

APPENDIX A
Public Support

CONSERVATION NEWS

**Association Gives Power Authority Failing Grade
On Tri-Lakes Power Line Proposal**



The ASSOCIATION for the PROTECTION of the ADIRONDACKS

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The Association has arranged for its members to purchase any model canoe from Placid Boatworks at a discount of \$200 off the list price through December 31, 2007!

The Association recently called upon the New York Power Authority

(NYPA) to go back to the drawing boards and redraft its environmental assessment of a new power line proposed for the Tri-Lakes Region of Lake Placid, Saranac Lake, Tupper Lake, and surrounding communities. 3/6/06

Association Gives Power Authority Failing Grade On Tri-Lakes Power Line Proposal

Niskayuna, NY — The Association for the Protection of the Adirondacks recently called upon the New York Power Authority (NYPA) to go back to the drawing boards and redraft its environmental assessment of a new power line proposed for the Tri-Lakes Region of Lake Placid, Saranac Lake, Tupper Lake, and surrounding communities.

Instead, NYPA has chosen to push ahead in a rush to gain Adirondack Park Agency (APA) and other permit approvals of a power line route that fails on both energy and environmental planning grounds. "If done correctly, this project could be a model program of sustainable energy delivery and use. However, NYPA is essentially telling us and the APA that they are in too much of a hurry to do the job well," said Mike DiNunzio, the Association's Director of Special Projects. The power line project comes before the APA at the agency's monthly meeting in Ray Brook later this week.

"We are very concerned for the health and safety of Tri-Lakes residents who now must deal with an unreliable electric power supply," said DiNunzio. "The status quo is unacceptable. Fortunately, providing reliable electricity in the region is entirely compatible with protection of the environment of the Adirondack Park, and the creation of a more sustainable energy future for Adirondack residents and visitors. Unfortunately, NYPA's preferred alternative and environmental impact statement (EIS) fails on all counts. It seeks a circuitous route that is terribly damaging to the local Adirondack environment, while simultaneously failing to deliver a comprehensive approach to energy production, efficient use, and conservation," he said.

When NYPA announced its plans to build the power line last May, it seemed to acknowledge the need for an integrated package of facilities and programs that would improve the reliability of electrical service in the area, while protecting the environment and avoiding the negative side effects the new power could bring. But, according to David Gibson, the Association's Executive Director, a more comprehensive approach to energy planning and development seems to have been abandoned in the frenzy to build the new line as quickly as possible.

"The State Environmental Quality Review Act (SEQRA) requires that major actions like the Tri-Lakes Reliability Project be assessed in their entirety, not in a piecemeal fashion," Gibson explained. "It appears that NYPA is apparently in too much of a hurry to follow the law and do the job right," he said. "Nonetheless, I'm confident that the Adirondack Park Agency will do their duty and tell NYPA they must come clean and disclose all the related energy projects they have so far kept under wraps", he added. "Otherwise, the Agency would help to undermine one of the fundamental provisions of SEQRA."

Governor Pataki announced a year ago that the power line itself is really only part of the larger Reliability Project, which NYPA has promised will include a proposal to construct a biomass generation facility in Tupper Lake that would burn wood to produce electricity. And the project was advertised by the Governor to include a set of energy conservation and efficiency measures that could prove to be critically important



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features of a truly sustainable energy system in the Park. But neither of these important projects was included in the proposal now before the Park Agency.

NYPA has admitted in their public comments that the biomass plant in Tupper Lake was part of the project and that a set of 68 energy audits were undertaken to assist in promoting conservation of electricity in the region to be served by the new power line. They said that the biomass facility would be assessed in the next year or so, and that if we wanted to learn more about NYPA's Tri-Lakes energy efficiency projects, we should contact their Community Affairs Manager. "That's nice," says DiNunzio, "but we expect NYPA to honor commitments made in the Governor's original press release announcing this project – that energy efficiency and conservation must be part of the package."

"NYPA contends that the route chosen for their new power line would minimize environmental impacts, but this is clearly not so," said Gibson. "Instead of routing the line down Route 56," he said, "they prefer to construct a new, permanent 75-foot Right of Way (ROW) through six miles of privately-owned and sensitive boreal forest and wetlands."

According to Mike DiNunzio, NYPA's circuitous routing decision was clearly driven by their reluctance to take the time and trouble to seek an amendment to the "Forever Wild" clause of the New York State Constitution that could authorize the line to cross two miles of Forest Preserve along Route 56, a much shorter, less environmentally destructive route along the highway. "We are willing to work with NYPA and the State Legislature to help draft a tightly focused constitutional amendment to permit the line to cross the two miles of Forest Preserve," he said. "If an amendment is approved in this legislative session, it could be resubmitted

to the new legislature and then to voters in the fall of 2007, well within the time frame NYPA is proposing to plan and build the line."

"We are very disappointed that NYPA apparently believes the amendment process is too cumbersome and too uncertain for them to bother with. If NYPA truly views the status quo as unacceptable, as we do, they should be speaking with us and members of the State Legislature about a tightly focused constitutional amendment as soon as possible," says Gibson.

The Association also takes issue with NYPA's contention that the Tri-Lakes Reliability Project will somehow avoid stimulating significant new growth and a spiraling demand for yet more energy in the years ahead. "We disagree," Gibson said, "and we find a shocking lack of an analysis to support NYPA's conclusion." For example, NYPA admits that the Adirondack Club and Resort project proposed for Tupper Lake would result in more than 700 new residences and about 60 hotel units, along with the reactivation of ski lifts, snow-making equipment, and other energy-hungry amenities that would serve about 50,000 new "visitors" after the first four years of operation. "It's obvious that the Resort project would not be possible without the new power NYPA plans on providing", Gibson added. "In addition to the severe electric reliability problem in the Tri-Lakes area, we believe that the proposed Club and Resort may also be a factor in the decision to build the new power line."

"NYPA and its partners could, and should, do much more to combine the new power line with a comprehensive, innovative set of energy conservation and efficiency programs to advance the ideal of an "energy smart park," concluded DiNunzio. "By doing so, NYPA would help to promote the greening of the Park's energy future, not the perpetuation of its environmental, economic, and community problems."

The Association for the Protection of the Adirondacks is a non-profit organization founded in 1901 to employ public education, citizen action, public and private partnerships and strong advocacy to protect, enhance, and sustain the wild character, ecological integrity, and mutual well-being of the natural and human communities of the Adirondack region. The Association's Center for the Forest Preserve in Niskayuna serves as an Adirondack research library and learning center.

CONSERVATION NEWS

**Adirondack Protection Organization Applauds
State Legislature's Passage of Land Exchange to
Permit Power Line to Adjoin Rt. 56**



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The Association Applauds State Legislature's Passage of Land Exchange

To Permit Power Line to Adjoin Rt. 56.

Adirondack Protection Organization applauds State Legislature's passage of land exchange to permit power line to adjoin Rt. 56

Niskayuna, NY – The Association for the Protection of the Adirondacks applauded successful first passage in the State Legislature yesterday of an amendment to the State Constitution's Article 14 that would permit a future, new 46kV power line to be routed along State Route 56 and avoid damaging adjacent spruce-fir forest and sensitive private land.

The amendment authorizes the state to convey to National Grid up to six acres of State Forest Preserve land adjoining Rt 56 for the purpose of constructing the new power line. In exchange, ten acres owned by National Grid elsewhere would be conveyed to the state for incorporation into the Adirondack Forest Preserve.

"The Association thanks the New York Power Authority, National Grid, and particularly Senator Betty Little and Assemblyman Tom DiNapoli for their sponsorship and quick action to secure successful passage during this legislative session," says David Gibson, Association executive director. "The amendment makes complete sense for this important electric reliability project, for adjoining private landowners and for the Adirondack environment. It is also a net gain for the Adirondack Forest Preserve."

The Association estimates that this constitutionally authorized route would be approximately four miles shorter, hundreds of thousands of dollars less expensive and far less environmentally damaging than the route permitted earlier this month by the Adirondack Park Agency.

"State lawmakers today took the right action. Tupper Lake and Tri-Lakes regional residents will see better power reliability with far less potential impact to the Adirondack Park's boreal habitat, forests and wetlands," states Dan Plumley, the Association's Director of Park Protection.

"We have argued that a six mile long route around the Forest Preserve to the west of Route 56 on private lands, recently permitted by the Adirondack Park Agency, would cause undue adverse impacts to the natural resources of the Adirondack Park," says the Association's Mike DiNunzio. A new 75 foot right-of-way in that location would require the permanent clearing of 55 acres of spruce and fir, and the crossing and resulting damage to 22 forested wetlands, and the possible taking of private land by eminent domain.

"With this constitutionally authorized alternative, all that is avoided. The power line construction will utilize the existing Rt. 56 ROW as much as possible and only require the removal or alteration of 4-6 acres of less sensitive forest land beyond the ROW," DiNunzio concludes.

Like all constitutional amendments, this land exchange is required to undergo passage in two separately elected legislatures, followed by a vote of the public. Therefore, the same land exchange will need to be passed in next year's new legislature, permitting the exchange to come before the voters in the fall of 2007. This schedule would meet the New York Power Authority's projected timetable for completion of the line in the



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following year. The Association will encourage voters to support the land exchange on election day 2007.

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Adirondack Ecosystems

AfPA has worked with the New York Power Authority (NYPA), members of the New York State Legislature and sister organizations to achieve first passage of a constitutional amendment to permit a new 46-kilovolt power line that will serve Lake Placid and Tupper Lake residents to pass through a short section of isolated Forest Preserve along State Route 56. An alternative route through private lands would be far more damaging to rare low-elevation boreal ecosystems.

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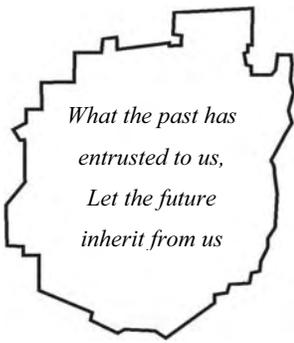
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MEMORANDUM OF SUPPORT

S.1127/A.7243

An Act Proposing an Amendment to Section 1 of Article 14



*Clean Water
Sustainable Forestry
Healthy Communities
Wildlands*

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Residents' Committee to Protect the Adirondacks

P.O. Box 27, 7 Ordway Lane, North Creek, NY 12853-0027
Phone (518) 251-4257, Fax (518) 251-5068
RCPA@frontiernet.net, www.rcpa.org

Memorandum of Support

S.1127/A.7243

An Act proposing an amendment to section 1 of article 14 of the constitution, in relation to the use of certain forest preserve lands by National Grid to construct a 46kV power line along County Route 56 in St. Lawrence county

Background: The Problem is a Poor Route for New Power Line

The Residents' Committee to Protect the Adirondacks (RCPA) supports passage of S.1127/A.7243 an Act that "Authorizes the state to convey to National Grid certain forest preserve lands to construct a power line in St. Lawrence County." This is the second passage of this proposed Constitutional Amendment. This legislation was passed in 2006 by both the Assembly and Senate.

This legislation is designed to facilitate an improved and shorter route for a new 46 kV power line for the New York Power Authority (NYPA) project, to be transferred to National Grid Corporation, from the Stark Falls Reservoir in St. Lawrence County to Tupper Lake, Franklin County. This project is designed to improve the power reliability for the Tri-Lakes communities of Tupper Lake, Saranac Lake and Lake Placid. RCPA recognizes the need to improve the reliability of the electrical supply in the Tri-Lakes community for public safety and general welfare.

