

Tupper Lake NY - The Adirondack Club and Resort
And
“The Great Adirondack Debate”



“Tupper Lake has become a flashpoint for the Great Adirondack Debate”
-Jim LaValley, Tupper Lake resident

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1. Executive Summary

The recent approval of the Adirondack Club and Resort in Tupper Lake, New York by the Adirondack Park Agency (APA) provides a fascinating case study for numerous environmental, ecological, economic, and governmental reasons. The Big Tupper Ski Area originally opened for the 1960-61 ski season and was a successful asset to residents, tourists, and the Adirondack economy for many years until 2000 when it closed due to bankruptcy (Collier, 2011). After 10 years of closing, Big Tupper reopened as a small scale community supported ski area in 2010 with support from ARISE (Adirondack Residents Intent on Saving Their Economy). This organization was founded by Jim LaValley, a Tupper Lake real estate agent, and the two main developers for the Adirondack Club and Resort (ACR), Tom Lawson and Michael Foxman. Since 2010, Big Tupper has been managed under a nonprofit system and has gained tremendous community support, volunteer involvement, and excitement from the Tupper Lake and greater Adirondack community. Despite the revival of the Big Tupper Ski Area, it is currently the site of a contentious battle between environmentalists, developers, and local governments concerned with the further development of the ski area.

The ACR which was proposed initially in October 2004 by the Preserve Associates, a development agency led by the Pennsylvania attorney Michael Foxman and Tupper Lake resident Tom Lawson, was recently approved on January 20th 2012 after nearly a decade of debate. The ACR has been an exceedingly controversial proposal and represents the largest development project ever approved by the APA. The development comprises a 719-unit resort across 6,300 acres of forestland surrounding the Big Tupper Ski Area, and will include Great Camps, single-family homes, town houses, a sixty room hotel, restaurants, stores, exercise

facilities, a health spa, a marina, Nordic ski trails, renovations to the pre-existing golf course, and will restore and expand upon the Big Tupper Ski area on Mt. Morris (Foxman, 2012).

Many Adirondack residents, business owners, and tourists are excited for the ACR, to restore economic vitality in the once booming but currently severely depressed town of Tupper Lake. Unemployment rates are currently 9.3%, the population size has decreased by over 22% since 1990, and the per capita income is drastically lower than the US average at \$22,304 (Sperling's, 2012). The project will supposedly create nearly 550 jobs and increase the tax base substantially, which would revitalize the town's economy by supporting new business and commerce opportunities (Foxman, 2012).

Consequently many environmentalists, non-profits, and NGO's including Adirondack Wild, Protect the Adirondacks!, Adirondack Council, and the Wildlife Conservation Society, have criticized the ACR. Many claim that the size and extent of the developments is simply too large, and that the developers are principally concerned with obtaining profit from the expensive great camp lots, and are not committed to restore economic welfare to the Tupper Lake community as the Preserve Associates claim (Caffry, 2012). Ecological concerns regarding wildlife, habitat destruction, steep slope development, habitat fragmentation, and the degradation of resource management lands have been largely ignored, and the degree of ecological surveying by the developers reaches the bare minimum established by the APA's regulations according to Dan Plumley, a partner for Adirondack Wild (Plumley, 2012). Also the lack of adequate land planning without sufficient real estate clustering has inspired many environmental oppositions and lawsuits against the APA. The APA since its creation in 1971 has struggled with balancing development and conservation interests, and the ACR represents the largest and one of the most contentious development projects ever approved in the history of the Adirondack State Park.

Through an extensive interview process with various stakeholders which included developers, Adirondack Park residents, state governing bodies, third party interest groups, and New York State citizens we obtained important information regarding the APA's regulatory process, detrimental environmental impact of the 6,300 acre development, and the long term economic viability of the ACR. We found that the "functional wildlife assessment" completed by the LA group and the lack of adequate planning on natural resource management lands (RM) was inconsistent with current APA guidelines (Appendix A). Also the economic impact of this project would create employment opportunities; however the majority will be low-paying jobs contracted outside the park. Additionally the overall scale of project, stagnant real-estate market, and lofty financial projections are disconcerting and unrealistic. The ACR will undoubtedly set precedence for future development in the Adirondack State Park. Therefore we recommend that specific APA guidelines must be amended to ensure that a similar development would never be approved without sufficient ecological and economic assessment.

