

STATE OF NEW YORK  
SUPREME COURT

ALBANY COUNTY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC., SIERRA  
CLUB, PHYLLIS THOMPSON, ROBERT HARRISON,  
and LESLIE HARRISON,

Petitioners,

for a Judgment Pursuant to  
CPLR Article 78

-against-

ADIRONDACK PARK AGENCY, NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
PRESERVE ASSOCIATES, LLC, BIG TUPPER, LLC,  
TUPPER LAKE BOAT CLUB, LLC, OVAL WOOD DISH  
LIQUIDATING TRUST and NANCY HULL GODSHALL,  
as Trustee of OVAL WOOD DISH LIQUIDATING  
TRUST,

Respondents.

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STATE OF NEW YORK    )  
                                  )SS.:  
COUNTY OF ALBANY    )

Roger Downs, being duly sworn, deposes and says that:

1. I am a Chapter Conservation Director employed by Sierra Club, a Petitioner in the above-entitled proceeding. I make this affidavit in support of the Petition asking the Court to annul the January 20, 2012 decision by respondent Adirondack Park Agency ("APA") which approved a permit application by Preserve Associates, LLC ("Applicant") for the construction of the "Adirondack Club & Resort" ("ACR") project in the Town of Tupper Lake, Franklin County, New York (the "Project") pursuant to the

Adirondack Park Agency Act, Executive Law Article 27, §§ 800, et seq. (the "APA Act") and other applicable laws.

2. The causes of action in the Petition are in alignment with Sierra Club's long-standing dedication to protecting the public and private lands of the Adirondack Park for their natural resource values and for their use and enjoyment by Sierra Club's members.

3. As of the date of the filing of the Petition, Petitioner Phyllis Thompson was a member of Sierra Club. The Respondents have not challenged her standing as a party to this proceeding.<sup>1</sup> As can be seen in her affidavit, which is attached as **Exhibit A**, she will be injured by the ACR project in a manner different from the public at large.

4. As of the date of the filing of the Petition, Robert Harrison was a member of Sierra Club. The Respondents have not challenged his standing as a party to this proceeding.<sup>2</sup> Robert Harrison, and his wife Leslie Harrison, are the owners of residential real property consisting of an island in Tupper Lake,

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<sup>1</sup> Phyllis Thompson was granted party status in the APA adjudicatory hearing on the ACR Project. ALJ's Ruling on Party Status, February 14, 2008; available at: <http://www.dec.ny.gov/hearings/42064.html>.

<sup>2</sup> Despite the fact that the Applicant was no longer proposing the shooting school, the Harrisons were still granted party status in the APA adjudicatory hearing on the ACR Project because they have "a material social, economic and environmental interest that would be affected by the [ACR Project]." Id.

which has a direct view of the ACR Project. Petition, ¶ 24. They draw water from the lake for domestic use and regularly recreate on the lake. See id. They also use the State Boat Launch for access to their property. See id. Robert and his wife will be injured by the ACR project in a manner different from the public at large.

5. "The purposes of the Sierra Club are [t]o explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives." Sierra Club, Bylaws & Standing Rules of the Sierra Club, Bylaws 2.2 (October 21, 2011).<sup>3</sup>

6. Since 1968, protecting the Adirondack Park has been one of Sierra Club's national priorities. Sierra Club's members, from all over the world, regularly use the Adirondack Park for recreational purposes such as hiking, camping, canoeing, kayaking, mountain climbing, skiing, cross-country skiing and snowshoeing.

7. Contrary to the claims of the Applicant (Applicant's Answer, p. 17) the Atlantic Chapter of Sierra Club, which has

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<sup>3</sup> A copy of this portion of the Bylaws & Standing Rules of the Sierra Club is attached hereto as **Exhibit B**.

over 35,000 members, is not a separate legal entity. The Atlantic Chapter and the national Sierra Club are the same legal entity.<sup>4</sup> There is only one "legally recognized corporate entity of the Club." Sierra Club, Bylaws & Standing Rules of the Sierra Club, SR. 1.1.1 (October 21, 2011).<sup>5</sup> "All Club chapters, groups, committees, teams, and task forces are subunits of the Club." Id. Therefore, although local chapters, like the Atlantic Chapter, are recognized units for decision-making within the Club, as a formal matter they are not separate corporations.

