

Adirondack Park Report

by PETER BAUER



This installment of the Adirondack Park Report focuses on the record of Adirondack Park Agency (APA) Chairman Gregory Campbell. It's been two years since Campbell was appointed by Governor George Pataki; two years marked by milestones of controversy.

Gregory Campbell grew up in the Adirondacks, on the northeast edge in Keeseville. He's a stock broker and runs his own business in Plattsburgh. Campbell served as an elected member of the Clinton County Legislature for several years eventually giving up the post to be the Clinton County Republican Party Chairman. Like many upstate county Republican chairs, Campbell was an early supporter of George Pataki in his successful effort to unseat three-term Governor Mario Cuomo in 1994.

During his years as a party chief Campbell worked very closely with Alexander "Sandy" Treadwell, his counterpart in the neighboring Essex County. Treadwell, a man of independent wealth, donated over \$130,000 to the Pataki campaign and was rewarded with the New York Secretary of State post. Treadwell has remained Campbell's strongest supporter in state government. This duo is joined by a third member, Sandra LaBarron, a close friend of Campbell's and formerly of International Paper Company in Ticonderoga, who was named Special Assistant on the Adirondacks to the Commissioner of the Department of Environmental Conservation (DEC). After this trio was put in place they boasted to industry and local government that if there were problems in the Adirondacks, especially with environmental regulations, they would take care of them. They have each tried very hard to fulfill this pledge.

Campbell Previously Supported the Abolition of the APA

For many years Campbell was on the Board of Directors of the (misnamed) Adirondack Conservation Council, a group claiming to speak for all the sportsmen and women in the Adirondacks. This group consistently takes some of the most extreme positions of all the various property rights and anti-environmental groups working in the Adirondacks and New York. At his confirmation before the New York Senate Finance Committee, Campbell

was questioned about how he could lead the APA when he had supported abolishing it. Campbell stated that he didn't support abolishing it, but rather had supported a batch of resolutions issued by the Conservation Council, which included one calling for the abolition of the APA, because the other resolutions had great merit and he supported them. The other resolutions are listed below. Campbell never has explained which of these resolutions had the great merit.

- Abolish the ban on motor vehicles in the Adirondack Park's 16 Wilderness Areas of the Forest Preserve, including areas with old growth forests.
- Phase out the DEC and turn over its functions to the Department of Economic Development (DED).
- Eliminate all attorneys from the APA and DEC.
- Fire roughly 1,500 DEC employees.
- Abolish the Adirondack Park State Land Master Plan.
- Allow and encourage all local governments to condemn and seize the property of all non-religious, tax-exempt non-profits organizations.
- Eliminate nature preserves run by private organizations unless the organization allows unrestricted motorized access, hunting, fishing and snowmobiling.
- Cut state funding for all non-game wildlife programs.
- Eliminate the Department of Parks, Recreation, and Historic Preservation.
- Re-open 400 illegal roadways in the Adirondack Forest Preserve.
- Restrict the Governor's appointments to the APA Board of Commissioners to only those candidates pre-approved by local governments.
- Collect a user-fee for anyone who uses the Forest Preserve (except for hunters and fishermen, who the group claims to represent).
- Abolish the Adirondack Park Agency.

Chairman Campbell was spawned in a political culture that does not believe in wilderness or the "forever wild" protections of the New York State constitution and believes APA regional zoning and planning authority should be dismantled and devolved to the individual towns and villages in the Adirondacks (of which there are 110). He also believes access to forest land is nonexistent unless it's motorized access,

that second-home development expands the local tax base and economy. He supports expanded use of clearcutting and believes people should be basically free to do with their lands whatever they please. Since taking over the APA Chairman Campbell has zealously attempted to set APA management policy according to his beliefs.

The only thing that has protected the Adirondacks over the past two years is that Governor Pataki has personally intervened again and again to overturn Campbell's decisions and straighten things out.

Campbell's Attempts to Expand Clearcutting

On four occasions, Chairman Campbell has sought to expand clearcutting options for timber companies and landowners in the Adirondacks. So far he has not been successful, but he keeps trying. Campbell is seeking to oblige a familiar industry refrain that "We can't cut hard enough when we need to cut." In other words, when market prices for certain tree species are high, the industry wants to capitalize.

What's holding them back is that the Adirondack Park has rigorous clearcut laws. (And yet we have over 2.5 million acres under forest management and seven major paper mills and three major lumber mills, plus dozens of smaller mills.) Under the statute administered by the APA a maximum of 25 acres can be clearcut. More than that requires an APA permit. This is generally considered a land amount far below industry preference. Clearcutting guidelines are also strict for wetlands.