The RCPA supports the intent of this project and the addition of the second line, but had concerns about the route. Unfortunately, in the approved permit issued by the Adirondack Park Agency (APA) in the spring of 2006 an environmentally destructive route was authorized for this new line. S. 1127 would rectify this situation by amending the State Constitution to swap six acres of land that would facilitate keeping the new power line along the side of county Route 56 in St. Lawrence County, avoiding a 6-mile overland route.

The APA permit contained approval for a controversial 6-mile stretch along Route 56 in St. Lawrence County where it passes through the Raquette-Boreal Wild Forest Area of the Adirondack Forest Preserve. The RCPA advocated that the power line remain in the highway corridor, yet this project received APA approval for an overland route that leaves the highway corridor and cuts a new 75-foot-wide clearcut swath through private forestlands, while circling around Forest Preserve lands. This swath involves condemnation of private lands, crossing of several large wetlands, and is six miles in length compared with a two miles if kept on roadside.

In addition to being environmentally damaging, the route approved by the APA, will be much more expensive to construct given that it's four miles longer and involves numerous wetlands crossing, will be much more

expensive to maintain in the years to come, and will serve as an opening for an array of invasive species. Further, the line is proposed to be built in part along the northern edge of Seveys Bog, one of the most important and spectacular bogs in the Northeast. The communities of the Adirondack Park deserve reliable power and the environment of the Park deserves good stewardship. The route permitted by the APA fails the test for good stewardship.

S.1127/A.7243 Provides a Solution, Prevents Environmental Damage

There is a solution and that is through a Constitutional Amendment. RCPA believes that construction that utilizes the Route 56 corridor where it passes through the Raquette-Boreal Wild Forest necessitates a Constitutional Amendment. NYPA calculates that to keep the power line along Route 56 it will need six acres of Forest Preserve lands to route parts of the line where the 100-foot corridor right-of-way is not wide enough for the poles and to locate guy wires. This Amendment would meet the needs of NYPA's project development. The APA permit could also be amended pending the approval of the Constitutional Amendment. The people of the State of New York would benefit by a less environmentally damaging route and from a gift from National Grid of at least 12 acres to replace the lands lost in the transfer.

The Residents' Committee to Protect the Adirondacks

The Residents' Committee to Protect the Adirondacks is a privately funded not-for-profit organization dedicated to the stewardship and protection of the natural environment and human communities of the Adirondack Park for current and future generations. The RCPA pursues this mission through advocacy, education, legal action, sustainable forestry certification, research, and grassroots organizing. The RCPA has 3,800 household members and maintains an office in North Creek.

For more information: Peter Bauer 518/251-4257, ext 13.

March 21, 2007

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State of the Park 2007



ADIRONDACK COUNCIL
Defending the East's Greatest Wilderness

The Adirondack Park

The Adirondack Park is the largest 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. The Adirondack Park is nearly three times the size of Yellowstone National Park.

More than half of the Adirondack Park is private land, devoted principally to hamlets, forestry, agriculture and open-space recreation. The Park is home for 130,000 permanent and 110,000 seasonal residents, and hosts ten million visitors yearly.

The remaining 45 percent of the Park is publicly owned Forest Preserve, protected as “Forever Wild” by the NYS Constitution since 1894. One million acres of these public lands are protected as Wilderness, where non-mechanized recreation may be enjoyed. The majority of the public land (more than 1.3 million acres) is Wild Forest, where motorized uses are permitted on designated waters, roads and trails.

Plants and wildlife abound in the Park. Old growth forests cover more than 100,000 acres of public land. The western and southern Adirondacks are gentle landscapes of hills, lakes, wetlands, ponds and streams. In the northeast are the High Peaks. Forty-three of them rise above 4,000 feet and 11 have alpine summits that rise above the timberline.

The Adirondacks include the headwaters of five major drainage basins. Lake Champlain and the Hudson, Black, St. Lawrence and Mohawk Rivers all draw water from the Adirondack Park. 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.

Through public education and advocacy for the protection of the Park’s ecological integrity and wild character, the Adirondack Council advises public and private policy makers on ways to safeguard this last remaining great expanse of open space.



State of the Park 2007

A Non-Partisan Review of Elected and Appointed Government Officials' Actions Affecting the Adirondack Park

Written and Edited by Adirondack Council Program Staff

Design by Sheri Amsel

Online Edition: www.adirondackcouncil.org

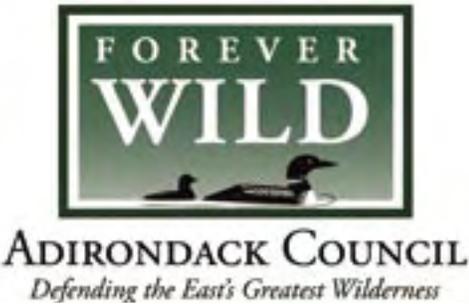
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Fall 2007

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The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park. We envision an Adirondack Park composed of large core wilderness areas, connected to working farms and forests, and augmented by vibrant local communities, all within a diverse mosaic of biologically intact landscapes.



State of the Park 2007



Dear Adirondack Council Members and Friends:

The 2007 edition of State of the Park is designed to provide the reader with real-world examples of how government officials at the local, state and federal level helped or hurt the Adirondack Park over the past year. The report singles out elected and appointed officials and explains how their decisions affected the Park's ecological health and wild beauty. It is not a voters' guide, per se, but a citizens' guide to the issues causing the greatest impact on the Park's natural and cultural resources.

One of the most immediate issues is the November 6, 2007 statewide vote on the NYS Constitutional Amendment. The people of Raquette Lake, a tiny hamlet surrounded by Forest Preserve, have asked the rest of the state's help in establishing a safe drinking water supply. All New Yorkers will have a chance to approve or disapprove a plan to allow Raquette Lake to remove one acre of public land from the Forest Preserve for town use. In exchange, the town will turn over 12 acres of nearby forest to the state for immediate addition to the Forest Preserve. It is the only statewide initiative on this year's ballot.

As you read the report, you will note a great deal of praise for local land-use planning efforts, state funding for environmental initiatives and federal help with water quality projects. You will also note some criticism for short-sighted state agency decisions, local governments calling for too much motorized traffic on the Forest Preserve, and pending cuts in federal spending for vital acid rain research.

Enjoy the report. When you are done, you can go to www.adirondackcouncil.org for more information including back-issues of State of the Park, our news archive and much more. Thank you for your continued support of the Adirondack Council.

Sincerely,

Brian L. Houseal
Executive Director

On the Cover: The Hudson River Gorge near North Creek is one of the Adirondack Council's top conservation priorities within the 162,000 acres purchased by the Adirondack Nature Conservancy from Finch, Pruyn & Co. The lands are spread over dozens of towns and several counties, from the Sacandaga Valley to the southern High Peaks region near Newcomb. The Council will urge the state to add this parcel to the "Forever Wild" Adirondack Forest Preserve. Photo by Carl Heilman II.

The Governor



Clear Signal on Northway

Gov. Eliot Spitzer brokered an agreement in April that would allow for improved cellular phone communications along the Adirondack Northway (I-87) thanks to Verizon Wireless. Verizon said it was working with adjoining private landowners on a plan to erect a series of towers that will provide more reliable signals to travelers without violating the scenic easements and environmental regulations that restrict development along the highway. Both state and federal regulations prohibit highly visible structures, while the NYS Constitution bans all private development in areas where the highway passes between two areas of public Forest Preserve. Verizon said it would take up to 18 months from the date of the announcement to complete its tower construction. The governor wisely rejected two separate appeals by Sen. Betty Little, R-Queensbury, to ignore state and federal law by parking trucks with cell towers on them at rest areas. The Governor pointed out that such a plan would violate both state and federal law and would still not provide cell phone coverage to the roadway as reliable as the Verizon plan. Little had requested \$10 million in the state budget for cell service along the Northway. Verizon will pay for the land it leases and towers needed for the new system itself.



Spitzer

EPF Uncorked

Despite political misgivings, Governor Spitzer signed into law in July an extension of the NYS Environmental Protection Fund that will bring the total revenue available for environmental capital projects to \$300 million by fiscal year 2009-10. The EPF now stands at \$250 million, with \$55 million available

for land acquisition/open space protection projects. The Governor had wanted to use an expanded bottle bill to increase the revenues in the EPF, rather than the current source, the Real Estate Transfer Tax. When all attempts to persuade the Legislature to expand the bottle deposit law failed, the Council and other environmental organizations urged the Governor to agree to the legislature's plan. Spitzer waited until the final possible day to sign the bill into law. The Real Estate Transfer Tax generates about \$1 billion per year. The EPF can be spent for land acquisition, recycling facilities, parks and historic preservation, and on landfill capping/closure.

Says 'No Way' to Segways

In August, Governor Spitzer vetoed a bill that would have allowed electric scooters known as "Segways" to be used virtually anywhere a pedestrian is allowed to walk. Segways are scooters with two wheels in which a person balances on pedals between them. They also would have been allowed on public roads and streets. The Adirondack Council and a coalition of other organizations wrote to the Governor while he was contemplating the bill, urging him to reject it. The Council pointed out that Segways could become a nuisance on public trails and sidewalks in the Adirondack Park, while increasing the consumption of fossil fuels (which are burned to create the electricity needed to charge its battery).

New Faces at APA

In his first budget proposal, Governor Spitzer recommended five new staff members for the Adirondack Park Agency, including two new enforcement officers, two project review officers and a state lands specialist. All were sorely needed. The new enforcement staff was proposed shortly after the release of the Adirondack Council's report, *Swept Under the Rug*,

which outlined some of the shortcomings in the APA's enforcement division.

Martens to Oversee Olympic Venues

Governor Spitzer nominated Joseph Martens to be Chairman of the Olympic Regional Development Authority (ORDA), replacing former NYS Republican Chairman J. Patrick Barrett. Martens is Executive Director of the Open Space Institute, whose mission is to protect the watershed of the Hudson River. Before joining OSI in 1995, Martens was Secretary for Energy and Environment under Gov. Mario Cuomo. Martens had also worked for the Adirondack Park Agency. Based in Lake Placid, ORDA operates Whiteface Mountain and Gore Mountain ski areas; the Olympic Sports Complex, located five miles from Lake Placid at Mt. Van Hoevenberg; and the Olympic ice and jumping complexes. Most of these venues are located on public Forest Preserve and are operated under Constitutional Amendments that regulate land use to prevent environmental degradation.



Martens

Grannis Overcomes Rocky Reception

In January, the Governor nominated Assemblyman Alexander "Pete" Grannis, D-Manhattan, to be the Commissioner of Environmental Conservation. As a legislator, Grannis had proposed and passed several bills to improve the Adirondack Park Private Land Use and Development plan and to protect water quality. Most of those were rejected by the Senate at the behest of the late Sen. Ronald Stafford, R-Plattsburgh, and thus didn't become law. Stafford's successor, Sen. Betty Little, R-Queensbury, opposed Grannis' nomination and helped to delay

it through the end of the state budget deliberations, but didn't have the votes to stop it entirely. Grannis was confirmed by the Senate as DEC Commissioner in late March, despite Sen. Little's continued opposition. Grannis worked as an attorney at DEC before running for the Assembly. Coincidentally, he held the same Assembly seat held by former DEC Commissioner Peter Berle.

Gov Taps Ash

The Governor nominated Carol Ash to be the NYS Commissioner of Parks, Recreation and Historic Preservation. Ash had previously worked for the Palisades Interstate Park Commission, the Nature Conservancy and DEC.



