were some extremely positive developments among local government leaders this year, as well as some disappointments. Here are the high and low points:

Review Board Surprise

The Adirondack Park Agency’s Local Government Review Board in August opposed a variance for a new home’s septic system on the shore of Cranberry Lake. The normally pro-development Review Board told the APA that an 81-foot variance on the 100-foot setback requirement from the lake shore would be harmful to the lake and to an adjoining landowner, whose well was less than 20 feet from the proposed septic tank site.

Refusing to Get Soaked

Town of Chester (Essex County) officials took a reasonable approach to a new business proposal for a local watershed. New York City businessman Ariss Garaziotis presented a tentative plan in June to draw water from Sullivan Pond, bottle it and sell it. The town has required a site-specific plan, including an assessment of traffic changes and the effects of water removal on the pond. Town Supervisor Fred Monroe also asked the town board to seek advice from the Adirondack Park Agency on hiring a geologist to study the proposal.

Space Invaders Repelled

The Bolton Town Board recently voted to ban amusement arcades as primary businesses along the village’s main street. Officials told reporters they wanted to prevent the conversion of the business district into a “honky-tonk” atmosphere that “would spur rowdiness and drug dealing.” Arcade-type amusements will henceforth be confined to hotels and motels.

Resisting a Stumble Backwards

North Hudson Town Attorney Daniel Smith (former chairman of a task force on improving the Adirondack Park Agency’s operations), this summer tried to talk the town’s residents into abolishing the town’s 24-year-old zoning plan and code, according to a newspaper account. A strong turnout of residents at the June 8 town board meeting overwhelmingly defeated the idea when Town Supervisor Mildred Dobie asked those in attendance to express their opinions.

Against the Wal

After 10 days of planning board hearings, North Elba Town Supervisor Matthew Clark and the Town Board recently took a gutsy stand to prevent Lake Placid and the surrounding area from being overwhelmed by giant retail and wholesale operations. The town board voted to offer jurisdiction to the Adirondack Park Agency over such buildings when they exceed 40,000 square feet in a hamlet area. The move will allow the APA to regain review authority over the proposed 80,000-square-foot Wal-Mart store, as well as a grocery mega-store recently discussed for the same area. The town board not only recognized the regional impact such stores would have, but also provided a much-needed vote of confidence in the APA’s willingness and ability to work in the best interests of the people of the Tri-Lakes region.

The decision made North Elba (Essex County) only the second town in the APA’s 23-year history to ask for an increase in the Park Agency’s jurisdiction within its community. The Town of Inlet (Hamilton County) did so for housing units in November, 1987. Wal-Mart had earlier avoided APA jurisdiction in North Elba by redesigning its building to fall short of the 40-foot height threshold.

Cooperation vs. Pollution

The Village of Lake George, Lake George Park Commission, Lake George Association, Warren County Board of Supervisors and NYS Dept. of Transportation worked together this year and in July held a ceremony marking the completion of a stormwater runoff collection pond near Exit 22 of the Northway (I-87). The $60,000 pond will collect water from the Northway during heavy storms and snowmelt, allowing particles and salt to settle out of the water before it reaches Lake George. The groups were responding to a growing delta of sand near the Marine Village basin, which has been spreading into the lake, harming water quality. Since DOT used highway funds for the pond, participants still have $350,000 in federal storm water runoff grants to continue with water-quality improvements around the basin. The L.G. Park Commission is working with other municipalities on similar projects.
A Bridge Too Far

The Essex County Board of Supervisors ignored the wishes of a substantial portion of the Town of Jay’s population this summer, when it voted to allow a new concrete and steel bridge to be built over the Ausable River there.

The Jay-based group Bridge and Beyond had successfully petitioned the State Dept. of Transportation to save the historic covered, wooden bridge rather than scrapping it for a modern span across the village’s best swimming hole and most beautiful river setting. But after a complaint from a local businessman, whose family owns the land on which the new bridge would be built, and whose business might benefit from a bridge with a greater weight limit in that vicinity, the board of supervisors scrambled for what it saw as middle ground, according to news accounts.

Despite its impact on the river scenery and the community’s ability to enjoy the river, the county will build a new bridge and turn the old bridge over to the town and a very uncertain future.

Hey, That’s Our Turf!