8. The Atlantic Chapter provides regional representation and organization within the Club, as well as opportunities for local outings and activism on state and local issues. Most of the Atlantic Chapter's members are New York taxpayers who contribute towards the acquisition and management of Forest Preserve lands, and conservation easement lands, in the Adirondack Park.

9. The Adirondack Committee of the Atlantic Chapter of Sierra Club was formed in 1972 for the specific purpose of working to protect the wild, scenic and open space lands of the Adirondack Park.

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<sup>4</sup> Because Sierra Club (including its chapters) conducts lobbying activities it is an Internal Revenue Code § 504(c)(4), not § 504(c)(3), organization, but it is still tax-exempt. A copy of a letter from the IRS regarding Sierra Club's tax-exempt status is attached hereto as **Exhibit C**.

<sup>5</sup> A copy of this portion of the Bylaws & Standing Rules of the Sierra Club is attached hereto as Exhibit B.

10. The Adirondack Committee was instrumental in the creation of the APA itself, and in the creation of the Adirondack State Land Master Plan, as well as the Adirondack Park Land Use and Development Plan, which governs the privately-owned portions of the Adirondack Park.

11. Sierra Club, often through the Adirondack Committee, works tirelessly to ensure that the Adirondack Park is properly managed and protected.

12. Prior to the 1980 Winter Olympics, Sierra Club successfully fought to stop the development of a four-lane highway from the Northway to Lake Placid. The Adirondack Committee still holds an annual clean-up of a section of that roadway every year.

13. More recently, Sierra Club brought a lawsuit against the APA regarding its approval of the Stickney Point subdivision.

14. In 2004, the Atlantic Chapter of Sierra Club submitted extensive comments on the Department of Environmental Conservation's ("DEC") proposed snowmobile plan for the Adirondack Park.

15. In 2000, Sierra Club launched the "Great Oswegatchie Canoe Wilderness" campaign to advocate for the designation by DEC of a 400,000-acre wilderness area in the western Adirondacks.

16. In 1998, Sierra Club successfully opposed approval by APA of a maximum security prison proposed for the hamlet of Tupper Lake.

17. In 1997, Sierra Club Adirondack Committee initiated the successful "Save Whitney Park" campaign which resulted in New York State's purchase of 15,000 acres surrounding Little Tupper Lake, and the creation of the William C. Whitney Wilderness.

18. In 1994, Sierra Club Adirondack Committee applied to participate in, and was approved for, a New York State Department of Transportation Adopt-A-Highway project along Route 73 at the Cascade Lakes, Town of Keene, because of concern over degradation of the lakes along this stretch of highway. Sierra Club members continue to conduct twice yearly highway clean-ups.

19. Sierra Club provided support and promoted fundraising for the newly developed Natural History Museum of the Adirondacks (The Wild Center) as appropriate development within the Tupper Lake hamlet area in the Adirondacks.

20. Finally, Petitioner Sierra Club participated in the legislative hearing phase of the review of the ACR Project. This participation included the Atlantic Chapter's written comments that "support[ed] the core concept of revitalizing the Big Tupper ski area," but "oppose[d] development in the proposed project lands classified as 'resource management' under the APA Act." A copy of Sierra Club's letter is attached hereto as **Exhibit D**.

21. Since the Atlantic Chapter is not a separate legal entity, the letter was correspondence from Sierra Club to APA. See Sierra Club, Bylaws & Standing Rules of the Sierra Club, SR. 1.1.1 (October 21, 2011).

22. In conclusion, Sierra Club, as an organization dedicated to protecting wild places, is a Petitioner in this matter because the Petition asserts causes of action that are at the heart of Sierra Club's interest in ensuring the proper management of the Adirondack Park.

  
\_\_\_\_\_  
Roger Downs

Sworn to before me this 14<sup>th</sup>  
day of June, 2012.

  
\_\_\_\_\_  
NOTARY PUBLIC

**STEPHEN F. DOWNS**  
Notary Public, State of New York  
Qualified in Albany County  
No. 4682086  
Commission Expires November 30, 20 12

## **EXHIBIT “A”**



STATE OF NEW YORK  
SUPREME COURT

ALBANY COUNTY

In the Matter of the Application of  
PROTECT THE ADIRONDACKS! INC., SIERRA  
CLUB, PHYLLIS THOMPSON, ROBERT HARRISON,  
and LESLIE HARRISON,

**AFFIDAVIT OF  
PHYLLIS B. THOMPSON**

**INDEX NO. 1682-12**

Petitioners,

for a Judgment Pursuant to  
CPLR Article 78

-against-

ADIRONDACK PARK AGENCY, NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
PRESERVE ASSOCIATES, LLC, BIG TUPPER, LLC,  
TUPPER LAKE BOAT CLUB, LLC, OVAL WOOD DISH  
LIQUIDATING TRUST and NANCY HULL GODSHALL,  
as Trustee of OVAL WOOD DISH LIQUIDATING  
TRUST,

Respondents.