2. Problem Definition

From a conservation biology perspective, the APA's recent approval of the ACR is problematic for a variety of ecological, economic, and governmental reasons. We will begin by outlining the history and timeline of the Adirondack Club and Resort, since it was first proposed by Michael Foxman and Tom Lawson's under the Preserve Associates and highlight contentious debates between stakeholders. A thorough analysis of the ecological concerns will be addressed, which include habitat destruction, habitat fragmentation, watershed impact, and lack of adequate ecological surveying.

An important concern is that the economic climate of Tupper Lake is failing and overdue for revival. Unfortunately, the overall population has reduced by one fifth since 1950, which is consistent with the majority of towns and villages throughout the Adirondacks (Foderaro, 2012). And within the past 10 years the village saw a 6.8% (268 people) population decline and the town population decreased by 2.7% (166 people). Current unemployment rates are currently 9.3%, and the per capita income is drastically lower than the US average of \$27,067 at \$22,304 respectively (Voorhis, 2011). As unemployment rises and income per capita falls, the ACR could be an excellent opportunity for the revitalization of Tupper Lake into a world class vacation destination.

Many developers and town officials view the ACR as an exceptional opportunity to restore economic vitality. However, the faulty planning, limited funding by Preserve Associates, and pessimistic outlooks by several economists who spoke at the ACR testimony are all important concerns that must be addressed. We will use varying economic perspectives to understand how beneficial this development will actually be for the Tupper Lake Community.

This project reflects the difficulty of attempting to organize a development that balances opposing politically, economically, and ecologically charged agendas.

Tupper Lake history

Tupper Lake is located in Franklin County, New York in the northwest corner of the Adirondack State Park and comprises 76,168 acres of forests, lakes, and rolling mountains (Chamber of Commerce, 2012). The village of Tupper Lake is located within the town of Tupper Lake, and according to the 2010 census the combined population was 5,971 (Census, 2010). Tupper Lake was first settled after the American Revolution by hunters, anglers, and trappers. In 1850, the Pomeroy Lumber Company of Maine became the first industrial logging operation in Tupper Lake. These early logging operations brought a rush of early settlers to the area, which prompted the construction of sawmills and dams along the Raquette River. Logging soon became the principle industry of Tupper Lake, and has been for nearly a century (Chamber of Commerce, 2012).

As the logging industry grew throughout Tupper Lake and the Adirondacks, the railroad arrived which allowed for the transportation of valuable commodities. By the early 1900's Tupper Lake became the central junction between the Hurd's and Webb's railroad, which created sprawling freight sheds, offices, yard facilities, water towers, coal chutes, and locomotive maintenance factories (Chamber of Commerce, 2012). In 1918 the Oval Wood Dish (OWD) company arrived and supported the community with jobs throughout the Great Depression and helped to revitalize their economy until the business eventually closed in 1964. By 1940 the company employed 539 workers, and manufactured a variety of timber products which included

clothespins, bowling pins, tongue depressors, furniture pieces, commercial veneer, hardwood flooring, popsicle sticks, and dining utensils (Adirondack Almanac, 2010).

According to Tupper Lake historian Jon Kopp, “probably no single factor ever contributed more significantly to the growth and economic stability of Tupper Lake than the Sunmount Veterans Hospital”. This hospital was initially constructed by the federal government in 1924 as a general hospital. In 1965 the federal government closed the hospital, however New York State quickly reopened the hospital for the mentally handicapped (Scenic Railroad, 2012). Today, Sunmount still provides the Tupper Lake community with valuable jobs.