The North Elba Planning Board, which is appointed by the elected town board, recently recommended that the town board not involve the Adirondack Park Agency in review of plans for retail or wholesale buildings exceeding 40,000 square feet in hamlet areas. Ignoring the impact such projects would have on adjoining communities, the planning board insisted these huge commercial developments should be reviewed only at the local level.

Landfill Lament

The Essex County Board of Supervisors has begun discussions with two bidders on the sale of the county-owned, lined landfill in the Town of Lewis. Meanwhile, individual towns are threatening to haul their trash to the Hudson Falls incinerator to avoid paying tipping fees in excess of $100 per ton the county is charging in an effort to pay for the landfill’s construction. Instead of looking to share capacity with other Park communities (which has worked in neighboring Franklin County), the supervisors may import trash or incinerator ash from outside the Park.
Department of Environmental Conservation

At the Top
New Commissioner Michael Zagata came to the DEC from a western energy company. After serving as a liaison to business, he was appointed commissioner by Gov. George Pataki. Zagata has a wildlife ecology degree and has also worked for the National Audubon Society. He embraced the Adirondack Council’s quest to end acid rain in the Adirondacks and has made statements supporting the Council’s position at public meetings and in the DEC’s magazine, The Conservationist. In addition, Zagata attended and spoke at the Council’s 20th Anniversary benefit celebration in New York City in June.

Zagata replaced Langdon Marsh, a long-time deputy commissioner who won the top spot in Gov. Mario Cuomo’s final year in office. Marsh moved on to a top-level job with the State of Oregon.

Around the Park
The Adirondack Council and others have recommended repeatedly that the DEC consolidate its oversight of the Adirondacks under one office, rather than having the Region 6 office watch the western third and the Region 5 office cover the eastern two-thirds of the Park. This summer, Commissioner Zagata appointed a Special Liaison for the Adirondacks, Sandra LeBarron.

LeBarron comes to the DEC from 10 years as an environmental manager for the International Paper mill in Ticonderoga. Unfortunately, one of her first actions was to represent the state in its refusal to implement phosphorus reduction targets for 16 sources of pollution on the New York side of the lake.

In the Field
Following the retirement of Thomas Monroe as director of DEC’s Region 5 office, Commissioner Zagata chose wildlife biologist Stuart Buchanan of Maine, a former employee of the U.S. Forest Service. Buchanan will have authority over the eastern two-thirds of the Adirondack Park and the remainder of the state’s northeastern counties. Buchanan attended the Adirondack Council’s Annual Awards Dinner at The Wawbeek on Upper Saranac Lake in early July, as did LeBarron and new APA Chairman Gregory Campbell.
Adirondack Park Agency

Park Agency Staff

As of this printing, the most recent change at the Park Agency came in mid-August with the forced resignation of Executive Director Robert Glennon. Glennon had worked for the APA since 1974, serving as both executive director and counsel to the APA board. Glennon was an ardent protector of the Park's open space and natural character, often publicly protesting the weaknesses of the APA's land-use controls. His outspoken support of environmental protection made him a target of constant criticism.

Governor Pataki made three new appointments to the Adirondack Park Agency Board of Commissioners in July, choosing Keeseville stock broker and Clinton County Republican Chairman Gregory Campbell as Chairman. Campbell recently resigned from the executive committee of the Adirondack Conservation Council, which had advocated abolishing the APA. Campbell told Senators during his confirmation that he did not agree with that position but was forced to vote for it because all resolutions were adopted as a package. He resigned a month later. He replaces John R. Collins, Jr., a teacher and fifth-generation Adirondacker who had helped guide his hometown of Blue Mountain Lake to the adoption of a local land-use plan before joining the Park Agency. He greatly improved the APA's operations. Also appointed were Eleanor Brown of Niskayuna (Schenectady County), and Katherine O. Roberts of Pataki's hometown of Garrison (Putnam County). They replaced Peter S. Paine Jr., of Manhattan, and Elizabeth Thorncliffe, of Rochester. Brown is the author of a book on the history of the Adirondack Forest Preserve. Roberts is Executive Director of the Open Space Institute in Manhattan. Thorncliffe was the driving force behind the Adirondack Public Issues Forums from 1992 through 1994, which helped defuse explosive public emotions concerning the role of the Park Agency and potential changes in the Park's land-use laws. Paine was appointed to the Study Commission on the Future of the Adirondacks by Gov. Nelson Rockefeller. That panel recommended the creation of the Adirondack Park Agency, to which Rockefeller also appointed Paine. Paine is widely recognized as an authority on the Adirondack Park Agency Act.
Adirondack Park Agency