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STATE OF NEW YORK     )  
                                  )SS.:  
COUNTY OF FRANKLIN    )

Phyllis B. Thompson, presently residing at Tupper Lake, New York, being duly sworn, deposes and says that:

1. I am a Petitioner in the above-entitled proceeding. I make this affidavit in support of the Petition asking the Court to annul the January 20, 2012 decision by respondent Adirondack Park Agency ("APA") which approved a permit application by Preserve Associates, LLC ("Applicant") for the construction of the "Adirondack Club & Resort" ("ACR") project in the Town of Tupper Lake, Franklin County, New York (the "Project") pursuant

to the Adirondack Park Agency Act, Executive Law Article 27, §§ 800, et seq. (the "APA Act") and other applicable laws.

2. I have standing to challenge the APA's decision because I purchased property that is adjacent to the ACR project. The property is now held in a trust, of which I am the sole trustee. My sister and I are beneficiaries of the trust. Our children also have an interest in the trust. Our use and enjoyment of the property, which we call Camp Everwild, will be injured by the ACR project in a manner different from the public at large.

3. Camp Everwild is a rustic vacation residence that my whole extended family uses. It includes lot # 40, 41, 42, 43, 44, 46, 47, and 48. The property is on the eastern and western shores of the South Bay of Lake Simond. The eastern half of Camp Everwild is currently accessible only by boat.

4. We use Camp Everwild for almost four months a year. During my use of the property in the summers, from late May to mid September, I enjoy birdwatching, paddling, sailing, boating, swimming, and hiking at Camp Everwild. We have no electricity, and I enjoy looking at the Milky Way at night. We also use the property for day trips on Thanksgiving and in February.

5. The ACR project site adjoins Camp Everwild to the east, south, and west.

6. To maintain the wild character of the community, The Nature Conservancy was granted a conservation easement over Camp

Everwild and the other camp in the South Bay, the Orton Camp. The wild character of the property is invaluable to us.

7. The owner of any of the lots in Camp Everwild or the Orton Camp must obey the eight (8) covenants and prohibited activities listed in the documents. The restrictions on the properties are extensive. In summary form, they are: 1) no building, camping, fences, etc.; 2) no filling, mining, drilling, excavating, etc.; 3) no cutting of trees or use for farming or grazing; 4) no alteration to topography; 5) no activity detrimental to drainage, water conservation, soil conservation, fish, wildlife or habitat preservation, etc.; 6) no operation of snowmobiles, dune-buggies, motorcycles, all-terrain vehicles, or other loud, destructive or offensive recreational vehicles; 7) no hunting or fishing; 8) no introduction and maintenance of shoreline intrusions such as additional docks, boat landings, launching sites, etc. or other activities that would alter the natural flow, depth or condition of South Bay or pollute it. The addition of buildings is also extremely limited. Camp Everwild and the Orton camp would each only be permitted to construct one more, and only one more, building on their properties, and no more docks on the properties.

8. In contrast, the ACR project will not enhance the wilderness qualities, natural resources or proper forest management of its lands. Instead, thousands of acres of

commercial timberlands will be removed from production, and the remaining lands where forestry might continue will not be managed under a comprehensive forestry management plan. The ACR is not a desirable neighbor, and its presence detracts from the enjoyment of Camp Everwild and the value of Camp Everwild.

9. Furthermore, the design of the so-called "Great Camps" in the ACR project will negatively impact the tranquility of the South Bay and Camp Everwild. The building site for one of the great camp lots is very close to the Camp Everwild property line and will be directly behind the buildings of Camp Everwild. Noise from cars, recreational vehicles, televisions, and radios in the great camp will be audible at Camp Everwild. On the other hand, Camp Everwild would not intrude on the great camp because the buildings have no road access and no electricity, hence no noise from cars, recreational vehicles, televisions, radios, etc.