After the July 1995 blowdown that leveled thousands of acres across the Adirondacks, Chairman Campbell rammed through a general permit for clearcutting storm damaged lands. This permit had a loose definition for storm damaged lands, involved no prior identification on the part of landowners of areas damaged, allowed for permanent roads to be constructed through wetlands, and relaxed APA standards for harvesting on slopes and stream corridors. After issues were presented to the Governor's office detailing the illegality of many of these permit conditions, the Governor had the permit held up and then fixed. It was issued several months later.

Since then, Chairman Campbell has attempted to push through special guidelines to expand the practice of shelterwood clearcutting, despite discrepancies with the APA statute. Shelterwood clearcutting is a dubious silvicultural method where all but 20 or so trees over 12 inches in diameter are removed from an acre of land. The remaining trees provide shelter to the seedlings in the years following the initial clearcut. Two or three years hence, after the seedlings reach several feet in height, the shelter trees are removed. Theoretically, this system would allow both complete liquidation of a forest tract, while nurturing regeneration. Critics point out that this method often undermines productive forests of yellow birch, hemlock, and maple because they are replaced by rapidly growing beech and white birch. This method is a long way from an uneven-aged managed forest system.

Under guidelines advanced by Chairman Campbell shelterwood clearcutting would no longer require an APA review and permit. After heavy criticism, the guidelines relaxing APA standards were withdrawn. Chairman Campbell also had these guidelines made part of the APA rules and regulations revision process. This process has divided the APA rules and regulations, the procedures by which APA law is administered (the rules have not been updated since 1981), into four stages for revision. The first stage includes the new relaxed shelterwood clearcut guidelines as well as guidelines for three-acre strip cuts in wetlands.

When it comes to expanding clearcutting in the Adirondacks Chairman Campbell has adopted the motto: "If at first you don't succeed try and try again."

Hostility to Wilderness

Chairman Campbell led a major effort, in partnership with senior administrators at DEC to open up the Forest Preserve trails to all terrain vehicles (ATVs) for use ostensibly by the disabled. Relying on a fundamental misreading of the Americans with Disabilities Act (ADA), these leaders worked closely with the Adirondack Conservation Council and Solidarity Alliance, the most violent of Adirondack property-rights groups, to craft a new policy to open the Forest Preserve to new motorized uses. This

group generated a new policy to expand opportunities for the disabled to use ATVs, what they called "the wheelchair in the woods," on trails throughout the Forest Preserve.

After considerable outcry, the DEC backtracked and created a broad based working group to help generate a new policy on this issue. Chairman Campbell represented the APA. The effort was broken up into two phases: the first dealing with what could be done under existing law; the second dealing with changing the laws. The main laws are the Adirondack Park State Land Master Plan (APSLMP) and the New York State Constitution. Throughout this effort, Chairman Campbell clearly advocated the position of the Adirondack Conservation Council and he refused to allow APA staff to participate, notably the state's one Forest specialist and the legal staff, even going so far as to disavow staff documents on this issue.

For more than a year DEC managed a process with Campbell's support that negotiated a policy rife with contradictions. The draft policy stated it would comply with all existing state laws, yet called for ATVs to be allowed on trails, which the APSLMP clearly prohibits. Campbell's goal throughout was to open up the trails to the Forest Preserve to motor vehicles. In the end this policy was squashed by the new leadership at DEC and a new policy was published that created new opportunities for ATVs on existing roads only.

In January 1996 Campbell invited Town of Warrensburg Supervisor, and long-standing opponent of Adirondack Wilderness, Maynard Baker, to address the APA. Baker is famous for, among other things punching an Earth First! activist who was protesting the failure of DEC to close the Crane Pond Road in the Pharaoh Mountain Wilderness Area as well as a number of run-ins with DEC conservation officers. In front of the APA, Baker called on the APA to allow float planes to fly into lakes in Wilderness Areas, despite the fact that the Court of Appeals, New York's highest court, had ruled years earlier that float planes are prohibited from wilderness areas. In these court cases, the state was represented by the Attorney General. Here Campbell showed his true colors. Baker's presentation was yet another embarrassment for the Campbell APA.