This year brought some of the most sweeping changes ever to the 24-year-old Adirondack Park Agency. With three new commissioners by mid-summer and a search in progress for a new executive director, even more changes are in store. Here are some of the most notable positive and negative actions of the past year:

Out of the Oven

Park Agency staff worked for years with an applicant who wanted to subdivide 683 acres near Oven Mountain (Warren County) into more than 80 single-family home lots, 14 of which were slated for the fragile watershed of the three-foot-deep Oven Mountain Pond. After the Adirondack Council and others intervened to protect sensitive resources, twelve of the home sites were eliminated from the watershed and more than 20 lots were cut from the project entirely as the project was redesigned. The much-improved project is now far less threatening to the numerous wetland and marsh habitats on the property and less likely to degrade the pond’s water quality. The decision also set an important precedent on the need to cluster structures to preserve open space.

Happier Trails

This spring, the Park Agency’s local Visitor Interpretive Center and Paul Smith’s College broke new ground in the debate over how to deter overuse of certain portions of the Adirondack Forest Preserve. The APA became the first state agency to limit access to certain trails, when it approved a permit request from the college, which was building a trail to the summit of Jenkins Mountain on behalf of the Paul Smiths VIC. The application proposed limiting the number of hikers who may use the trail to 20 per day from late Spring through Columbus Day, on a trial basis. Half of the permits will be available by phone for advance registration and the other half on a first-come/first-served basis.

The 4.1-mile trail will be closed during “mud season” in the early spring. Permit holders were issued a questionnaire to determine how well the system operates.

Explaining Nature’s Mysteries

The staff of the Park Agency has been working to educate the public following the July 15 microburst windstorm, explaining the value of forest ecosystem processes and the folly of attempting to clear wind-thrown trees in a natural area such as the Adirondack Forest Preserve.

Happier Lakes & Lungs

At its July meeting, the Agency approved a resolution calling on Congress and the U.S. Environmental Protection Agency to better protect the Adirondacks from acid rain. The resolution was approved without dissent, although the Dept. of Economic Development representative abstained. The APA also held information sessions, explaining the current shortcomings of the federal acid rain program to the public and media.

Weeding Out Pesticides

Despite overwhelming pressure, the APA did not succumb to demands for permission to use chemical pesticides and herbicides to control the aquatic weed eurasian milfoil in Adirondack Park lakes. The APA instead issued a general permit allowing people to hand-harvest between 200 and 800 square feet of the exotic weeds (depending on the lake’s condition) according to a set of guidelines designed to ensure protection of vegetation needed for food and shelter by fish, waterfowl and other aquatic wildlife. The APA then published and distributed a brochure describing the guidelines. It does not authorize mechanical harvesting, the destruction of protected plants or lake-wide harvesting projects. The permit expires at the end of 1995.

On the Road Again

In keeping with the reforms instituted by former Park Agency Chairman John R. Collins, the APA sent out requests to communities throughout the Park, asking if they would like the Agency to hold a public information meeting there. The Agency received roughly 20 requests and has begun holding meetings. Participants are given an opportunity to come in during the daytime to ask one-on-one questions of the Agency staff and get help understanding and completing applications.
The Right Signal
Park Agency staff have been working with cellular telephone service providers to ensure that no new mountaintop sites are used for transmission towers. The APA's policy requires new operators to use existing sites. Satellite technology may make such towers obsolete in the near future.

Those Unsightly Lines
Agency staff have been working with the Dept. of Transportation to remove overhead utility wires at bridge crossings and either bury or encase them as they cross Wild, Scenic or Recreational River corridors. DOT has agreed to do so in Newcomb and Raquette Lake. Funding for the project comes from a 1993 Public Service Commission pilot program. It not only helps remove a visual detriment, but also helps to make utility service more reliable.

The Buck Stops Over There
While the Adirondack Park Agency did accept jurisdiction over commercial buildings of 40,000 square feet or more in the Town of North Elba (Lake Placid), as the town board had requested, it also made a misguided policy decision in an effort to avoid the hot potato known as Wal-Mart. New Chairman Gregory Campbell said the APA would consider projects only if they were approved first by the town. In the past, the APA has sought to conduct a joint review with towns and share information whenever possible. The Agency is supposed to deal with matters that are more regional in scope and outside the town’s ability to regulate. The proposal may take some political heat off the Park Agency briefly, while the town planning board considers a proposed Wal-Mart mega-store. But the new procedure could undermine cooperation between the town and the APA on future projects. The Agency did nothing to limit its acceptance of jurisdiction over additional residential projects when the Town of Inlet requested help in 1987.