By the 1920’s Tupper Lake had reached a plateau for economic growth and despite employment from OWD and Sunmount, the economy began to decline severely by the 1960’s. By 1965, New York Central stopped passenger service and by 1972 the freight services ended as well (Scenic Railroad, 2012). As a result of the failing economy in Tupper Lake, the community has recently responded positively towards development projects like the Wild Center, Adirondack Scenic Railroad, and especially the Adirondack Club and Resort.

Adirondack Club and Resort

The recently approved ACR is another opportunity for economic development to occur in Tupper Lake, which attempts to revitalize and expand upon the Big Tupper Ski Area. Big Tupper initially opened during the 1960-61 ski season and was a successful asset to residents, tourists, and the Adirondack economy for many years until 2000 when it closed due to bankruptcy (Collier, 2011). After 10 years of closing, Big Tupper reopened as a small scale community supported ski area in 2010 with support from ARISE (ARISE, 2012). However, Jim LaValley and Michael Foxman have acknowledged that this project is economically unsustainable and that

ARISE is losing money, and the continued operation of the ski area would lead to inevitable economic failure and even further bankruptcy (LaValley, 2012).

Michael Foxman, a Pennsylvania based investor, first became interested in a real estate development surrounding the abandoned Big Tupper Ski Area in 2003. Given the booming real estate market at the time, failing local businesses, and community attachment to the once successful Big Tupper Ski Area, he thought this would be an excellent opportunity to create a “world class” four-season destination resort (Foxman, 2012). In 2004, Michael Foxman and his partner Tom Lawson founded the investment firm Preserve Associates, and submitted a permit application to the APA entitled the “Adirondack Club and Resort”. After an eight year application process the 6,300 acre ACR was finally approved on January, 20, 2012 with a 10-1 vote, making it the largest development project ever to be approved in APA history (Foderaro, 2012).

The ACR will be established south of the Village of Tupper Lake, near route 30, Tow Road, and Lake Simond Road. The total acreage of the project including lands under water includes is 6,234 acres and consists of 4,805 acres of resource management, 1,238 acres of moderate intensity, 180 acres of low intensity, and 11 acres of hamlet land (Appendix A and B) . There will be 706 total residential units constructed, which include 206 single family dwellings, 39 great camps (ranging from 20-1211 acres), 8 artist cabins, and 453 townhouse units (Appendix B and C). These properties will be separated into 13 neighborhoods (*Tupper Lake View South, Tupper Lakeview North, West Face Expansion, West Slope Side, Sugarloaf North, Lake Simond View, Sugarloaf East, East Village, Cranberry Village, Artist Cabins, Western Great Camp Lots, Small Eastern Great Camp Lots, and Large Eastern Great Camp Lots*)

distributed throughout the ACR property with 41% being slope side skiing property (ACR Project Description, 2011).

The redevelopment of the Big Tupper ski area will include the following renovations. A new base lodge will be constructed, considerate vegetation management improvements to clear existing trails will be administered, and new trails and chairlifts will be constructed to serve residential development. Also existing chairlifts and the majority of snow making equipment will be replaced, ski bridges will be constructed to connect slope side neighborhoods, and Cranberry Pond will be used as the main water source for snowmaking (ACR Project Description, 2011).

In addition to renovating the ski area and providing real estate opportunities, the Preserve Associates are proposing the construction of several additional components in the Master Plan. The ACR will construct a 60 unit public hotel named the Westface Inn and a resort owner's clubhouse that will have a restaurant and lounge. There will also be an athletic recreation center consisting of a spa, fitness club, tennis courts, swimming pool, and basketball courts (ACR Project Description, 2011). Other proposed amenities include the construction of a new 3 story building and 40 boat slips for the new Tupper Lake marina. Valet boat services will be provided and launching will occur at the existing NYDEC sponsored Tupper Lake boat launch. An equestrian facility will be constructed, and additions to nordic skiing and extensive recreation trails connecting neighborhoods will be built and maintained (ACR Project Description, 2011).