10. The ACR project will significantly change the character of the neighborhood, irreparably damaging its current wild surroundings and quiet seclusion by adding luxury great camps to the properties adjacent to Camp Everwild. The injury to me will be different than the injuries caused by the ACR project on the public at large because the ACR project is directly adjacent to Camp Everwild.

### **Impact on water quality**

11. Camp Everwild draws its drinking water from a hillside stream which could be contaminated from stormwater and wastewater from the construction of roads and buildings uphill from and behind Camp Everwild. My property is downhill towards the lake from the proposed great camps, and I am concerned about the effects of runoff from the great camps on the water quality of the stream and Lake Simond. The development plans also include the construction of a road behind my camp, which may also increase runoff into Lake Simond. I am also concerned about runoff from these sources onto my property.

12. Our household water is taken directly from Lake Simond. The water quality of Lake Simond around my property is also likely to be affected by runoff from the great camps and the road.

13. This injury is different in kind from the injuries to water quality faced by public at large because I am one of the few individuals who draw water from the lake instead of a private well. Most residents in other parts of the Town of Tupper Lake use municipal water or a well or another water body.

### **Impact of increased traffic on Lake Simond Road**

14. Access to Camp Everwild is by car to the west shoreline of the South Bay of Lake Simond, in part on a private road, then by boat to the buildings on the east shoreline. The increased traffic on this narrow, hilly, and winding road will make access more difficult.

15. The eastern part of Camp Everwild has no roads at all nearby. Because only part of the property is currently accessible by road, there is rarely any noise from traffic on the west side of Camp Everwild and no noise from traffic on the east side of the camp. The ACR project will extend Lake Simond Road around behind my property and along the eastern side of Lake Simond.

16. My enjoyment of my property will be diminished because of the noise from the extension of Lake Simond Road onto property behind Camp Everwild. This injury is different in kind and in magnitude from slight increases in traffic which may be faced by the public at large because the road will be the first infringement by a road on the peace and solitude of the east side of Lake Simond, and the road will be built on property adjacent to the Camp Everwild property.

## History of Involvement

17. I was a Petitioner in Matter of Association for Protection of Adirondacks Inc. v. Town Bd. of Town of Tupper Lake wherein I, along with Petitioner PROTECT's two predecessor organizations and 36 other adjoining or nearby property owners, filed suit against the Town of Tupper Lake and other parties challenging the Town's rezoning to facilitate the ACR Project. 17 M.3d 1122[A] (2007). Upon a challenge to our standing to sue, the Court ruled that I, along with the other landowners, had standing to sue because there was "sufficient potential harm" to us from the proposed ACR Project. Id. at \*3.

18. I was also a party as-of-right in the APA adjudicatory hearing on the ACR Project, pursuant to 9 NYCRR § 580.5.<sup>1</sup>

19. I actively participated in all phases of the hearing, including submitting letters, attending pre-hearing proceedings, participating in preliminary conferences, examining witnesses, filing briefs, and testifying as a witness (Tr. 4449).<sup>2</sup>

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<sup>1</sup> ALJ's Ruling on Party Status, February 14, 2008; <http://www.dec.ny.gov/hearings/42064.html>.

<sup>2</sup> "Tr. \_\_\_" is a reference to a page of the transcript of the adjudicatory hearing.

**Conclusion**

20. In conclusion, I have standing to challenge the APA's approval of the ACR project near my property because it will change the character of the community, increase noise on my property, and affect the water quality of my drinking water in a manner different in kind and magnitude from the public at large.

21. I am a member of Petitioners Protect the Adirondacks! Inc.<sup>3</sup> and Sierra Club. These organizations are devoted to the protection of the environment and character of the Adirondacks. They also represent my interests in protecting the character of my community by opposing the ACR project.

22. Therefore, Protect the Adirondacks! Inc. and Sierra Club also have standing to challenge the APA's approval of the ACR project because they are environmental organizations which represent my interests in opposing the ACR project.

*Phyllis B. Thompson*  
Phyllis B. Thompson

Sworn to before me this 14TH  
day of June, 2012.

*Robert J. Guiney*  
\_\_\_\_\_  
NOTARY PUBLIC

ROBERT J. GUINEY  
Notary Public, State of New York  
#01GU6008166  
Qualified in Franklin County  
My Commission Expires June 8, 2014

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<sup>3</sup> I was also a member of PROTECT's two predecessor organizations, Residents' Committee to Protect the Adirondacks and The Association for the Protection of the Adirondacks.