Psstt. Are They Gone Yet?
The press release issued by incoming APA Chairman Gregory Campbell announcing the “resignation” of Executive Director Robert Glennon was issued late on Friday, August 18, after all of the APA commissioners had left and no one was available to respond to queries from the media. Members of the media noted that other APA commissioners seemed unaware that the announcement would be made at that time. Glennon’s long career was marked by an unflagging devotion to the Park Agency and the principles of open space protection.

Hikers enjoy the view of the St. Regis canoe area from atop the Jenkins Mountain trail from Paul Smiths Visitor Interpretive Center. (See Happier Trails, opposite page.)
The Department of Environmental Conservation was and is the subject of intense scrutiny due to the change in leadership and the department’s well-advertised shift to a more “customer-friendly” attitude. So far, the department seems as interested as ever in protecting the natural character of the Adirondack Park, but there are both good and bad things to report from the past 12 months:

**Clearing the Air**

In his first and only joint statement with an environmental organization since taking office, Commissioner Michael Zagata this spring joined with the Adirondack Council in calling for an end to continued acid rain in the Adirondack Park. Zagata sent a message to Congress and the U.S. Environmental Protection Agency, noting that New York had suffered too long from air pollution coming from other states. He followed up the joint press release with another public statement at the June Adirondack Park Agency meeting and with an essay in that month’s edition of The Conservationist, DEC’s magazine.

**Scrubbing Up**

DEC in August ordered Bethlehem Steel of Lackawanna, near Buffalo, to spend $180,000 over three years buying and retiring the rights to sulfur dioxide pollution — the main cause of acid rain in the Adirondacks. The penalty came after years of emissions violations by the company. By retiring the pollution allowances, Bethlehem Steel is ensuring that neither it nor any other company can use them to create pollution.

DEC also ordered the company to use low-sulfur coal in its coke-making process, to maintain continuous emissions monitoring and submit plans to reduce emissions further.

**Dumping the Moratorium**

When confronted at the June meeting of the Adirondack Association of Towns and Villages, Commissioner Zagata told town supervisors not to get excited about the chances for a landfill closure moratorium. He said there was no reason to believe the state’s policy requiring the closure of small, unlined landfills would change and encouraged local officials to proceed with plans to cap them. Small communities receive 75 percent grants for landfill closure from the state and 25 percent no-interest loans to cover the rest of the cost.

**Bearing With It**

DEC Region 5 wildlife officials kept a cool head recently when faced with numerous incidents in which bears were rummaging through local garbage cans and invading kitchens in Hamilton County. DEC urged local officials not to over-react. DEC stressed that teaching people to change their garbage- and food-storage habits would be easier and safer than changing the bears’ natural behavior and more humane than killing them. The bears were reacting to a temporary shortage of food caused by a summer dry spell. Incidents dropped off when late-summer rains arrived.

**Peak Performance**

DEC Forest Rangers distinguished themselves this year by successfully rescuing dozens of hikers and campers caught in untenable situations throughout the Forest Preserve. There are many such stories, including dozens of rescues of stranded hikers following the July 15 blowdown.

One of the most dramatic occurred in July.

A summer camp group-leader and six campers, ages 7 to 15, were caught on a 100-foot-high sheer ledge on the side of the 3,250-foot Crane Mountain in Johnsburg (Warren County). The rescue required climbing the rock face at night, in the rain, and lowering the campers down the mountain with harnesses. No one was injured.

Another incident involved a New Jersey man who was rescued by rangers after spending three hours clinging to the side of Rogers Rock with his bare hands and feet, 400 feet above the surface of Lake George. He had been boating, went for a swim and decided to climb the rock alone, rangers reported. Five rangers participated in the rescue effort, with one climbing to the top of the 700-foot precipice and rappelling to the stranded climber.
Summer Heat
Hot, dry weather throughout the spring and early summer increased the chances of forest fire in some parts of the Adirondacks this year. But there has not been a major fire in the Park since the abusive logging practices of the turn-of-the-century were abandoned. This year was no exception, with only small fires cropping up. Rangers and local fire fighters did an excellent job of containing all of them.