Ash

Bottle Bill Unredeemed

After making an expanded bottle deposit law a linchpin of his plans for the 2007 state budget's environmental spending plans, the Governor did little to promote the expansion of the bottle bill during the crucial weeks of budget negotiations and at the end of the legislative session. Environmentalists were left to battle on their own against the well-funded Food Industry Alliance and its sister alliance, New Yorkers for Real Recycling Reform. Both groups are supported by Coca-Cola, Pepsi, Anheuser-Busch and Snapple/Cadbury Schweppes.



Park Agency Adrift

From January through the writing of this report in September, Governor Spitzer had failed to fill key positions on the Adirondack Park Agency staff and Board of Commissioners. Although both the Executive Director and Chairman of the APA announced their retirements by August, neither has been replaced. Spitzer attempted to fill the Chairman slot by appointing Cornell Environmental Law Professor Richard Booth, but changed his mind when he met with objections from Adirondack local officials who complained that Booth was not a Park resident. Spitzer then said he would nominate Booth to fill a regular seat on the Board of Commissioners, but has yet to nominate a new Chair.



Booth

Robert Barker, Cornell University Photography

Farewell to George Pataki, New York's Million Acre Governor

On his way to permanently conserving one million-acres of land in New York, Governor Pataki bought 60,000 acres of new Forest Preserve in the Adirondack Park. At the same time, he acquired and extinguished the development rights on another 540,000 acres. Thanks in large part to Pataki's efforts, every major timber company's holdings in the Adirondacks has been permanently protected by fee purchase or conservation easements. DEC easements typically prohibit subdivision and development, but guarantee that the forests will remain healthy and continue to provide jobs

and wood products for generations to come. The Governor also worked to provide public access to most of this land.

When the Music Stops...

Late in 2006, Governor Pataki played a game of political musical chairs at the Adirondack Park Agency Board of Commissioners. In June 2006, Lake Pleasant Town Supervisor Frank Mezzano's term expired and he stepped down as a Commissioner. The Council had not supported Mezzano's initial appointment because he was a sitting town Supervisor and also chairman of the Hamilton County Board of Supervisors. The Council felt his local government positions would lead to conflicts of interest as an APA Commissioner.

Also last June, APA Commissioner Deanne Rehm, a former Bolton Town Supervisor, stepped down as an APA Commissioner while there was still a year remaining in her term.

Governor Pataki filled this vacancy by bringing back Mezzano, rather than leaving the seat vacant for the new Governor to fill. This still left Mezzano's old seat vacant, which the Governor filled with another sitting town supervisor, Bill Thomas of Johnsbury, who was also Chairman of the Warren County Board of Supervisors. While Thomas has been an environmentally minded local government official, placing anyone in the role of APA Commissioner while he or she is still serving as chief financial officer for a town or county is inviting conflict.

State Legislature



Both Houses

👍 Raquette Lake Water Supply on Fall Statewide Ballot

Sen. Elizabeth Little, R-Queensbury, and Assembly Environmental Conservation Committee Chairman Robert Sweeney, D-Lindenhurst, gained final Legislative approval this session for a Constitutional Amendment that will facilitate a land swap in the Town of Long Lake.

The swap would allow the town to use a one-acre parcel of Adirondack Forest Preserve for drilled drinking water wells. An additional 12 acres will then be added to the Forest Preserve in exchange for the small area it took for the new system. Those wells would replace an existing reservoir, the water from which is no longer fit to drink. The current reservoir was originally constructed on the Forest Preserve under a seldom-used Constitutional provision that allows up to 3 percent of the Forest Preserve to be used for drinking water reservoirs that serve Adirondack communities (Article 14, Section II).

However, federal law requires all surface water supplies (rivers, lakes, reservoirs, etc.) to be treated to kill and remove bacteria and pathogens before the water is piped to people's homes. Water from the current reservoir was so full of organic material, filtration and chlorination both failed. The Adirondack Council agreed to work with town officials to seek approval for a Constitutional Amendment.

Final approval for Constitutional Amendments takes several years because it must be passed by two separately elected, consecutive Legislatures -- which are elected every two years -- and then are subject to a statewide vote.

On the November 6 statewide ballot, voters will be asked to grant final approval



Little

to the 12-to-1 land swap. If approved, the Legislature would pass another law to spell out precisely how the swap will be completed.

👍 EPF Growth Spurt

The NYS Legislature's Environmental Conservation Committee Chairmen, Assemblyman Robert Sweeney and Senator Carl Marcellino, R-Syosset, agreed to add \$25 million to the Environmental Protection Fund (EPF) this year, bringing its total to an all-time high of \$250 million for environmental capital spending. Of that total, about \$55 million is available this year for land acquisition/open space projects. The two lawmakers also gained approval for legislation that would require the Fund to climb to \$300 million annually by April of 2010. The EPF can be used only for major, one-time purchases such as land acquisition or permanent conservation easements; landfill capping and closure costs; recycling facilities and equipment; and, parks and historic preservation projects.



Marcellino

👍 Fire Fighting Fee Finis

Senator Little and Assemblyman Darrel Aubertine, D-Cape Vincent, gained approval this session for a bill that repealed a rarely used state law that required all 12 Adirondack Park counties and 3 Catskill Park counties repay the state when forest rangers help fight fires on state lands in their towns. This fee outraged local officials, whose budgets could be severely impacted in the event of a major fire.



Aubertine

👍 Good for Loons

Senator Little and Assemblywoman Janet Duprey, R-Plattsburgh, gained approval for a bill that limits to 10 horsepower the size of boat motors that can be used on Lake Colby, just north of Saranac Lake. The new law had been requested by lake-shore residents who wanted to preserve the peace of their quiet lake and to protect the shoreline nests of resident loons. Loud motors can cause loons to abandon their nests and sometimes their young offspring. Large wakes from motorboats can swamp nests, which are built close to shore because loons cannot walk on land.



Duprey

👍 No Space for Invaders

Senator Marcellino and Assemblyman Sweeney gained approval for a NYS Invasive Species Council, which will be a collaboration of numerous state agencies to proactively address the continuing problem of invasive species. The new panel will recommend grants for removal and prevention projects and help determine state policy regarding methods and priorities. The bill also creates an advisory committee made up of non-governmental groups and individuals to assist the council with its work.



Sweeney

👍 Sticker Shock

Senator Marcellino and Assemblyman Sweeney were the sponsors of a new law requiring that carbon dioxide emissions index be posted on the same window sticker as fuel efficiency for cars sold in New York State. This would mirror a requirement that also exists in California.

Avoiding a Costly Detour

Senator Little and Assemblyman Sweeney gained first passage this year for a Constitutional Amendment that would grant special permission to the New York Power Authority (NYPA) to construct a power supply line from Stark Falls Reservoir hydropower dam in Colton, St. Lawrence County, to Tupper Lake, Franklin County, where power outages have been severe and frequent.

NYPA has agreed to build the new line along the side of Route 56, crossing an area of Forest Preserve, rather than detour the line through an environmentally sensitive area of private land containing endangered species, wetlands and an ancient white pine forest. In this unusual case, the private lands next to the Forest Preserve are wilder and in greater need of protection than the area of Forest Preserve that would be used, which is adjacent to the state highway.

The amendment will allow a land swap that removes a small section of forest on the shoulder of Route 56 from the Preserve, so NYPA and National Grid can legally maintain a power line on it. Another, wilder parcel of private land would be added to the Preserve in exchange. Both houses approved the amendment for the first time this session. This amendment must be passed again by a separately elected legislature before it can go on the ballot. The soonest that can happen is January 2009, when the Legislature elected in November 2008 takes office.

The Adirondack Council will work with the Legislature to gain a second approval for this amendment in 2009.

Disconnection on Cell Phone Issue

Senator Little and Assembly members Janet Duprey, R-Plattsburgh, Teresa Sayward, R-Willsboro, and Roy McDonald, R-Fort Edward, went to great lengths in January and February to blame environmentalists for gaps in cell phone service on the Adirondack Northway (I-87) from Exits 25 through 33. The Council supports cell phone coverage along the Northway as long as the siting of the towers conforms to state laws, regulations, policies and the Forever Wild clause of the NYS Constitution.

All four shamelessly exploited the January death of a stranded motorist whose car went off the west side of the highway in North River after midnight during an ice storm. A month later, they increased their attacks when a second motorist died of a heart attack while stranded in a blizzard. They called on the Governor to ignore state and federal laws that ban the private, commercial use of public lands. They urged him to set aside laws and regulations that protect the Adirondacks from development that degrades the Park's natural beauty. The Governor has no power to overturn existing laws overnight, nor has he the authority to ignore federal interstate highway standards.

A Segue to Nowhere

Sen. Owen Johnson, R-Babylon, and Assemblyman David Gantt, D-Rochester, sponsored a bill that passed both houses that would have allowed motorized scooters called "Segways" to be used anywhere a pedestrian is allowed to walk. At the request of the Adirondack Council, Citizens Campaign for the Environment, NYPIRG, the American Lung Association and others, Gov. Eliot Spitzer vetoed the bill in August.

Segways are scooters with electric motors and two large wheels sitting side-by-side. The operator stands on pedals situated between the wheels, holding a center handlebar. Laws protecting public Wilderness Areas in the Adirondack and Catskill Parks ban motorized vehicles on most trails. Electric wheelchairs, however, may go anywhere on the Adirondacks and Catskill Forest Preserves. Segways have never been subject to such negotiations. In a joint statement in August, the groups noted that the electricity needed to run these devices is in short supply and its generation requires the burning of fossil fuels, adding to air pollution and greenhouse gases. The statement also noted that Segways are an alternative to walking, not driving, and would discourage exercise.

Deposit Law Progress Bottled Up

The leaders of both houses of the Legislature failed to reach an agreement on the expansion of the state's five-cent bottle and can deposit law, which currently applies only to carbonated beverages. The Legislature rejected a proposal from Gov.

Eliot Spitzer that would have required nickel deposits on all single-serving beverage bottles (except milk). The most vocal opposition to the proposal came from groups representing national bottlers, including Coca-Cola and Pepsi, who also produce bottled waters, teas, juices and other non-soda beverages. The Governor's proposal would have directed the new revenues from any deposits unredeemed by consumers into the Environmental Protection Fund. Bottlers currently get to keep those unclaimed nickels – an estimated \$200 million annual windfall.

Park-ing Wind Towers

The Senate and Assembly both passed different, but similarly bad, power-plant-siting bills that would have prohibited the Adirondack Park Agency from holding its own hearing on the construction of a clean energy power facility (including wind towers) built anywhere inside the Adirondack Park. In addition, the Senate bill would have allowed new power plants to be built on lands in the Adirondacks and Catskills where the state holds conservation easements.

Senate

Ending the Blame Game

After initially blaming environmentalists for the deaths of Northway motorists who died during extreme weather conditions, Senator Little held a cell phone coverage forum in Saranac Lake in April that shed light on the real problems and some potential solutions. Little brought together representatives from all of the cell phone companies serving New York, as well as local officials, state regulators and the media. She started the meeting by saying that the real reason for the lack of coverage on the Northway – and in other areas of the Park – was lack of interest by the cell phone companies, which they reluctantly confirmed. With a year-round population density of fewer than 15 people per square mile, the Park has not been a high priority for them. During the meeting, Adirondack Park Agency officials said they would fast-track any cell phone company permit request that called for the installation of equipment on existing structures. As a result of the meeting, local officials said they would work with regulators to create

an inventory of existing buildings where cell phone equipment could be installed to serve communities.

Putting Trust in Affordable Housing

In December 2006, Senator Little provided a \$1-million Senate member item grant to create the Adirondack Community Housing Trust. The goal of the trust is to encourage home ownership among Park residents for whom the average price of real estate has risen out of reach. With the help of county housing assistance programs, potential homebuyers can receive grants of up to \$25,000 to buy a home. If the family later sells the home, a portion of the proceeds go back into the trust to keep it affordable for the next buyer.