## **EXHIBIT “B”**

Revision: October 21, 2011

## **BYLAWS & STANDING RULES OF THE SIERRA CLUB**

[The current Bylaws are given in **boldface** flush left. They were amended and approved by the membership, April 11, 1981; the numbers in brackets – for example, [5130] – at the end of a Bylaws paragraph reference the relevant sections of the California Nonprofit Corporation Law. Standing Rules are indicated by SR and are in regular type indented.]

### **SR. 0.1.1: Purpose**

These Standing Rules relate to the Club Bylaws. The only membership rights of Club members are the rights specifically provided by the Articles, Bylaws and the Corporation Law. Standing Rules shall be adopted, amended, or repealed by resolution of the Board. As applied to Club employees, the Club's employment policies supersede these Standing Rules in the event of any inconsistencies between them and these Standing Rules.

Adopted 11/21-22/81; amended 05/19-20/06, 02/24/07

### **SR. 0.1.2: Defined Terms**

As used in these Standing Rules, the following terms are defined as follows:

“Board” shall mean the Board of Directors of the Club.

“Club” shall mean the Sierra Club.

“Club Council” shall mean the Club's Council of Club Leaders.

“Corporation Law” shall mean the California Nonprofit Public Benefit Corporation law.

“Executive Committee” shall mean the Executive Committee of the Board.

Adopted 05/19-20/06; revised 05/16/08

## **Bylaw 1: NAME**

### **1.1. The name of this corporation shall be the SIERRA CLUB.**

#### **SR. 1.1.1: One Corporation**

The Club, incorporated in the State of California as a Nonprofit Public Benefit Corporation, is the only legally recognized corporate entity of the Club in the United States. All Club chapters, groups, committees, teams, and task forces are subunits of the Club and cannot enter into legal actions without the permission of the Board or those to whom the Board has delegated authority to grant such permission.

Adopted 11/20-21/82; amended 09/19-20/03, 05/19-20/06, 02/24/07,  
05/16/08

## **Bylaw 2: PURPOSES**

**2.1. The Sierra Club is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the California Nonprofit Public Benefit Corporation Law for public and charitable purposes. [5130]**

**2.2. The purposes of the Sierra Club are**

**To explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.**

### **SR. 2.2.1: Civil Disobedience**

(a) The Club will not encourage, request or direct any person to violate the law. No chapter, group, or other entity of the Club shall encourage, request or direct any person to violate the law.

(b) The Club recognizes that it cannot control the private actions of its members, and in particular cannot prevent its members from engaging in acts of civil disobedience. However, no member of the Club is authorized to use, display, or invoke the Club's name or logo (including the name of any chapter, group, or other entity of the Club) in connection with committing, or encouraging, requesting or directing any other person to commit, any violation of the law.

(c) The Club recognizes that some of its members have become closely identified with the Club in the minds of the public. The mere involvement of such members, either individually or collectively, in an act of civil disobedience or other violation of law, without any effort on their part to use, display, or invoke the Club's name, or logo in connection with that act, shall not be deemed a violation of this Standing Rule. Members shall take all reasonable precautions to avoid confusion over whether the Club is involved in such acts.

(d) If an act or acts of civil disobedience or other violation of the law have taken place, the Club or any chapter, group, or other entity of the Club may publish a factually accurate report thereof, regardless of whether any member of the Club participated in such acts, so long as the report does not approve of such acts or advocate similar acts, and so long as the report does not refer to the Sierra Club affiliation of any person involved in such acts.

Resolution of 11/15/92; amended and adopted as a SR. 05/2/93;  
amended 05/19-20/06, 02/24/07

## **EXHIBIT “C”**

This letter verifies that the Sierra Club is a tax-exempt organization. It is useful to Chapters and Groups applying for mailing permits, opening checking and savings accounts (banks may waive service fees to tax-exempt organizations), and procuring sales tax permits.