Some were caused by lightning, but most were the result of people’s carelessness. One forest fire started when someone chose a beaver dam for the site of a lunch fire and later failed to extinguish it.

Limbo Dance
After teasing the public last year with portions of a draft High Peaks Unit Management Plan, DEC is still not ready to begin public hearings or release the final draft of its long-awaited strategy for protecting the Adirondacks’ most-used Wilderness. The Adirondack Council has been working with DEC and urging it to create such a plan since 1978. In addition, DEC has yet to release a final draft of the Environmental Impact Statement for the 120-mile Adirondack Rail Road corridor.

The Sky is Falling!
Some members of the DEC’s staff greatly exaggerated the threat of forest fires due to the fallen trees toppled in the July 15 windstorm. Rather than reassuring people that the far-worse 1950 hurricane had produced only a few, very small fires that threatened no lives or property, some DEC officials gave out bumper stickers warning of wildfire. One senior employee claimed the fallen trees could create a fireball large enough to create its own weather, jump the Northway and kill those who tried to fight it in the early stages.

Bear Baiting
DEC officials called on the Legislature recently to adopt new hunting laws allowing the use of bait and dogs in hunting bears. DEC has supported similar proposed legislation in the past, but this summer’s hot, dry weather and the recent closing of landfills brought increased contact between bears and Adirondack residents. DEC has adequate authority to deal with problem bears (a few dozen out of a population of thousands in the Adirondacks) and should use it rather than calling for extreme, permanent changes in the law.

Jurassic Pond
On the advice of a local fishing club, DEC officials stocked genetically engineered predator fish called tiger muskies into the Mosher Reservoir (Herkimer County) this spring. The move came just months before DEC was slated to negotiate the future of the reservoir with Niagara Mohawk Power Corp., environmental representatives from local, regional and national organizations, and the federal government. The reservoir is a dammed portion of the Beaver River. It is located between the Pepperbox Wilderness — the most remote area of the Adirondack Forest Preserve, containing no trails or structures — and the Independence River Wild Forest. Although tiger muskies are unable to reproduce, they are highly carnivorous and stand to decimate what was left of the already beleaguered trout population in the acidified water body. Any hope of returning native brook trout to the reservoir may have to wait until the tiger muskies are caught or die-off.

Ironically, DEC has a long-term program to chemically treat waters in the Adirondack Park to eliminate “non-native” species. Designated ponds are poisoned and then restocked with only trout. Treatments are carefully planned and involve extensive public input.

In addition, the yellow perch that serve as the other main source of food for the tiger muskies are suffering from mercury poisoning caused by acid rain and associated air pollution. The mercury can grow in concentration in the muskies as they consume more and more perch. The state Health Department advises women of child-bearing age and children to avoid eating yellow perch from Mosher. Men should eat no more than one meal per month.

Please, No Moor
To its credit, DEC scaled back its plans from 52 to 30 public moorings in the waters near Rogers Rock campsite on Lake George and agreed to keep them within 50 feet of the shore. But DEC still should have submitted its plans first to the Lake George Park Commission before simply issuing itself a permit.
Washington

The Adirondack Park received a helping hand from some unlikely sources this year and some local heroes had a positive impact on the national political scene. Here are some anecdotes of courage and wisdom, as well as some examples of shameless expediency:

Protecting the Northern Forest

Senator Patrick Leahy, D-Vermont, introduced legislation in August that could serve as the framework for accomplishing the major goals of the Northern Forest Lands Council and Northern Forest Alliance. It would protect important wild lands, build healthy economies in rural communities and maintain a base of working forests that provide jobs and raw materials. The bill would promote cooperation between New York, Vermont, New Hampshire and Maine, the four states in which the 26-million-acre Northern Forest region is located. New York’s portion of the Northern Forest spans the area from Tug Hill, near Lake Ontario, through the Adirondacks to Lake Champlain. The bill was co-sponsored by fellow New England Senators Judd Gregg (NH), Olympia Snowe and William S. Cohen (Maine) and James M. Jeffords (VT).

Wisdom of Solomon


They wrote a letter to EPA Administrator Carol Browner, calling for specific changes that would prevent further environmental and economic damage in the Adirondacks due to Midwest smokestacks and automobile fumes. Nearly the entire New York delegation signed on to the letter.