Trashing the Adirondacks

One of his first acts as Chairman was to do an end-around a 1992 APA resolution against the importation of garbage into the Adirondack Park. Campbell sought to help Essex County sell its publicly owned landfill to a private company that wants to import over 150,000 tons annually into the Adirondack Park. After the resolution passed, and Essex County resolved to sell its landfill to this private company (and had begun leasing the landfill to the company), the APA claimed it did not have jurisdiction over the project. After an embarrassing story in the *New York Times*, Governor Pataki intervened to ensure the APA and DEC would properly review this project. In February of 1996, the APA asserted jurisdiction over this project.

Wilderness or bonky tonk? Whither the Adirondacks under APA Chairman Campbell and New York Governor Pataki. Photo of Old Forge development in the Adirondack Park © John McKeith.

Keep Out the Public

Chairman Campbell has consistently been hostile to public participation in APA policy making or review of projects despite a law that clearly provides the public such roles. One of his first actions as Chairman was to accept, after much resistance, a local law passed by the Town of North Elba that automatically refers all local commercial projects over 45,000 square feet to the APA. There had been existing precedent for the APA to accept such referrals, yet Campbell balked until he was ordered to accept the project.

The impetus for the project in North Elba, which includes the Village of Lake Placid, was an application to build a Wal-Mart there. Upon accepting the referral, Chairman Campbell stated that this action should not be mistaken as the APA rejecting a Wal-Mart in Lake Placid.

Chairman Campbell has also fought against sending projects to public hearing, arguing that they are an unfair burden on the applicant. The APA has fairly tight guidelines about what constitutes the need for a public hearing. Despite this Campbell has always argued against them in favor of a less formal process, one that removes power from the public and intervenors.

One area where Mr. Campbell courted the public was in designing a Technical Advisory List (TAL) to provide feedback and comments on the APA rules and regulations revision process. Here Mr. Campbell has heavily stacked the field of 25 groups with those who have had a historic opposition to the mission and statute of the APA. With few exceptions the TAL read like a *Who's Who of APA Bashers*. This gravely imperils the veracity of the rules and regulations revision process and could very well undermine the integrity of the final product.

Abandoning Established Precedent

Along with his support for relaxed

clearcutting standards, hostility to wilderness, and opposition to an APA resolution against the importation of garbage into the Adirondacks, Campbell has assiduously worked to gut APA precedent in other areas.

Most notably, in 1996 the APA refused to enforce a permit condition from a 1991 APA subdivision permit that mandated the Whitney family would have to complete a master plan for their entire 51,288-acre tract before any more subdivision permits would be issued. The APA approved the 1996 subdivision without requiring a master plan.

Additionally, the APA set aside a 1992 APA resolution against the use of raised-fill septic systems. This resolution was designed to protect water quality by eliminating the construction of systems most prone to failure. Raised-fill systems are those systems constructed in areas where the existing soils either fail to support septic systems because the percolate too fast or there's not enough soil before hitting bedrock. In these situations new soil is imported to the site. These highly engineered systems fail. Under Campbell they have been approved in permits and new town plans have also included them.

Over the past number of years after-the-fact permits (ATF) were used sparingly in an effort to bring inadvertent violations into compliance. Now they're being used to approve projects that don't comply with APA law. About 30-percent of all permits issued by the APA now are ATF permits.

Disembowel the APA Through Staff Reductions

In his first budget sent down to Albany, Chairman Campbell sought to cut the APA staff—56 people work at the agency—by 25 percent. Drastic cuts for a small, bare-bones agency. During deliberations over this budget, the Chairman created a new position of Deputy Director and hired Karyn Richards formerly of DEC. Richards

has served largely as Campbell's eyes and ears in the APA. After considerable outcry and lobbying, the staff positions were restored. To the end, Campbell insisted the staff cuts were justified and the APA could function fine with fewer staff.

Governor Pataki Continues to Support Campbell

How long will Governor Pataki continue to support the James Watt of the Adirondacks? While in recent months the Governor's press office has made bland statements about the need to support both the environment and economy of the Adirondacks, there have been no statements of support for Campbell. There are benefits to the Governor for keeping Campbell around. He's a lightning rod who receives the criticism, while the Governor is generally praised for reigning him in. Governor Pataki receives favorable press when he plays the role of environmental hero and overturns a Campbell decision. Keeping Campbell around ensures favorable press.

But things may have reached a new level of embarrassment—for the Governor. After intense criticism of Campbell's over shelterwood clearcutting, Campbell sought to change the official minutes of an APA meeting to reflect a position that he never supported them advancing. The New York Inspector General's office is investigating the Chairman's actions.

A coalition of environmental groups has called for Campbell to be replaced, yet the Governor has refused to budge or even meet with environmental groups. This seems to be a situation that works favorably for the Governor, though to the detriment of the Adirondack Park.

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