The proposed infrastructure outlined in the Master Plan will include the construction of new roads (ACR Project Description, 2011). The majority of these proposed roads will use existing logging roads to minimize environmental impact but will require the construction of 9.82 miles of publicly maintained roads and 5.4 miles of private road. Several parking lots will

be constructed for the individual residences, West Face Inn, clubhouse, equestrian center, and the base lodge area. Two larger satellite parking lots will store the majority of vehicles, so shuttles will actively transport individuals. The west satellite lot will contain 214 vehicle spaces, and the east satellite lot will contain 519 vehicle spaces (ACR Project Description, 2011).

Several great camp lots will be serviced by municipal sewage treatment and 16 great camp lots will have individual septic systems. All other developments will utilize the community wastewater treatment plant near Cranberry Pond (ACR Project Description, 2011). Treated sewage effluent will be discharged into mitigation wetlands which flow directly into Cranberry Pond (the snow making water source). Drinking water will be provided by Tupper Lake Municipal services, which will require the construction of a 280,000 gallon storage tank on Mt. Morris requiring 15 miles of transmission and distribution lines. The only exception will be multiple great camps with on-site drinking wells (ACR Project Description, 2011).

Electricity will be provided by Tupper Lake Municipal Electric Department, and will require the ownership, operation, and maintenance of miles of overhead and underground electrical distribution lines (ACR Project Description, 2011). Signs will be constructed throughout the ACR property consisting of large primary signs and smaller signs related to specific activities or amenities. The ski area will also contain several 400-watt metal halide lamps with a maximum height of 35 feet to light trails for night skiing (ACR Project Description, 2011).

The construction of this project is complex and will require approximately 15 years, but Preserve Associates have phased the project into four major steps and plan to begin construction in 2013. Overall the developers hope to sell residential lots and great camp initially before major

infrastructural and construction changes occur (ACR Project Description, 2011). Preserve Associates believes that this project will create over 550 jobs and predict that their net annual revenue will be \$38 million for 15 years, with \$260 million in construction costs (ACR Project Description).

Ecological problems

Implications for specific species

For the ACR to obtain permits from the APA a functional wildlife survey was required to determine presence of rare and endangered species, mammals, birds, important habitat, and wetlands (Houseal, 2012). The Preserve Associates hired Jeff Anthony and Kevin Franke of the LA group (Landscape Architecture), which is an engineering consultant group based out of Saratoga NY, to conduct the ecological surveying. Kevin Franke was the primary biologist and project manager for the ACR project and provided the bare minimum amount of ecological information required by the APA (Houseal, 2012). According to John Caffry, an environmental attorney representing Protect the Adirondacks!, the degree of ecological surveying administered by the LA Group was “not legally appropriate” (Caffry, 2012). Kevin Franke even admitted that Preserve Associates had not required him to conduct species specific inventories of wildlife, neither before nor after the ACR application was submitted in 2005 (Gibson, 2012).

The APA required Franke to perform a “functional assessment study”, which was a cursory review where he noted the presence of 18 species and identified wetlands, but never sent any other scientists or experts into the field (Caffry, 2012). The extent of ecological review conducted by Franke consisted of a 5 page discussion of the existing site conditions, the proposed site conditions, and the potential impacts on wildlife habitat (Collier, 2011). However

Caffry and other environmental groups argued that even after the functional wildlife assessment, the LA group still did not provide adequate information about how wildlife would be adversely impacted (Collier, 2011)

During the testimony Dr. Phyllis Thomps, Dr. Michael Klemens, and Dr. Michale Glennon, presented their ecological findings and outlined the major problems and specific species concerns ignored by Franke and the Preserve Associates. Dr. Phyllis Thompson is an ecologist and conservation biologist who represented the environmental group Adirondack Wild: Friends of the Forest Preserve, a non-profit dedicated to land stewardship and advocacy. She conducted a bird study in one day at the ACR site and identified between 70-80 species of birds (Caffry, 2012). While in Franke's study only 10 of the 18 species he documented were birds. The ACR property borders nearby Follensby Pond which reflect the inadequacy of the LA group's study.