Road Show

After growing tired of defending environmental protection to members of Congress who did not understand or did not care, Secretary of the Interior Bruce Babbitt went on the road this summer to bring his message directly to the people.

During an afternoon stop in Upstate New York in early August, Secretary Babbitt told the crowd he felt the Adirondacks were an “incredible resource” no one should take for granted. He commended Adirondack author Bill McKibben for his ability to communicate the need for environmental protection.

Lone Voice in Wilderness

U.S. Rep. Sherwood Boehlert of Utica stood out among members of the Republican conference in the House of Representatives this year, fighting against a massive effort to roll back decades of environmental legislation protecting clean air, clean water, wetlands and land conservation.

His leadership among Republican conservationists was a political risk. It was also an admirable stand on principle that inspired other members of Congress to resist harmful changes to federal environmental laws.

Just Saying No!

Realizing that much of the Contract With America agenda was aimed at undercutting effective environmental legislation, President Bill Clinton told Congress this summer he would veto any bills he felt would be harmful to the nation’s environment.

Blind Spot of Solomon

Once again, Rep. Jerry Solomon wrote a “Dear Colleague” letter to other members of the House Appropriations Committee asking its chairman to eliminate funding for the successful Forest Legacy Program. A few years ago, Solomon tried to kill the program, just after it was created by Rep. Sherwood Boehlert, R-Utica.

Falling short of his goal, Solomon was able to require local government approval of any Forest Legacy conservation program proposed in New York. To his surprise, all of the local governments with jurisdiction over proposed Forest Legacy land-protection projects approved them.

The program was set up to allow partnerships between local and federal governments to protect forest lands with a multitude of public and private values (eg. wildlife habitat, private and commercial recreation, scenic vistas), by purchasing development rights and ensuring they will remain forests and not be developed.

Solomon incorrectly refers to the program as a “federal land grab.”
Price Was Right

State Supreme Court Judge James B. Canfield dismissed a lawsuit brought by anti-environmental activists and ruled that the state’s purchase of the Morgan property on Lake George from the Adirondack Land Trust (ALT) last summer was legal. The plaintiffs (Carol LaGrasse, Stony Creek, Warren County, and John Salvador, Jr., owner of Dunham’s Bay Lodge, Washington County) accused the state of paying too high a price for the mile-long stretch of pristine shoreline and wooded hillside on Lake George’s northeastern end.

Judge Canfield found that the plaintiffs failed to prove that the $2.6 million sale price was too high for what “undoubtedly constitutes a unique property.” In addition, he said the plaintiffs failed to offer any convincing argument as to why the state should not have reimbursed the ALT for all of the costs it incurred by purchasing and holding the land for the state for nearly five years. The judge called LaGrasse’s and Salvador’s arguments “speculation, innuendo and a great deal of second-guessing.”

Because the pair unsuccessfully argued that their civil rights had been violated by the sale and asked for $1 million each from the defendants, the judge also granted the defendants court costs. Such awards are allowed to discourage frivolous civil rights suits.

Dismantling Environmental Protection

While most of the so-called regulatory reform measures proposed by the House of Representatives this year would have little impact on the state-mandated protections of the Adirondack Park, both houses worked on “taking” legislation that could overturn decades of legal precedent that protects the rights of neighbors and communities along with those of individual landowners. Bills proposed to dismantle protections for clean air, clean water and wetlands set off parallel discussions in New York that tended to dampen enthusiasm for maintaining, let alone increasing, environmental protections.

Put on a Happy Face

After reluctantly admitting in its February report to Congress that the Adirondacks will continue to suffer the effects of acid rain under the current federal program, the U.S. Environmental Protection Agency (EPA) completely ignored the problem in its second update on the acid rain program, released in July. Nowhere in the document does the EPA mention that the Adirondack Park can expect no relief from chronic, acidic precipitation, nor that the current program will do little to slow the damage, much less stop it. The report claims the program is working well by declaring that the price of a sulfur dioxide pollution allowance (the right to emit a ton of sulfur pollution) was dropping. Meanwhile, pollution control devices for smokestacks cost about $400 per ton in the Midwest. So, until the price for a pollution allowance (currently $130 per ton) exceeds $400 per ton, it will be cheaper for Midwestern polluters to continue buying allowances and polluting. EPA had predicted a $1,200 price.