Grannis Kicked Around

The Senate turned a key state agency's leadership into a political football when for two months it held up the Governor's nomination of Manhattan Assemblyman Alexander "Pete" Grannis for the position of Commissioner of the Department of Environmental Conservation. In an effort to influence the Governor during budget negotiations, the Senate held Grannis' nomination hostage by starting and stopping his confirmation hearings several times until after the budget negotiations were nearly completed. The nomination then quickly passed the Senate.

Booth Boxed In

The Senate refused to bring to a vote during its regular session the Governor's nomination of Cornell Environmental Law Professor Richard Booth to the position of Chairman of the Board of Commissioners of the Adirondack Park Agency. In fact, the Senate never even scheduled a committee hearing on the nomination. Booth is a highly qualified candidate and renowned educator. He is a native of Clinton County who served on the Adirondack Council Board of Directors (1982-92). However, local government officials in the Park objected to his nomination because he is not currently a Park resident. Most former APA Chairs have been full time Park residents during their tenure. Governor Spitzer later withdrew Booth's nomination as Chairman and instead asked

him to fill an out-of-Park vacancy on the APA Board of Commissioners. As of September, the Senate had not acted on this nomination either.

Bad Little Bills II

Senator Little again introduced three pieces of legislation that, if passed, would have caused great damage to the Adirondack Park. The first bill would have eliminated the requirement for the registration of all-terrain vehicles (ATVs). This bill would make it virtually impossible to enforce any laws relating to ATVs since they would have no identifying license plates.

Another bill would have removed the DEC's ability to close roads on state land. It would have explicitly limited state agencies' authority to alter or abandon highways located only inside the Adirondack Park. The bill was introduced in response to an action taken by DEC as part of a unit management plan (UMP).

A third bill was another attempt by the Senator to change the APA's authority over campgrounds. This bill would have changed the definition of a campground to eliminate any requirement to remove a recreational vehicle from a campground when it is not being used.

No Economic Engine

Senator George Maziarz, R-Wheatfield, passed a bill which would have examined the supposed economic benefits of all terrain vehicles (ATVs) on the state's economy. This bill would not have considered factors such as environmental damage and remediation, loss of non-motorized recreational tourism, the cost of enforcement and health impacts of ATVs. The Assembly companion bill was sponsored by Assemblyman Joseph Morelle, D-Rochester. It died in committee.

Assembly

Enlightened Self-Preservation

The Assembly, led by sponsor Bob Sweeney, passed a bill this session that would allow local governments to impose a local Real Estate Transfer Tax and to use the revenue to facilitate sound planning and controlled economic development.

Known as the Community Preservation Act, the bill would give local officials the means to direct new development into appropriate locations, while protecting open space, water quality and wildlife habitat. The Senate did not act on this proposal.

Seeing the Light

Assemblymember Linda Rosenthal, D-New York City, passed a bill sponsored by former Assemblyman Pete Grannis (now DEC Commissioner) which would reduce light pollution, address light trespass and designate dark sky preserves for astronomical observation and nocturnal habitat. While it passed the Assembly, it died in the Senate Rules Committee.



Rosenthal

Silver Sends Sweeney Into Action

Speaker Sheldon Silver, D-Manhattan, appointed Long Island Assemblyman Robert Sweeney to the chairmanship of the Environmental Conservation Committee this session. Sweeney has already distinguished himself by reaching agreements with the Senate on environmental spending, invasive species controls and on a key Constitutional issue. Sweeney succeeds fellow Long Island Assemblyman Thomas DiNapoli, who was appointed as NYS Comptroller by the Legislature this spring.



Silver

All Choked Up

Assemblyman David Koon, D-Fairport, sponsored a bill which passed the Assembly that prohibits the burning of solid waste (burn barrels) in all communities, not just larger municipalities. Pollution from burn barrels is known to be very toxic as plastics are often partially burned at lower temperatures than industrial incinerators.



Koon

Following Suit

Assemblyman Darrel Aubertine matched two of Senator Little's dangerous bills when he introduced their Assembly companions that would eliminate ATV registrations and remove the requirement that RVs are moved out of campgrounds in

the Adirondacks when they are not in use. Thankfully, leadership in the Assembly did not allow either of these bills to be passed out of committee.

Us, Too

Assemblywomen Teresa Sayward and Janet Duprey introduced the Assembly version of Senator Little's bill to prohibit state agencies from closing roads on state property. This illogical Park-specific bill also did not pass out of committee.

Courts



ATVs on Public Lands Over-Ridden

Responding to a lawsuit brought by the Adirondack Council and six of its members, State Supreme Court Justice Joseph McGuire voided a local law in Lewis County that had allowed all-terrain vehicles to use county lands, some of which are inside the Adirondack Park. Justice McGuire found that the county hadn't performed an adequate environmental review of its decision to open 33 parcels of county reforestation lands to ATV traffic. The judge said it wasn't good enough for Lewis County to declare that there would be no impact on the lands because people were illegally riding ATVs there already.

Court Halts Ti Gate Crashers

The Appellate Division of the NYS Supreme Court in April denied the Town of Ticonderoga's request to press ahead with an ill-advised lawsuit against a landowner who didn't want a snowmobile trail running past her home. Georgia Hargett of Killicut Mountain Road had erected a gate to keep snowmobiles off the road next to her property. Hargett said the road was on her land. The town highway superintendent said she had blocked a public road. The town sued Hargett to take the road from her via eminent domain. Both NYS Supreme Court and its Appellate Division ruled against the town. In part, the Appellate Division ruled that the town highway superintendent had no authority to seize land for a recreational trail. Because the Appellate Division's decision was unanimous, the town needed the Appellate Division's permission before it could appeal to the state's highest court, the Court of Appeals. The Appellate Division said no.

Case Closed, Roads Too

In March, State Supreme Court Justice Joseph C. Teresi ruled against the Black River Valley Four-Wheeler Club, throwing out its lawsuit against the NYS Department of Environmental Conservation. The ATV club wanted DEC to reopen 54 Adirondack Park roads closed to all-terrain vehicles. Teresi ruled that former DEC Commissioner Erin M. Crotty had the authority in 2004 to close 54 roads on state land in Lewis, St. Lawrence, Herkimer and Oneida counties to unlimited ATV access. He called the decision "rationally based." Commissioner Crotty closed the roads after the Council and others provided the DEC with photographic evidence that ATV riders were trespassing onto other areas and damaging the environmentally sensitive Forest Preserve lands and waters.

Global Warming Warning

Over the objections of the Bush Administration, the Supreme Court of the United States told the US Environmental Protection Agency in April that it must consider regulating carbon dioxide emissions from automobiles. This was the high court's first decision related to climate change. In deciding *Massachusetts v. EPA*, the Court sided with 11 states and 13 environmental groups that sued the EPA to force the agency to regulate greenhouse gas emissions from new cars and trucks. Arguments in the case hinged on the scope of the Clean Air Act and technical legal issues over whether Massachusetts and other states had standing to bring the lawsuit. The Adirondack Council is hopeful that the court's verdict prompts what could be the first nationwide regulations addressing global warming.

Bush's Five-Year Plan Not OK

In late April, the US Supreme Court refused to hear an appeal from the US Environmental Protection Agency on a ruling by the US Court of Appeals for the District of Columbia that prevented EPA from rolling back clean air standards for older coal-fired power plants.

Under New Source Review, any older power plant that was rebuilt, or modified beyond routine maintenance, is considered a new plant. All new plants are required to meet stringent emissions standards.

In 2004, EPA announced it would change the rule to allow power plant owners to invest up to 20 percent of the cost of the plant into any modifications it chose, without requiring that the plant meet new-plant emissions standards. In effect, any plant could be totally reconstructed within five years, yet still not trigger requirements for emissions reductions.

Court Changes Climate for US Automakers

In September, a federal judge in Vermont ruled that states have the right to regulate carbon dioxide emissions from automobiles. This was a defeat for automakers that fought the rule. The 240-page decision by US District Court Judge William Sessions III of Burlington, VT, was the first major legal confrontation between the auto industry and states that want to curb tailpipe emissions of greenhouse gases. Vermont and 10 other states followed California's lead in adopting standards that would require automakers to reduce vehicle emissions of carbon dioxide by 30 percent by 2016. Such a rule would require automakers to improve fuel efficiency by 25 percent.

Local Governments



Sane Plan for South Basin

Village of Lake George and Warren County officials signed an agreement in June with three environmental organizations on a \$4.2-million plan to create a much-needed artificial wetland at the south end of Lake George, on the site of the defunct Gaslight Village.

The south end of Lake George is suffering from excessive runoff of stormwater and sediment from nearby roads and new development. By creating and maintaining a wetland on the site, the rush of storm water into the lake will be slowed long enough for sediments (mud, silt, road salt, etc.) to settle out before they reach the lake.

Planning on Success

The Town of Ticonderoga adopted its first comprehensive land-use plan in January. The plan focuses on preserving the town's unique historical features and natural scenery to promote a stronger tourism economy. If approved by the Adirondack Park Agency (APA), which seems likely, the plan will also give Ticonderoga officials jurisdiction over small and medium-sized development projects that otherwise would require an APA permit.

A Visit from Santa Clara

The Franklin County Town of Santa Clara won a lawsuit this spring against a local landowner who had illegally constructed a boathouse on the shore of Upper St. Regis Lake. When the landowner refused to remove the structure, the town went to court again and received an order to demolish the boathouse. It also won permission to bill the landowner for the cost. Few Park towns have ever taken such action against land-use code violators.

Crouching Tiger, Hidden Subdivision

In October 2006, the Town of Queensbury filed a lawsuit against Ralph Macchio, father of the Hollywood actor (the "Karate

Kid") of the same name. Macchio, Sr. owns the Wild West Ranch in Lake George, but it was his logging and road construction on his property on French Mountain that drew a lawsuit from the town. Officials said Macchio clear-cut portions of the land, built illegal roads, harmed wildlife habitat and threatened local water quality. Macchio complained that the town refused to meet with him in private. "We don't negotiate zoning," Town Councilman Roger Boor told the media. "They broke the rules ... we are going to remedy that situation by having a court adjudicate it."

Nice Work. Now Pay Up

After winning a \$100,000 fine in a 2005 lawsuit against a land speculator and logger, the Town of Lake George followed up in November 2006 by requiring restoration of the denuded hillsides and the reconstruction of an illegal road. The restoration and reconstruction on Prospect Mountain cost former owner Keith VanBuskirk \$52,000. When repairs including 13 road drainage cuts and 9 sediment basins had been constructed, the town sent VanBuskirk a bill for the remaining \$47,000 of the fine. VanBuskirk sold the property in 2006.

New View on the Sacandaga Valley

The Saratoga County Board of Supervisors redrafted its controversial plan for three mountaintop emergency radio towers on ridgelines above the Great Sacandaga Lake in October 2006. The redrawn plan called for moving all three towers into locations that were farther down the slopes of the mountains upon which they would be built. As a result, all three were virtually invisible and complied easily with the Adirondack Park Agency's policies and regulations concerning tall structures. Rather than facing a lengthy and contentious adjudicatory public hearing, the county won the support of the Adirondack Council and received a permit from the APA in November. Tower construction has not yet begun.

Town Learns Valuable Lesson

Still smarting from the Adirondack Park Agency's decision to allow a 21-lot subdivision on Stickney Point in Union Falls, the Town of Franklin is working on a local land-use plan. Such a plan would give town residents a greater say in the future of their community and allow them to guide development into appropriate locations. Town officials want to preserve the community's most scenic and sensitive areas, while encouraging development in its rural population centers.