Dr. Michale Glennon, who is an ecologist and ornithologist, was also concerned with bird species in lowland boreal habitat. Several species that were not represented in Franke's wildlife survey, that have a disproportionately high abundance in resource management lands compared to wilderness and wild forest lands include the evening grosbeak (*Coccothraustes vespertinus*), indigo bunting (*Passerina cyanea*), mourning warbler (*Oporonis Philadelphia*), yellow warbler (*Dendroica petechia*), yellow palm warbler (*Dendroica palmarum*), and the spruce grouse (*Falcapennis canadensis*), which is critically endangered in New York State (Glennon and Kretser, 2011). This avian diversity is concerning because a high proportion of resource management lands on the 6,300 acre site are planned to be converted and developed (Glennon and Kretser, 2011). The amount of bird diversity in resource management lands was

largely ignored by the LA group, and Franke's work does not provide suitable ecological surveying from a conservation biology perspective.

Dr. Michael Klemens, an ecologist, conservation biologist, and herpetology specialist, conducted a preliminary amphibian survey. He conducted diurnal and nocturnal research by searching for amphibians where streams and wetlands transversed the public and private road network on the ACR property. Over the course of 8.5 hours in one day he recorded eleven species of amphibians which included the spotted salamander (*Ambystoma maculatum*), dusky salamander (*Desmognathus fuscus*), two-lined salamander (*Eurycea bislineata*), spring salamander (*Gyrinophilus porphyriticus*), redback salamander (*Plethodon cinereus*), red-spotted newt (*Notophthalmus viridescens*), american toad (*Bufo americanus*), spring peeper (*Pseudacris crucifer*), green frog (*Rana clamitans*), pickerel frog (*Rana palustris*), and the wood frog (*Rana sylvatica*) (Klemens, 2011). Interestingly enough Franke's incomplete species inventory did not contain a single amphibian species (Caffry, 2012). By comparison the Nature Conservancy recently purchased a large tract of land surrounding Follensby Pond, a property adjacent to the ACR site (Houseal, 2012). In one day scientists and amateur field biologists collected 430 species in a "Bioblitz" rapid field survey (Adirondack Almanack, 2012). The nature conservancy estimates are probably a much more realistic species richness estimate for the ACR, and the fact that Franke's documented 18 species were sufficient for APA approval is absurd. This highlights how a thorough ecological survey was never administered by experts to obtain practical wildlife counts.

Resource management lands

The ACR, as proposed, is a 6,300 acre development that encompasses many ecologically important habitats including boreal forest, floodplain forest, northern hardwood forest, wetlands and vernal pools (Brown, 2012). One of the major ecological concerns is the high degree of habitat fragmentation and development on the resource management lands. According to the APA, the economic purpose of resource management lands are limited to forest agricultural, recreational resources, and, “to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors” (APA Act 805 C, 1998). “The basic purposes and objectives of resource management areas are to protect the physical and biological resources, and preserve the open spaces that are essential and basic to the unique character of the park (APA Act 805 G, 1998)”. These acts emphasize that resource management lands are intended to preserve open spaces, while simultaneously allowing limited economic development. Protect the Adirondacks!, and the Sierra Club claim that the ACR violated this legal mandate and that the APA should have never approved a development of this size on resource management lands (Adirondack Almanack, 2012)

Out of the 6,300 acre project, 4,805 acres of undeveloped forested resource management land will be significantly fragmented. These resource management lands will be used for the development of 35 “Great Camp” lots and 45 other residential lots (Adirondack Almanac, 2012). Preserve associates claimed that only a small proportion of these properties would be developed and in their court briefing, they claimed that 99.99% of the great camp lots would be preserved. However Dr. Heidi Kretser and Dr. Michale Glennon from the Wildlife Conservation Society argued much larger areas of habitat would be adversely affected by housing envelopes, distinct

property lines, road impact, and each great camp would actually negatively affect much greater habitat than the Preserve Associated predicted (Caffry, 2012).