A.W.O.L.

The U.S. Army Corps of Engineers inexplicably walked away from a review of a marina expansion in the Village of Saranac Lake last summer, much to the surprise of local officials and other interested parties. Storm damage had wiped out several docks at the Swiss Marine on Lake Flower, owned by Jon R. and Val J. Fust. They had proposed replacing their fixed-pier docks with a floating system that would have extended 80 feet farther into the narrow, yet busy waterway. Although the Army Corps failed to act on the proposal, the Fusts responded positively to community concerns and took it upon themselves to scale back the project to its previous size.
The Worst

Here are a few notes on people and institutions whose actions over the past 12 months rated worse than a simple “thumbs down.”

Low and Dry

The many misadventures of the Hudson River/Black River Regulating District have been featured in the 1993 and 1994 issues of State of the Park and it appears state officials and journalists are taking note of its follies. Local newspapers have called for its abolition.

State officials this spring leveled accusations of ethics violations and lavish spending at district officials. Unrelenting criticism characterizes its relationship with landowners and local governments around the Great Sacandaga Lake (where it controls the water level).

This year, when upland residents complained about low lake levels, reporters said district officials blamed evaporation and denied its reported six-foot January draw-down had anything to do with it. The Adirondack Council was pleased to see the newspapers and local officials join us in calling for sweeping changes at the district, or even a transfer of its duties to a more accountable state agency, such as the Dept. of Environmental Conservation or Adirondack Park Agency. The State Ethics Commission summed up the district’s actions: “Blatant disregard of the will of the people.”

In September, one District official said he had no responsibility to warn dock and boat owners that an unscheduled two-foot draw-down was coming to help keep salt water out of the City of Poughkeepsie’s drinking water intakes on the Hudson River. Local businesspeople and officials warned that such an attitude could cost millions of dollars in lost business and damaged boats.

Less Than Dynamic Duo

In July, the NYS Senate appointed two members to the Lake Champlain Management Conference who had both stated publicly they were against the entire planning/environmental protection effort in the lake basin. The Conference’s sole responsibility is to produce such a plan. Mark Barie of Plattsburgh and Plattsburgh Chamber of Commerce Director Gary Douglas were appointed. Douglas was quoted in a local newspaper saying: “We must stand together to protect the North Country economy and say no loudly and clearly to this plan.” Barie likened the planning effort to a floating Adirondack Park Agency.

Failing the Acid Test

Of the 31 Congressional representatives and two Senators in the New York delegation, only Congressman Bill Paxon, R-Williamsville, refused to sign on to a letter to the U.S. Environmental Protection Agency asking for a better acid rain program.

Embarrassing Silence

The NYS Dept. of Economic Development seems to be the only state entity that does not recognize the need to curb acid rain in the Adirondack Park. In July, APA commissioners voted to send a resolution to Congress and the U.S. Environmental Protection Agency asking for more pollution prevention.

DED’s representative inexplicably abstained. Ironically, any new federal action on acid rain is likely to be directed at the Midwest’s coal-fired power plants, not New York’s industries.

Could Help, But We Won’t

In February, the U.S. Environmental Protection Agency issued a “Draft Acid Deposition Study and Report to Congress,” which Congress had instructed EPA to release in “final” form by November of 1993. The draft confirmed the Adirondack Council’s worst fears.

The current acid-rain-control program, created in 1992, cannot stop acid rain in the Adirondack Park. EPA noted it would require additional reductions of up to 40 percent from coal-fired power plants in the Midwest to keep any more Adirondack lakes from drying — and deeper cuts elsewhere to allow the Adirondacks to recover.

EPA noted that it believes it has the authority to require new power-plant pollution reductions in the Midwest right now, but refused to act without instructions from Congress.
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 permitted on designated waters, roads 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 streams.

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 sanctuary 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 a private, not-for-profit organization dedicated to enhancing the natural character of the Park through research, public education, interaction with government officials and legal action, when necessary. The Council receives moral and financial support from its 18,000 members and from private foundations. The Council's national and regional member organizations include the Association for the Protection of the Adirondacks, National Audubon Society, National Parks and Conservation Association, Natural Resources Defense Council and The Wilderness Society, with a combined membership of more than one million people. Adirondack Council memberships begin at $25. Membership benefits include regular newsletters, special reports such as this one, action alerts and the opportunity to play an active role in protecting the Park's resources.

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