A Welcome Audit

Franklin County Manager James Feeley signed an agreement late in 2006 to hire the NY Power Authority (NYPA) to complete an energy audit of county-owned buildings. After the authority completes the audit, it will design an energy conservation plan to increase efficiency, produce a work schedule and oversee the contractors. The Power Authority also works with the NYS Energy Research and Development Authority to secure state and federal grants to offset construction costs. NYPA also offers financing for 20 years at slightly less than 3 percent interest. Power Authority audits are available to local governments for free.

Town Un-Vetoes IP Land Deal

In November 2006, the Town of Colton, St. Lawrence County dropped its two-year struggle against the state's acquisition of the development and recreational rights (via a conservation easement) on 12,154 acres of former International Paper Co. land. The town had cited several reasons for its opposition, none of them were directly related to the state easement on the property.

Planning on a Cleaner Lake

The Schroon Lake towns of Horicon, Schroon and Chester have agreed to fund a comprehensive management plan for

the lake with the assistance of the Schroom Lake Association. Adirondack Ecologists, Crown Point, will draft the plan following a June survey of local residents and users of the watershed.

Teamwork Opens Beach, Protects Lake

The Town of Ticonderoga, Essex County, teamed up late in 2006 with the neighboring Town of Putnam, Washington County, to improve the public beach while protecting water quality in northern Lake George. The two towns will connect 260 homes in the area of Black Point Road, Putnam, to a new branch of Ticonderoga's sewage treatment system, eliminating the need for on-site septic systems, many of which were failing. Septic problems caused the beach to close two years ago. It too will be connected to the sewer system. The Lake George Association helped Ticonderoga win a grant to improve the beach. Money to maintain the sewer system came from the NYS Shared Municipal Services Incentive Program.

Too Green for DEC, Too Distant for APA

The Adirondack Park Agency Local Government Review Board stepped outside its official duties in February to object to the Governor's nomination of Pete Grannis as Commissioner of Environmental Conservation. The group cited Grannis' awards from the Adirondack Council, Environmental Planning Lobby, Audubon Society and others as reasons to oppose his nomination as the state's top environmental officer. Their objections provided a convenient excuse for the NYS Senate to delay Grannis' confirmation for months.

In a related matter, the Review Board's director opposed the nomination of Cornell University Environmental Law Professor Richard Booth as Chairman of the Adirondack Park Agency. In Booth's case, local politicians had forgotten Booth's 10-year stint on the Adirondack Council Board of Directors and his service as an attorney for both the Park Agency and DEC. They instead cited his non-residency in the Park as their sole reason for opposing his candidacy. The Local Government Review Board is supposed to advise the Adirondack Park Agency on

Adirondack regulatory issues, not waste taxpayer money issuing statements on matters unrelated to its duties.

Gimme That ... Now Go Away

Less than a month after he was confirmed as NYS Commissioner of Environmental Conservation, Pete Grannis traveled to Lake George to announce that DEC would award \$1 million in "smart growth" grants to Adirondack communities that were interested in sustainable economic development. Town of Chester Supervisor Fred Monroe attended the press conference at Grannis' request despite Monroe's vocal opposition to his appointment as Commissioner. Monroe later told the press he believed that the "smart growth" program was just a ruse to disguise DEC's plan to herd local residents into hamlets and villages. Monroe then said that if there were no objectionable strings attached, he would seek some of the money for projects in Chester's hamlets.

Adrift in the Snow

Town and county officials from the western Adirondacks lined up in November 2006 to object to a state plan to close dead-end and unused snowmobile trails in the Moose River Plains Wild Forest. More than five years ago, the Adirondack Council agreed to work with local governments and snowmobile enthusiasts to find a way to improve the Park's snowmobile trail system within the confines of the 848-mile statutory mileage limit. The Council had hoped that local officials would work with us and state officials to identify places where trails could be eliminated, so that others might be opened. Instead local officials, especially in Hamilton County, have derided state officials for suggesting that any trail be closed and have demanded that others be opened, regardless of the mileage limit. At the same time, those officials have been urging the Adirondack Park Agency to issue a new policy declaring the mileage limit invalid.

On the Wrong Path in Ticonderoga

The Ticonderoga Highway Superintendent brought a lawsuit against a local woman after she gated the road adjacent to her home to prevent the town from turning it

into a snowmobile trail. Two state courts ruled against the town's eminent domain lawsuit and the Appellate Division of the NYS Supreme Court told the town it couldn't appeal the loss to the Court of Appeals. The Appellate Division ruled that a highway superintendent cannot seize land for a recreational trail. The town council should avoid renewing this case and find another location for a new trail.

Wasting Greenbacks

The Town of Black Brook spitefully responded with a lawsuit against the state this spring after state officials used a donation from a private foundation to complete the acquisition of a permanent conservation agreement over former International Paper Co. lands. The town had been blocking the state's use of the Environmental Protection Fund to complete the 32-town, 260,000-acre conservation easement. Under certain conditions, Adirondack local governments have a right to object to outright purchases of new Forest Preserve using the EPF. The Adirondack Council doesn't believe this regulation applies to conservation easements. Nevertheless, the state found another funding source from the Richard King Mellon Foundation, and completed the transaction. Even though the lands will remain private and local hunting clubs can stay on those lands, the town is squandering taxpayer resources.

I Want My ATV (Roads)

In October 2006, Lewis County Legislators sent a formal resolution to the state objecting to the Department of Environmental Conservation's decision to close 12 roads to all-terrain vehicle (ATV) traffic. Several accused the DEC of a "land grab." The roads were closed to ATVs as a result of severe trail damage, water pollution from eroded run-off, vandalism, trespass and conflicts with other users. Damage was the main reason DEC closed trails to ATVs in the Watson's East Triangle Wild Forest. Damage and the presence of cars and trucks caused DEC to close roads on the nearby Lassiter easement lands, a commercial forest where the state purchased recreational rights. State Vehicle and Traffic Law prohibits ATVs from using the same roads as cars and truck.



Uncommon Progress on Common Agenda

Town of Long Lake Supervisor, Gregg Wallace, hosted the first major meeting of the Common Ground Alliance in July in an effort to bring together local government, environmental organizations, tourism and economic development experts and Park residents to promote a joint Adirondack agenda. More than 100 participants attended the event, including local, state and federal elected officials and their staffs.



More than 100 people participated in the first meeting of the Common Ground Alliance.

Photo courtesy Wildlife Conservation Society/L. Karasin



Paul Beyer from the Governor's Office of Environmental Affairs, addresses the Common Ground Alliance meeting discussing the Governor's Smart Growth initiative. Adirondack municipalities are eligible for the first grant opportunities through the program. To help towns conduct comprehensive planning, \$1 million has been set aside for grants to Adirondack communities.



The core group and organizers of the Common Ground Alliance summer meeting defined key issues to bring before a wider group of stakeholders in Long Lake this July. Issues of common concern will form the basis of joint advocacy efforts with state and federal policy makers to secure policies and funding to benefit the Adirondack Park. (Pictured L to R: Brian Houseal, Adirondack Council Executive Director; Gregg Wallace, Supervisor of Long Lake; JR Risley, Supervisor of Inlet; Terry Martino, Executive Director, Adirondack North Country Association; Ray Curran, President, Adirondack Sustainable Communities Inc.; Lani Ulrich, former director of CAP 21; Greg Hill, Adirondack North Country Association; and, Zoë Smith, Adirondack Program Director, Wildlife Conservation Society.

Adirondack Park Agency



Tell it to the Judge

One of Executive Director Richard Lefebvre's final and finest actions as the head of the APA staff was to recommend in February that the APA Board of Commissioners hold a public, adjudicatory hearing on the 700-unit subdivision proposed at Big Tupper Ski Area. Not only did the APA identify 10 separate issues that must be resolved in the case, it also granted broad authority to the state's administrative law judge to add any other issues as he saw fit. The subdivision is proposed for 6,400 acres of land on and around Mt. Morris, the site of the idled Big Tupper Ski Center, and Simond Pond, which connects the Raquette River to Tupper Lake. The project is the largest and most complex residential subdivision ever reviewed by the Park Agency. It would have significant impacts on water quality, wildlife habitat, undeveloped forests, local hunting camps, and the town's affordable energy and property tax rates. Preserve Associates has requested \$54 million in bonds from the Franklin County Industrial Development Agency to complete the development.

Clean Power, Clear Landscape

The APA quickly approved two small-scale wind power projects on established homesteads in the Towns of Johnsbury, Warren County, and Saranac, Clinton County. Each of the 100-foot-tall wind towers was proposed in a location that concealed it within the existing landscape, far from view of nearby public lands, highways and neighbors. The Johnsbury project was undertaken on the West Farm last fall. The Saranac project will be undertaken by Bruce Kilgore and Nancy Dow, who built an off-the-grid home.

When a Boat Becomes a House

The APA staff was unsure what to make of a new structure that was built not far from the shore of Lake Flower in the Village

of Saranac Lake. It was a 420-square-foot wooden cabin. But it wasn't built on shore. It was built on a floating platform and had two 150-horsepower outboard engines attached to it. The owner said he planned to live on it. The Park Agency advised him that if he wanted to do so, he could. But he couldn't park it in one place and treat it like a cabin. Fixed buildings must be at least 100 feet uphill from the shore.

Thank You Sir, May We Have Another?

The Park Agency allowed itself to be trod upon by Nextel wireless this spring and summer, when the cell phone company erected a temporary tower in the Town of Mayfield, Fulton County. The company knew it didn't have permission for the temporary tower at the site, overlooking the south basin of the Great Sacandaga Lake. In fact, the APA in December 2006 quickly approved a permanent tower just a short distance away, because it would be attached to an existing power line tower in an inconspicuous location. Rather than wait for final approval for the permanent tower from the Public Service Commission, Nextel parked a trailer and boom on a nearby farm and started doing business from that site late in 2006. The APA learned of the violation in March. It took the Agency until August to collect a fine for the illegal installation. The APA made no attempt to prevent land-use code violators from profiting from their acts, contrary to their own enforcement guidelines, when it imposed a meager \$10,000 penalty. Rather than requiring Nextel to remove the temporary tower, the APA granted the company a 90 day permit to continue using the tower.

Sticky, Pointless

The APA approved a 21-lot luxury-home subdivision near Union Falls in the Town of Franklin, Franklin County, without granting an adjudicatory public hearing to the dismay of local government officials and residents who asked for one. The

4,000 to 8,000 square-foot homes would be built on a 299-acre parcel of land known as Stickney Point on the Saranac River, which is designated "recreational" in the NYS Wild, Scenic and Recreational Rivers System. The Agency's hasty approval drew a lawsuit from the Sierra Club and the Association for the Protection of the Adirondacks. However, the groups were unable to persuade a NYS Supreme Court judge to overturn the decision or compel the APA to reconsider it.

A Sign of the Times

The Park Agency knuckled under to pressure from local boosters of Ticonderoga's Lowe's big-box hardware store in October 2006 and approved a variance for a 245-square-foot, back-lighted sign to be installed on the front of the store. The APA had jurisdiction over this project due to the wetlands located on the site. The decision was the first such variance ever granted by the APA. All other business signs outside of the Park's hamlets are limited to 40 square feet. Given that Lowe's is constructing a 152,000-square foot store, next to Wal-Mart in the town's major commercial intersection, the Agency needn't have bent over backward to accommodate the out-of-state retailer's irrational fear of not being noticed. The decision set a poor precedent for future sign variance requests.