Another important component of resource management land established by the APA is that residential development may only exist if it is on, “substantial acreage or in small clusters” (APA Act 5, 1998). In addition, to this requirement the lots must be on “carefully selected and well-designed sites” (APA Act 5, 1998). Preserve associates argued that the APA guidelines were met because the eight largest great camps are on “substantial acreage” and the 28 smaller great camp lots are in “small clusters” (Caffry, 2012). Of the 36 great camp lots, neither of these prerequisites was met by the ACR master plan, according to Glennon and Caffry. The developers claim that the smaller great camp lots were reduced by, “approximately one half the prescribed density of 42.7 acres”, on resource management lands (Caffry, 2012).

The revised plan for smaller great camp lots equate to an average of 27.2 acres sprawled across 837 acres. First the math claims are incorrect as 27.2 acres is 63.7% of the original 42.7 acres and not 50%. The 27.2 acre lot size is not small by any standard. And the properties were never clustered properly as expressed during interviews with Dr. Michale Glennon and Dan Plumley. Caffry also argued that the eight larger great camp lots may be considered substantial acreage, however the properties were not on “carefully selected and well-designed sites” (Caffry, 2012). Many environmentalists have suggested placing the largest lots along the existing public Lake Simond Road which would minimize new infrastructure development; however, Preserve Associates have adamantly opposed this suggestion (Caffry, 2012). These large lots will promote further habitat fragmentation and increase matrix size in these ecologically important resource management lands (Glennon, 2011). According to Dr. Klemens, “The ACR development has been placed onto the site without any broad understanding of the ecological connectivity

between uplands and lowlands, or larger scale migration patterns, nor of the species that actually occur on the site”, which emphasizes the risk of habitat fragmentation and failure of Preserve Associates to pursue sufficient ecological research regarding the ACR (Klemens, 2011).

Wetland Concerns

Another serious ecological concern outlined by ecologist Bill Brown and Dr. Klemens was the risk of proposed development on steep exposed slopes. On the western section of the property, development is concentrated on steep uplands that border a series of wetlands (Klemens, 2011). Bill Brown, an ecologist, environmental science professor at Potsdam State University, and former Adirondack Land Trust employee, toured the site with Foxman, and was severely concerned with development on high exposed ridges with thin soils (Brown, 2012). The proposed development is highly problematic because residential home construction on these thin and undeveloped alpine soils would facilitate erosion that would pollute wetlands downhill (Klemens, 2011).

Regarding wetlands, ecologists and environmental activists have expressed concern with watershed and vernal pool destruction, pollution of Simon Pond, Cranberry Pond, and increased runoff into Tupper Lake. Klemens argues that development on steep slopes with shallow soil bordering wetlands, “completely ignores the interdependency between wetlands and surrounding uplands that most wildlife require”. Many amphibians move 1,000 feet or more from natal wetlands to their surrounding uplands (Klemens, 2011). As a herpetologist, he explained his frustration with protecting wetlands where amphibians return every year to breed, when surrounding ecologically important upland habitat will be developed (Klemens, 2011). Also the amount of buffer area surrounding wetland habitats near steep slopes should be larger compared

to level gradients in order to remediate the detrimental effects of erosion on wetlands (Klemens, 2011).

Vernal pools are a type of wetland habitat that exists on the ACR property of particular ecological concern. Vernal pools are seasonal wetlands that are rain-fed depressions or exist as parts of larger wetland complexes (Klemens, 2011). They are vital for several amphibian species known as vernal pool obligates, who require vernal pools to reproduce and spawn. The most widespread of these vernal pool obligates are wood frogs (*Rana sylvatica*) and spotted salamanders (*Ambystoma maculatum*) which have important ecosystem roles. Wood frogs are important to the ecosystem because they transport energy within wetlands by converting decomposing leaves and detritus into biomass. Also the abundance of wood frogs make them an important food source for many larger vertebrates. In addition vernal pools provide important ecosystem services including denitrification, detention of seasonal floodwaters, and groundwater replenishment (Klemens, 2011).