P O Box 36040, San Francisco, Calif. 94102

**US Treasury Department**

**District Director  
Internal Revenue Service**

Date

In reply refer to: JCB:5102

December 23, 1968 L-179, Code 414

Sierra Club  
1050 Mills Tower  
San Francisco, California 94104

L. R. Code: Section 501(c) ( 4 )  
Address inquiries and File Returns with District  
Director of Internal Revenue:  
Accounting Period Endings

San Francisco, California  
December 31

Gentlemen:

SF:EO:68-765

On the basis of your stated purposes and the understanding that your operations will continue as evidenced to date or will conform to those proposed in your ruling application, we have concluded that you are exempt from Federal income tax under the provisions of the Internal Revenue Code section indicated above. Any changes in operations from those described, or in your character or purposes, must be reported immediately to your District Director for consideration of their effect upon your exempt status. You must also report any change in your name or address.

You are not required to file Federal income tax returns so long as you retain an exempt status, unless you are subject to the tax on unrelated business income imposed by section 511 of the Code, in which event you are required to file Form 990-T. You are required to file an information return, Form 990, annually on or before the 15th day of the fifth month after the close of your annual accounting period indicated above.

You are liable for the taxes imposed under the Federal Insurance Contributions Act (social security taxes); and for the tax imposed under the Federal Unemployment Tax Act if you have four or more individuals in your employ.

Any questions concerning excise, employment or other Federal taxes should be submitted to this office.

This is a determination letter.

Very truly yours,

*Joseph M. Cullen*

Joseph M. Cullen  
District Director

cc: Gary J. Torre, Attorney

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**EXHIBIT “D”**



Members of the Board of the Commissioners  
Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977

Re: Adirondack Park Agency Legislative Public Hearing, March 16, 2011  
Project No. 2005-100, Adirondack Club & Resort

Dear Members of The Board of Commissioners:

The Sierra Club Adirondack Committee supports proposals for economic development in the Village of Tupper Lake, which meet the environmental standards set forth in the Adirondack Park Agency Act. For example, the Sierra Club was an early supporter of and contributor to the Wild Center of the Natural History Museum of the Adirondacks when it was in its early conceptual stages, before there was general interest in the project, because it stringently addressed environmental impacts and was located in appropriately classified lands under the APA Act.

In the case of the proposed Adirondack Club and Resort project, the Sierra Club supports the core concept of revitalizing the Big Tupper ski area and the lands classified as intensive use in the immediate vicinity of the ski resort, as a means of providing an economic stimulus to the region. However, the Sierra Club opposes development in the proposed project lands classified as "resource management" under the APA Act.

The APA Act defines resource management lands as follows:

***"Resource management areas.***

*(1) Character description. Resource management areas, delineated in green on the plan map, are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations.*

*(2) Purposes, policies and objectives. The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park."*

It is of great concern that in the past decade the APA has made a very significant shift away from exercising its mandate to protect resource management lands as "open space resources", as defined under the APA Act. There are at least four examples in the recent past in which the APA has approved very large housing developments in resource management lands, rather than challenging the project applicant to revise the proposed projects to protect the open space

character of these lands.

The APA cannot look at this myriad of project proposals in the vacuum of the single application. It is the Agency's responsibility to continuously assess the cumulative impact of all projects, past, present and future. The often-used adage is accurate: the relentless aggregation of development projects is 'death by a thousand cuts' to the open space character of the park. The APA must use its authority to protect lands classified as resource management, as envisioned by the APA Act.

In addition, in view of the overwhelming evidence of the ability of forest lands to counteract the impacts of CO2 induced global-warming, the Agency has even more responsibility to protect the forest resources of these unique lands. New studies have recently shown that old-growth temperate forests, such as some in the U.S. and Australia, store more carbon per acre than any other kind of forest in the world.

To our north, the government of the province of Quebec announced that it will protect 50% of its northern area from all industrial activity. This means that an area of 500 000 sq km (193,000 sq miles or 123 million acres) will be protected for the benefit of nature and traditional aboriginal activities, such as subsistence hunting.

In an even larger context, a recent United Nations international program, Reducing Emissions from Deforestation and Forest Degradation (REDD) has created a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions by protecting forested lands.

The Adirondack Park Agency has a responsibility in the context of our larger shared environment to use all the tools available to it to protect the open space lands and clean waters of the Adirondack Park. We urge you to ensure that the resource management lands in Project 2005-100 are given the open space protections afforded under the APA Act.

Sincerely,

A handwritten signature in cursive script that reads "Roger Downs".

Roger Downs  
Conservation Program Manager  
Sierra Club Atlantic Chapter

cc:

Mitchell Goroski, Senior Attorney  
Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977