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Department of Environmental Conservation

Toxic Cleanup

Recognizing that federal mercury emissions standards for power plants are inadequate to protect public health in the Northeast, DEC adopted tight new standards for New York plants in December 2006. The new standards require a 90 percent reduction in mercury smokestack emissions from power plants and waste incinerators by 2015. The federal standard requires only a 70 percent cut by 2018. The federal program also includes a cap-and-trade provision that allows companies that don't want to cut their emissions the right to pay someone else to make reductions at another plant. Cap-and-trade can be effective in reducing less toxic pollution such as sulfur dioxide and nitrogen oxides, because people, plants, animals and soils can withstand low-level exposure to them for years. Highly toxic chemicals like mercury should be cleaned up plant-by-plant to prevent any one region from avoiding cleanup.

Executive Decision Completes IP Deal

Commissioner Grannis took action in April to prevent a small minority of local Adirondack officials from scuttling a 32-town conservation agreement with International Paper Co. The agreement with IP hinged on the state's ability to purchase the development rights from all 260,000 acres of industrial timberland IP owned inside the Adirondack Park. Local officials in four towns formally objected to the deal, causing the Pataki Administration to halt the negotiations. They took advantage of a provision in state law that prevents the use of the NYS Environmental Protection Fund to purchase new Forest Preserve in towns where local officials make formal objections.

In April, Grannis completed the purchase from IP anyway, using not the EPF, but a private donation from the Richard King Mellon Foundation. The IP conservation easement is the largest permanent conservation agreement in New York history.

Scuttling Land Pirates

In September, the DEC announced that it had ordered the removal of a floating camp from Forest Preserve land on Cranberry Lake in the Town of Clifton, and had assessed a \$48,500 penalty for the violation. DEC Commissioner Pete Grannis offered to forgive a portion of the fine if the owner promptly removed it and complied with additional conditions. DEC said floating camps can serve as a source of pollution, a hazard to navigation and a disturbance to natural habitat. Grannis said other floating, private camps had been built elsewhere on public Forest Preserve. He vowed to continue removing them.



Grannis

Smart Grants

DEC Commissioner Grannis announced at a July press conference in Lake George that he would spend \$1 million on Smart Growth planning grants to assist small communities inside the Adirondack Park. Two million dollars was set aside this year as part of the Environmental Protection Fund. Grannis said he would direct half toward the Adirondacks because its impact would be greatest here. He also said he wants to assist towns and villages in coping with a surge of development requests and new construction. Smart Growth involves directing new development into the most desirable locations for the community. The point of the program is to promote development that incorporates environmental protection and enhances community livability. For more information about the grants, contact the DEC at 518-402-9405 or visit www.dec.ny.gov/pubs/37874.html.

A Thermometer in the Greenhouse

DEC joined with their counterparts in 30 other states and two Canadian Provinces in May as charter members of the

US Climate Registry. Member states will collect and share carbon emissions data in an attempt to facilitate greenhouse gas capping agreements. The registry will begin collecting and sharing data in January 2008. It will help New York verify its progress toward the goals of the Regional Greenhouse Gas Initiative, a cap-and-trade pollution-reduction effort that New York helped establish among the 10 Northeastern states.

Lowe Gets High Appointment

In May, Commissioner Grannis appointed Elizabeth "Betsy" Lowe to be the DEC Region 5 Director. Lowe spearheaded efforts to establish and build the Natural History Museum of the Adirondacks in Tupper Lake. Prior to her successful efforts to establish the museum, Lowe had worked in the Region 5 office on issues such as open-space planning, hazardous waste remediation and public outreach. She left in 1999 to begin her work with the museum. Lowe replaces Stuart Buchanan, who served as regional director from 1995 to 2007. DEC Region 5 covers the eastern two-thirds of the Adirondack Park and is headquartered in Ray Brook, Essex County. Lowe holds a degree in biology from Skidmore College and a master's degree in regional planning from Cornell University.



Lowe



Signs of Progress

The DEC has begun working with local organizations to educate the public about the need to prevent invasive species from reaching the Adirondack Park's waters through boat launches. Once established, invasive species can alter, overtake or destroy the habitat of native plants and animals. Signs are going up in many public places explaining how aggressive, non-native plant and animal species can be transported from one lake to another on trailers, propellers and in engine-cooling water. The new signs at the Town of Day public boat launch on the Great Sacandaga Lake, for example, are the work of DEC and local partner, the Adirondack Park Invasive Plant Program. Another set of signs was installed at Mossy Point boat launch on northern Lake George. But signs are just the first step. State boat washing stations are needed at public launches throughout the Park.



The Adirondack Park Invasive Plant Program is working with the DEC to inform boaters about the dangers of invasive species and how to avoid spreading them. This sign is from the state boat launch in the Town of Day, north shore of Great Sacandaga Lake.

Back at Region 6

Also in May, Commissioner Grannis appointed Watertown attorney Judy Drabicki to the post of DEC Region 6 Director. As a private attorney for the past eight years, Drabicki has worked on issues related to industrial pollution, brownfields cleanup and commercial wind power projects. Region 6 covers the western one-third of the Adirondack Park, the Thousand Islands Region, Tug



Drabicki

Hill Plateau and the Lake Ontario shoreline. Drabicki replaces Sandra LeBarron, who had been regional director since 1999. She had been a regional attorney for DEC from 1986 through 1999. She will now direct a staff of 150 personnel from the regional office in Watertown. Drabicki earned a science degree from Cornell University and her law degree from Syracuse University.

Undoing Progress on Champion Lands

In November 2006, DEC quietly altered its plans for the 110,000-acre conservation easement it purchased from Champion International in 1999. The deal was Gov. George Pataki's first major conservation easement in the Park. It included a provision that granted a 15-year grace period to 220 private hunting camp lessees, allowing them to remain in control of one-acre lots around the camps until 2014, when the camps would be removed. While the plan drew criticism from camp owners, it was a better deal than Champion had ever offered. All camp leases on Champion lands were one year agreements that could be broken, without notice or cause, by the timber company. The camp owners sued the state in an effort to keep the camps indefinitely. They lost. DEC inexplicably reversed that loss by granting the camp owners' wish and agreeing to purchase or protect a 2,600-acre parcel elsewhere in the Park as compensation to the public. This secretive agreement creates a permanent enforcement problem for DEC and the current landowners, who must prevent the public from using motorized vehicles on easement lands while simultaneously allowing the camp owners to use them for access. DEC should instead have helped the camp owners identify another place to put the camps. It had seven more years to work out the details.

On a Dark Snowy Trail

In October 2006, Pataki Administration DEC officials issued an Adirondack Park snowmobile trail plan that violates the Adirondack Park's State Land Master Plan as well as the NYS Constitution. The only redeeming feature of the plan is that DEC didn't try to make it official state policy. It remains only a guideline – albeit a poor one. The plan was filled

with giveaways to snowmobiling interests, including provisions to widen foot trails by 50 to 125 percent; remove all rocks and stumps greater than six inches in height; employ motorized, tracked grooming vehicles on foot trails; and, allow more miles of snowmobile trails to be added to the Forest Preserve at a time when the legal limit (848 miles) has already been exceeded by 350 miles or more. The plan made little attempt to calculate or mitigate the environmental damage done to the Forest Preserve by snowmobiles' noise, emissions and illegal trail expansion.

Bad Bridge Plan for Boreal Treasure

The DEC completed a management plan for 49,120 acres of Forest Preserve and easement lands near the Carry Falls Reservoir in Colton, St. Lawrence County, in September 2006 that included the construction of a snowmobile and all-terrain vehicle (ATV) bridge across the reservoir. The bridge would have brought motorized traffic into an area of rare and fragile low-elevation boreal forest. The State Land Master Plan – the basis for all Forest Preserve management plans in the Park – specifically warns against allowing motorized traffic in boreal forests. This one is home to a number of rare, threatened and endangered species, including the spruce grouse and moose, as well as carnivorous pitcher plants and sundews.

The Adirondack Council has urged the state to create the Raquette Boreal Wilderness in this location. Several thousand acres have already been set aside as a Primitive Area. To protect this potential Wilderness area, the Adirondack Council took action to stop the new bridge. The Adirondack Council investigated the federal funding for the proposed bridge and believed the grant had been obtained falsely. The USDOT Inspector General opened an immediate investigation.

At the same time, the Council called on all of its members and supporters to write letters to the DEC and Adirondack Park Agency objecting to the construction of the bridge. By the end of the year, DEC rewrote the plan, removing the bridge from its list of preferred options.

Other Agencies



New Life for Old Building

The NYS Office of Parks, Recreation and Historic Preservation gave Paul Smith's College a \$150,000 grant in November 2006 so that the Adirondack Park's only four-year institute of higher learning can restore one of its historic buildings. The Harriman Cottage, built in 1894, will be renovated and will become the new home of the Adirondack Watershed Institute. The money came from the 2006 NYS Environmental Protection Fund.

New Hope for Rare Songbird in Troubled Tropical Second Home

The Olympic Regional Development Authority (ORDA) and the Adirondack Community Trust (ACT) joined forces in July with the Adirondack Council and other organizations to create a fund to assist the survival of one of the world's rarest neo-tropical migratory songbirds, the Bicknell's Thrush. The bird's most secure breeding habitat is located within the sub-alpine forest bird conservation areas in the Adirondack Forest Preserve. Roughly 90 percent of the bird's winter habitat is located in the mountains of Hispaniola. The fund created by the coalition will help pay for land purchases and conservation agreements with private landowners who agree to preserve the Bicknell's winter habitat. The fund will be administered by ACT.

ORDA became involved in Bicknell's Thrush preservation efforts after discovering that the Whiteface Mountain Ski Center it operates was home to several nesting pairs. ORDA's Executive

Director Ted Blazer helped create a plan to assist the Dominican Republic and Haiti to protect the bird. Public educational displays, including an appeal to donate money, have been erected at Whiteface Mountain Ski Center. Other groups involved in the creation of the Bicknell's fund include the Adirondack Nature Conservancy, Audubon New York, the Cornell Lab of Ornithology, Vermont Institute of Natural Science, the Wildlife Conservation Society, the Adirondack Park Agency and the Department of Environmental Conservation.

NYPA Helps APA Power Play

The NY Power Authority awarded a \$100,000 energy conservation grant to fund improvements at the Adirondack Park Agency's headquarters in Ray Brook. Plans in December 2006 called for the installation of high-efficiency lighting, exterior insulation, dedicated climate controls and other features. NYPA's energy audits and grants are funded by court settlements related to oil company violations of federal price controls in the 1970s and 1980s.

A similar audit at the Olympic Regional Development Authority will result in improvements at both Whiteface Mountain and Gore Mountain ski centers.

One Plan, Two Bad Ideas

In August, the Hudson River/Black River Regulating District proposed at least two environmentally harmful changes to its

regulations for shoreline permit-holders on the Great Sacandaga Lake. The entire reservoir's shoreline is public Forest Preserve, from the high water mark to an elevation six feet above it. Landowners on adjoining uplands can obtain a permit from the district to gain access to the water across the strip of Forest Preserve. In its most recent attempt to revise the permit system, the district wanted to allow permit holders who subdivide their lands to be able to guarantee an access permit to non-shoreline lot buyers. The plan would badly fragment the shoreline forest and severely diminish its wildlife habitat. In the same plan, the district removed a ban on the use of motor vehicles, including all-terrain vehicles (ATVs) on the shoreline.

Easy Money for a Bad Cause

In an inexplicable giveaway to one of the most destructive forms of outdoor recreation, the Empire State Development Corp. sent a \$500,000 grant to St. Lawrence County in August 2006 to develop an all-terrain vehicle (ATV) trail system. The county was as surprised as anyone at the award, since it had not yet applied for any funds. In fact, the October 2006 deadline for applying for the grants had not yet arrived. The county doesn't even have an approved trail plan in place. County legislators told local media that they felt the Pataki Administration was attempting to sooth local irritation over state decisions to limit ATV access to the Adirondack Forest Preserve.