Vernal pool conservation has been problematic for the proposed development, because the 100 foot wetland buffer requirement by the APA may not be adequate. One study indicated that no development should exist within the vernal pool envelope (100 foot buffer zone), while the critical terrestrial habitat zone between 100-750 feet of the pool must conform to strict environmental planning standards (Klemens, 2011). This regulation is consistent with many development projects throughout New York and New England (Klemens, 2012). However, Klemens believed that Preserve Associates was not respecting the critical terrestrial habitat zone's requirement for minimal development in the master plan, which would destroy vernal pool habitat and limit populations of vernal pool obligates (Klemens, 2011).

Another concern for wetlands is the large scale development of residential homes and great camp lots surrounding Simond pond and especially Cranberry Pond. Historically, Big Tupper used Cranberry Pond as its water resource for the snow making operation, and Preserve Associates plans to use the same pond to make artificial snow (Foxman, 2012). Cranberry Pond is a very shallow wetland with an average depth of less than three feet. Large scale water collection during the winter will leave portions of the pond sides and bottom exposed which will result in mortality of hibernating invertebrates, amphibians, and reptiles which depend on the water buffer and would freeze to death from exposure (Klemens, 2011). Other non-hibernating species like tadpoles, fish, and newts would be concentrated in the deeper central parts of the small wetland resulting in over-crowding, competition, and added environmental stress. Frequently when amphibians are crowded, Red-Leg, an often fatal bacterial infection, can result in widespread mortality (Klemens, 2011). Red leg causes hemorrhaging of the legs and is usually caused by *Aeromonas* bacteria, however infection can also occur with *Pseudomonas*, *Proteus*, *Citrobacter*, *Salmonella*, and *Escherichia coli* (Frisby, 2012)

The boreal wetland habitat surrounding Cranberry Pond, which is proposed to have intensely concentrated development, will provide suitable habitat for avian diversity. With large-scale development, birds have indicated a surprisingly strong correlation for wetland habitat preference when they are located in a development context and surrounded by disrupted habitat (Glennon, 2011). Therefore, due to the concentration of development surrounding Cranberry Pond, it likely that the wetland will provide important habitat and natural resources for bird communities. The large-scale fragmentation of habitat, over-harvesting of water, and increased concentration of development may negatively impact a valuable habitat for birds (Glennon, 2011).

The ACR revised master plan proposes two sewage treatment plants to serve the development. One plant would discharge approximately 10,000 gallons a day of chemically treated sewage into Cranberry Pond (Adirondack Council, 2011). Sewage discharge into such a shallow body of water may accelerate eutrophication, lead to bioaccumulation of toxins, and create anoxic conditions during warmer months, causing wide spread fish and amphibian mortality (Klemens, 2011). Additionally this highly polluted water will be used for Big Tupper's snowmaking operations, thus distributing treated sewage effluent throughout the watershed, and altering the natural ecosystem indefinitely (Adirondack Council, 2011)

The second sewage treatment plant would discharge thousands of gallons of additional effluent into Simond Pond, which is connected to Tupper Lake. This sewage plant is controversial because residents with properties along Simond Pond have recently upgraded to individual septic systems to improve water quality and reduce the effects of eutrophication (Adirondack Council, 2011). All of the community efforts to improve water quality and sanitation will be largely reversed with the development of these sewage systems (Adirondack Council, 2011). Additionally, road construction may increase further sewage, golf course fertilizer, and polluted stormwater into Tupper Lake and the surrounding watershed (Klemens, 2011). More thorough environmental investigation should have been administered for this project to be approved by the APA based on the detrimental watershed impacts forecasted.