Thank you to all our members for your activism and financial and moral support. As you can see from all of the successes in the Park over the last year, your involvement really does make a difference. Thank you for your continued support!

Attorney General



👉 Speaking Out on Acid Rain

Attorney General Andrew Cuomo announced in June he was organizing an interstate effort to urge the Bush Administration not to weaken the New Source Review (NSR) provision of the Clean Air Act. To date 17 other attorneys general have joined the effort. The coalition wrote to the US Environmental Protection Agency in response to a call for comments on proposed rules for coal-fired power plants. NSR is the basis for all of former Attorney General Eliot Spitzer's lawsuits against Midwest power plants. It is a safeguard in dealing with older power plants that were exempted from the emissions reductions required by the Clean Air Act because they were expected to be closed. Those that remain open

must clean up their emissions to new-plant standards if their emissions increase or if they replace all or part of the power plant. The Bush Administration has attempted several times to repeal or weaken the regulation.

👉 Snuffing a Smoky Nuisance

Attorney General Cuomo and the Department of Environmental Conservation in May shut down a 350-megawatt coal-fired power plant in Stony Point that had failed to reduce its emissions after failing smokestack tests in 2003. The Rockland County plant, owned by Mirant New York, was responsible for one-third of the sulfur dioxide and nitrogen oxide emissions in the Hudson

Valley. Those emissions often fell on the Adirondacks when winds were blowing from the south.

👉 One Last Lawsuit Before I Go ...

Before taking office as governor, Attorney General Eliot Spitzer in December 2006 joined with a dozen other state attorneys general in suing the US Environmental Protection Agency in an effort to reduce soot levels from smokestacks and exhaust pipes. If successful, the litigation could save thousands of lives per year. Health experts have warned that the current federal standard of 15 micrograms of tiny soot particles per cubic foot of air is too weak to protect the public from chronic respiratory diseases and premature deaths.

Federal Government



👉 NSF Boosts Adirondack Lake Research

The National Science Foundation (NSF) awarded two grants that will benefit the future of Adirondack waters. In August, the NSF awarded a \$286,947 grant to the Adirondack Watershed Institute (AWI) of Paul Smith's College. The money is earmarked for the purchase of water quality testing equipment which will help the institute expand its reach into more area communities. Also, in August, the NSF awarded \$301,000 to two New York scientists who are studying how nitrogen builds up in Adirondack lakes and ponds. Charlie Canham and Mike Pace of the Institute of Ecosystem Studies in Millbrook are studying the impact of airborne nitrogen pollution on 130 lakes and ponds to determine how it leads to excessive algae growth and loss of dissolved oxygen. Acid rain, leaking septic

systems, inadequate sewage treatment and farm runoff are the leading causes of nitrogen pollution in the Park.

👉 Big Break for Little Village

In May, US Senators Charles Schumer and Hillary Clinton announced that they had secured a \$5 million federal Water Resources Development Act grant for the Town of Essex. Essex will use the money to build a new sewage treatment facility. The picturesque, historic village on the shore of Lake Champlain has been suffering from nutrient-related water quality problems including toxic bacterial



Clinton

growths that have been blamed on inadequately treated septic runoff. Essex, which has only 700 year-round residents, will spend \$7.2 million on the new system.

👉 Grant to Enhance Ausable Access

The Federal Highway Administration's Scenic Byways Program awarded \$210,000 to a coalition of Adirondack organizations and agencies in August to enhance the Olympic Scenic Byway. A ruggedly beautiful stretch of Route 86 between Lake Placid and Wilmington, the winding road parallels the West Branch of the Ausable River. The Adirondack Park Agency, Trout Unlimited and the NYS Department of Transportation will work together to create interpretive exhibits, additional parking and trail and river access.

Keeping the Heat on Congress

In early January, Freshman Senator Bernie Sanders, I-VT, introduced his first bill, the Global Warming Pollution Reduction Act. This bill would require an 80 percent reduction in the emissions that cause global warming by the year 2050. These targets are some of the most stringent proposed to date and have been endorsed by many groups, including the Adirondack Council. The bill is co-sponsored by Senator Clinton.



Sanders

On Ramp to Information Superhighway

US Senators Charles Schumer and Hillary Clinton announced in July that they had secured \$200,000 in the 2008 federal budget to improve access to broadband internet service in rural St. Lawrence County. The money had been appropriated last session, but was lost in Congress's unresolved dispute over domestic spending.

Trail by the Rail

Former US Rep. John Sweeney, R-Clifton Park, secured a \$1.43 million federal Transportation Enhancement Grant for a hiking and cycling trail alongside the Adirondack Rail Road between Saranac Lake and Lake Placid. The new trail will improve tourism access to the scenic route.

McHugh & Clinton Team Up On New Mercury Program

Congressman McHugh and Senator Clinton both co-sponsored legislation in March that would establish a National Mercury Monitoring Program to improve air-and water-pollution research and provide data for future emissions cuts. The bills would provide at least \$30 million over the next three years to carry out the research.

Thanks a Million!

In June, US Rep. John McHugh, R-Pierrepont Manor, secured approval for an amendment to the 2008 Interior Appropriations Bill that would restore \$1 million for the Clean Air Status and Trends Network (CASTNET). The program was proposed to be slashed by the Bush Administration without reason or explanation. CASTNET has been an effective research program for tracking acid rain-causing emissions from Midwest power plants. The cuts would have wiped out decades of uninterrupted scientific data that have been used to justify federally mandated emissions reductions.



McHugh

Tupper Trail on Track

In October 2006, Congressman McHugh secured a \$608,000 federal Transportation Enhancement grant for a 4.6-mile recreational trail in the Town of Tupper Lake. Tupper has been planning the trail system since 1998, but lacked the funds to construct it.

Federal Fund is Champlain's Gain

In August, the US Environmental Protection Agency awarded \$900,000 to the Champlain Watershed Improvement Coalition in New York. The grant will pay for programs that enhance wetland and river habitat, support environmentally friendly farming and promote low-impact development. The Lake Champlain Coalition was one of only 16 programs nationwide to be selected for funding.

New Rule, Same Ruse

The US Environmental Protection Agency announced in April that it would propose a new "hourly standard" to review emissions increases at coal-fired power plants. The new standard would essentially eliminate the New Source Review (NSR) section of the federal Clean Air Act. NSR is a safeguard in federal law that allowed older power plants to be exempted from Clean Air Act standards in the 1970s – incorrectly assuming the plants would close. Because many of those plants have remained open, NSR requires any older plant that increases its emissions to install the same pollution controls as a brand new power plant. Previous administrations have measured emissions from these plants by counting the total number of tons emitted per year. The new Bush Administration rule would count only the average emissions per hour. Thus, plants would be able to increase the number of hours they operate, and vastly increase their annual pollution tonnage, without triggering the NSR requirement for emissions cleanup.



The Adirondack Council does not accept government or taxpayer funding of any kind. The Council's work is funded entirely by your private donations, strengthening our advocacy efforts.

Ecology Update



Thanks to the hard work of conservationists and concerned citizens, New York's Adirondack Park is the wildest, most ecologically intact landscape in the eastern United States. Yet, for many creatures, it is not wild enough. Threats to the Park's ecological integrity seem to outpace opportunities for greater protection. The ecological health of the Adirondack Park has largely been determined by several trends: land conservation, through Forest Preserve additions and easements held by the state or by land trusts; exurban development, as second homes fragment the backcountry; and climate change and invasive species. Here is a quick update on these threats and opportunities.

Threats

Exurban Development – The national decline in real estate speculation appears to be slowing down home construction in the Park. The Adirondack Park Agency (APA) has fielded fewer permit applications in 2007 than it had by this time in 2005 or 2006. Still, APA laws and regulations alone are not strong enough to keep intact roughly two and a half million acres of the Park that are zoned Resource Management or Rural Use. Conservationists continue to call for clustering of new development in existing villages and hamlets, but problems caused by backcountry fragmentation continue to worsen where rural sprawl is most prevalent.

Bioinvasion – At least 49 ponds and lakes in the Park are now infected with invasive species, such as Eurasian Watermilfoil, Water Chestnut, and Zebra Mussel. Most rivers and lakes have at least one species of exotic fish. Probable new invaders of our forests include Sirex Wood Wasp, recently found in several locations in or near the Park. Future aquatic invaders could include Round Goby, viral hemorrhagic septicemia (VHS), and Didymo algae.

Chemical Imbalances – The industrial and motor vehicle emissions that cause acid rain, mercury contamination, and climate change continue at unsafe levels. The Clean Air Act has allowed partial recovery of buffering capacity in forest floors, but Red Spruce and Sugar Maple may need generations to recover. Adirondack streams still suffer acid shock during spring run-off, and many lakes are still too acidic to support native fish. Carbon levels in the atmosphere are climbing ever higher. Studies predict rapid warming over the next century with reductions in snow pack and habitat for boreal and alpine species.

Species Losses – Despite occasional reports of eastern cougar, wolves and lynx, these top predators are not yet back in breeding, functioning populations in the Park. Partly as a result, herbivores such as white-tailed deer and beaver may now be unnaturally abundant or sedentary. Songbirds are also sharply reduced because of habitat destruction.

Isolation – The Adirondack Park is increasingly isolated from other wild core habitats as development claims more and more of the Black, Mohawk, St. Lawrence, and Hudson River and Lake Champlain Valleys. Connectivity of wild lands within the Park remains compromised by major highways.

Opportunities

Acquisitions -- The best news for ecological integrity in the Park this year was the Adirondack Nature Conservancy's purchase of 161,000 acres formerly owned by Finch, Pruyn & Co. This acreage in the central and southern Adirondacks now represents one of the greatest conservation opportunities in North America. We have the chance to gain Forever Wild protection for Boreas Ponds and Mountain, Essex Chain of Lakes, Blue Ledges, OK Slip Falls, Catlin Lake, the Little Great Range, and countless other ecological holdfasts.



The Pine Marten (Martes americana) thrives in old, structurally diverse forests in snowy regions of North America, including the High Peaks and western Adirondacks. Marten are very vulnerable to trapping and could be among the early victims of human-induced warming in our region, as snowpacks diminish. Photo courtesy US Fish and Wildlife Service.

Connectivity – Studies and dialog are under way to protect and restore regional wildways linking the Adirondacks with Tug Hill Plateau, Vermont's Green Mountains, and Ontario's Algonquin Park. The state agencies are beginning to think about habitat connectivity and are inviting input from conservationists to lessen the problems of road-kill and edge effects.

Resurgence – Some of our long-lost animal neighbors are reclaiming their old Adirondack haunts, despite roads, cars, fishing lines, lead sinkers, and poisons. Today the Adirondack wanderer has a good chance of spotting a moose, bald eagle, or peregrine falcon. And as we go to press another cougar report surfaces - of a mother and two kittens crossing an eastern Adirondack road.

Tip of the Hat



The following organizations and companies are among the many who accomplished great things for the Adirondack Park's wild character and ecological integrity this year. Where appropriate, the group's website is listed at the end for those seeking more information.

The **Adirondack Nature Conservancy** climbed way out on a financial limb in June when it agreed to purchase the entire Adirondack land holdings of Finch, Pruyn & Co. for \$110 million. The 161,000-acre purchase involves lands in 31 towns and six counties. It includes such biological and recreational treasures as the Hudson River Gorge, Blue Ledges, OK Slip Falls, Essex Chain of Lakes, Boreas Ponds, a rare alkaline swamp, 90 mountains and 70 lakes and ponds. Sections of the Upper Hudson, Opalescent, Boreas, Branch, Cedar and Indian rivers run through the property. The Conservancy has agreed to pay local property taxes on the land and has agreed to a 20-year contract guaranteeing a steady supply of wood for the Finch paper mill in Glens Falls, which will remain open. (www.nature.org)

In June, the **Open Space Institute** carried out a land swap with Finch, Pruyn & Co. where OSI obtained 1,500 acres of forest on the east side of Santanoni Peak (4,607 ft.) and Bradley Pond in the Town of Newcomb. The lands will be added to the Tahawus Tract purchased by OSI from NL Industries. OSI gave Finch \$90,000 and 2,298 acres of commercial forest adjacent to Finch's timberlands. A state conservation easement was negotiated for the land before it changed hands, to keep it from being developed and lost to timber production. The swap will open more of the expanded Tahawus Tract to public recreation in the southern High Peaks region. (www.osiny.org)

The **Adirondack Harvest** program of farmers' markets and farm stands in Essex, Franklin, Hamilton, and Warren Counties has nearly doubled its sales over the past five years, from \$2.5 million to \$4.7 million. Adirondack Harvest president Tom Both and other organizers created the program to connect local farmers with local grocery stores, restaurants and other food sellers. The idea was to give the struggling farmers an easier-to-reach market, while improving the quality of food available to county residents. (www.adirondackharvest.com)

The founders of the **Adirondack Public Observatory** (APO) said the organization could begin breaking ground on its building site in Tupper Lake by spring of 2008, now that it has purchased the last parcel needed from the Tupper Lake Town Board. The town board approved the observatory's purchase of 2.4 acres on Big Wolf Road during its September meeting, which will be added to the 1.5 acres the group purchased in 2006. The project has broadened in scope from a \$500,000 observatory to a \$6- to \$7-million-dollar project, which will now include a planetarium. (<http://home.adelphia.net/~mstaves/obsindex.htm>)

The **Lake Champlain Basin Program** created a **Boat Launch Stewards** project this summer that sent trained volunteers to public launches at Peru and in the Plattsburgh area to educate boaters on avoiding the spread of invasive species. Power boats traveling from one infected water body to other waters are one of the largest spreaders of invasive species. Boat propellers, trailers and engine cooling water often harbor non-native plants and animals their owners don't recognize or notice. The stewards talk with boaters and show them how to remove unwanted, non-native species from their equipment before entering a new water body. The basin program has identified 48 non-native species living in Lake Champlain. (www.lcbp.org)

Paul Smith's College announced in April that it would purchase wind-power to provide much of its electricity on campus. The college is one of only 14 in the nation to join the US Environmental Protection Agency's Green Power Partnership Program, whose members rely solely on renewable energy. The college expected to purchase about 3,600 megawatt-hours of electricity per year. Using wind power rather than fossil fuels will save 2,500 tons of carbon dioxide emissions per year. Paul Smith's is the only four year college in the Adirondack Park. It has about 1,000 students. (www.paulsmiths.edu)

Johnsburg resident, conservationist and "The End of Nature" author **Bill McKibben** helped to inspire and organize a variety of "Step It Up" global warming protests and demonstrations around the nation and throughout the Adirondack Park in April. Step It Up's goal is to persuade Congress to pass laws mandating an 80 percent cut in carbon dioxide emissions by 2050. (<http://stepitup2007.org>)

The **North Country School** in Lake Placid in March began a transition away from heating its buildings with fuel oil and toward heating with biofuel. Biofuel resembles diesel or home heating oil, but is made from vegetable oil rather than petroleum. Currently, the school is using a 20-percent biofuel/80 percent heating oil mixture, which can be burned without modifications to the existing heating system. School officials said they hope to increase the ratio once they work out some technical details with conversion of the heating system. They are purchasing the biofuel locally, from **Collins Oil** in Bangor, Franklin County. (www.nct.org and www.collinsbiofuel.com)

In order to further protect the watershed of Upper Saranac Lake, the first **Saranac Waterkeeper** was created by the Upper Saranac Lake Foundation. Licensed and approved by the Waterkeeper Alliance, the Saranac Waterkeeper will work with shore owners, state agencies, and the federal government to protect the water quality of the lake. Jill Reymore was hired to fill the position. (www.saranacwaterkeeper.org)

The **Upper Saranac Lake Foundation** has raised and spent \$1.5 million in private funding to hand-harvest Eurasian watermilfoil – an invasive plant species – from the lake using divers. The program has removed 22 tons of the weed from the lake since 2004. (www.uslf.org)

The **Town of Lake Luzerne**, Warren County, installed 4,000 square feet of fabric on the bottom of the lake in June to block sunlight from reaching dense beds of Eurasian watermilfoil. The town is using the non-toxic invasive plant control method to reduce the size and vitality of the plants, making them easier to harvest completely later in the summer. The 111-acre lake has nearly 4 acres covered by non-native milfoil beds. (www.townoflakeluzerne.com)

The **Towns of Inlet and Webb, the Fulton Chain of Lakes Association and the Herkimer County Water Quality Coordinating Committee** are working together to remove Eurasian watermilfoil from the Fulton Chain of Lakes, harvesting milfoil and clearing 80 to 90 percent of the beds in Fifth, Sixth and Seventh Lakes in June. (fultonchainoflakesassociation.org)

The **Chateaugay Lakes Association** announced in August that it would hire divers to battle a Eurasian watermilfoil problem in the lake, rather than seek permission to use toxic chemicals. The association is creating a fund that will be used to carry out the project's goals. (chateaugaylake.com)

2007 Award Winners



Conservationist of the Year Wildlife Conservation Society's Adirondack Program

Since 1895, the Wildlife Conservation Society (WCS) has worked from their Bronx Zoo headquarters to save wildlife and wild lands throughout the world. WCS uniquely combines the resources of wildlife parks in New York with field projects around the globe to inspire care for nature, provide leadership in wildlife research, environmental education, and help sustain the planet's biological diversity.

WCS' Adirondack activities include on-the-ground field research on boreal birds and loons; exploring the ecological value of conservation easements, and understanding the ecological impacts of low density development, to name a few. In addition, WCS has a variety of strong community outreach activities. (www.wcs.org/Adirondacks.)



Brian Houseal, Adirondack Council Executive Director (left) and Board Chair Brian Ruder present Zoe Smith, Director of the Wildlife Conservation Society's Adirondack Program and the Saranac Lake based staff with the Conservationist of the Year Award and the traditional hand-carved loon donated by Adirondack Council member Dr. Robert Poe. (Also pictured to the right of Zoe are WCS staff Dr. Nina Schoch, Leslie Karasin, Amy Sauer, Jerry Jenkins, and Michale Glennon.)



Rick Weyerhaeuser and Peter Stein of Lyme Timber, Co. attended the Adirondack Council's annual Gathering of Friends at Split Rock Lighthouse hosted by Gary Heurich. Lyme Timber was recognized for its sustainable forestry practices within the Adirondack Park. The company's purchases of private forest lands in the Park during the past several years have resulted in Lyme being the largest single private land owner in the six-million-acre Adirondack Park with 360,00 acres. Lyme Timber is a timber management investment organization based in Hanover, New Hampshire.

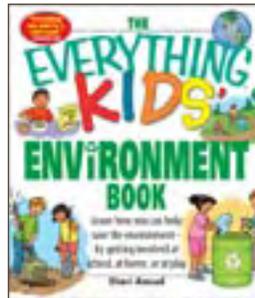
The Adirondack Council offers a small collection of gifts to help raise the funds we need to fight for the Adirondack Park every day. Every gift you purchase...whether it's a Clean Air Certificate to remove a ton of pollution that causes acid rain or our 2008 calendar to remind you of the Park's wilderness and wildlife...helps the Council protect the natural resources of the Adirondack Park.



ADIRONDACK PARK MAP WITH WATERCOLOR ILLUSTRATIONS

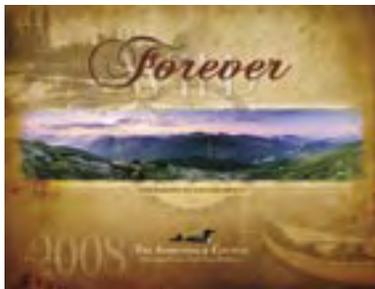
The Adirondack Council has published the 2nd Edition of its popular Adirondack Park map (35" x 43") showing public and private lands, wilderness areas, mountains, rivers, towns and highways. The map is bordered by beautiful, detailed watercolor illustrations by artist Anne Lacy depicting various habitat found in the Adirondacks: alpine meadow, river valley, marsh, bog, river, brook, hardwood forest, lake and boreal forest. Laminated map: \$40 Unlaminated map: \$25

THE EVERYTHING KIDS ENVIRONMENT BOOK



By Sheri Amsel
A book for kids and their parents on how to help save the environment by getting involved at school, home or at play. 130 pages of cool environmental information, activities, experiments and games. Have fun while saving the planet! \$8

ADIRONDACK COUNCIL 2008 FOREVER WILD CALENDAR



Featuring the Adirondack landscape photography of Carl Heilman II, the Adirondack Council's 2008 calendar brings you into the Park with Carl's breathtaking images of the Adirondacks. \$13

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• Make your purchase on our secure website at www.adirondackcouncil.org

• Call toll-free 1.877.873.2240 M-F 8:30 am - 5:30 pm (Visa or Mastercard)

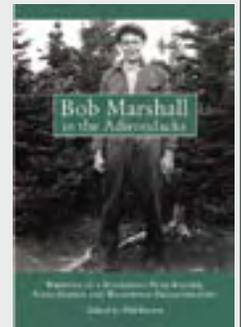
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Additional items are available on our website at www.adirondackcouncil.org

BOB MARSHALL IN THE ADIRONDACKS: Writings of a Pioneering Peak Bagger, Pond-Hopper and Wilderness Preservationist.

Edited by Phil Brown

Bob Marshall in the Adirondacks collects nearly forty writings about the Adirondacks by one of America's greatest champions of wilderness. The writings include numerous accounts of Marshall's pioneering hikes in the High Peaks and of his explorations in the vast wild region south of Cranberry Lake, spirited defenses of the forever wild Forest Preserve, and a charming sketch of guide Herb Clark. Hardcover, 6" x 9", 308 pages, photographs & maps. \$25



CLEAN AIR CERTIFICATE

For each gift of \$50, the Adirondack Council will permanently retire one ton of acid-rain-causing pollution reducing the total amount of acid rain that can fall in the Adirondack Park. The recipient will receive a clean air certificate in their name. \$50

The Adirondack Council

The Adirondack Park is the largest park in the contiguous United States. Its wild, natural beauty is a sanctuary for wildlife and people in today's world. The Adirondack Council is the leading voice for Adirondack conservation. We are showing the world how people and nature can thrive together.

Not a member yet? Join us! Adirondack Council memberships begin at \$35. Membership benefits include regular newsletters, annual bulletins such as this one, special reports on important topics of the day, action alerts and the opportunity to play an active role in protecting the Park's precious natural resources and scenic beauty.

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Where to Find Us

Main Office Albany Office
P.O. Box D-2 342 Hamilton Street
103 Hand Avenue First Floor
Elizabethtown, NY 12932 Albany, NY 12210
(518) 873-2240 (518) 432-1770
(877) 873-2240 toll free (800) 842-PARK
info@adirondackcouncil.org
www.adirondackcouncil.org

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P.O. Box D-2
103 Hand Avenue, Suite 3
Elizabethtown, NY 12932

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