Light Pollution

Light pollution is an ecological concern that should always be addressed for development projects like the ACR. Ecological light pollution is defined as artificial light that alters the natural patterns of light and dark in ecosystems (Glennon, 2011). Light pollution includes direct

glare, chronically increased illumination, and unexpected fluctuations in light. Other industrial sources include sky glow, lighted buildings, street lights, vehicle lights, and span a spatial and temporal range (Glennon, 2011). These sources are ecologically concerning because light pollution affects wildlife by changes in orientation, disorientation, and attraction or repulsion from altered light. These changes can affect foraging, reproduction, migration, and communication. Reproductive behavior can be negatively impacted by light pollution as demonstrated in amphibian populations (Glennon, 2011). Also migration changes are often documented in bird species and disrupted by the presence of light pollution. The ACR must account for light pollution as an ecological threat to minimize the disturbances and behavioral changes (Glennon, 2011). Significant developments must address light pollution as an ecological concern, and this development project is no exception.

Noise Pollution

Noise pollution is another ecological concern outlined in the Development of the Adirondack Park Guidelines (DAP) (Glennon, 2012). This document indicates that, “noise associated with development should be minimized insofar as practical to establish an acoustical environment which promotes the public health and welfare, fosters economic development, allows the continuing propagation and protection of native fauna, and serves in the protection of physical property and other social and biologic resource values” (Glennon, 2011). It is likely that the ACR will cause noise disturbance, disrupt wildlife, and cause ecosystem disturbances initially from blasting, road development, and construction but could remain from snow making, traffic, and renovations once the development proceeds.

Climate

A concern that Preserve Associates did not address adequately was the effect of climate change on the Tupper Lake and Adirondack community. Despite the failing real estate market, opening a ski resort is an extremely risky endeavor because the current climate outlooks are forecasting milder winters with less snow and warmer temperatures, making skiing conditions undesirable. For the past three years Big Tupper has been operated on a not for profit basis funded by ARISE (Adirondacks Intent on Saving Their Economy) with a volunteer staff, but no snow making infrastructure. Big Tupper was only open for 12 days this season due to limited snowfall and rainy winter conditions, which should be a major concern for Preserve Associates as they go forth with their ski development, as addressed during a conversation with Jim Lavalley at the ACR headquarters (LaValley, 2012).

Some climate estimates predict a 6°-14°F rise in average annual temperature in the Adirondacks by 2100, giving the park a similar climate to West Virginia today (Foderaro, 2011). Climate change will have drastic ecological implications, and Alpine, boreal, and northern hardwood ecosystems have been identified as particularly vulnerable, with projected loss of diverse plant and bird communities (Glennon, 2011). Also the carbon footprint for this development is substantial, and with the lack of residential clustering, land must be cleared and unnecessary roads must be constructed to connect the network of disjointed great camp and residential lots (Plumley, 2012). The energy requirements of this development will further contribute more greenhouse gasses into the atmosphere thus accelerating climate change, reducing snowfall, and potentially diminishing the vitality of Adirondack winters. Therefore reduced snowfall and warming should have been addressed more in the ACR proposal.

Economic Problems

Despite the apparent ecological concerns regarding the ACR, the important economic implications of the development project must also be addressed. The current economic climate in Tupper Lake is deteriorating which has reduced the population by one-fifth, caused widespread unemployment, and has left the downtown business district with widespread vacancies (Foderaro, 2012). The unemployment rate of 9.3% is higher than the national average of 9.1%, while the income per capita of \$22,448 is drastically lower than the US average of \$27,067 (Sperling's, 2012). According to Michael Foxman from Preserve Associates, the economy of Tupper Lake "is not dying, it is already dead". And when Roger Amell, the town supervisor of Tupper Lake, referred to the local economy he explained that "without something happening, we're going to be a ghost town."

Proponents of the ACR believe that it will provide economic relief to Tupper Lake and the surrounding community by providing jobs, bringing in tourist dollars, and providing homes for future Adirondack residents (Monfiletto and Buchanan, 2012). ARISE and the Preserve Associates argue that the ACR will effectively stimulate the local economy because no public tax dollars are required, affordable skiing at Big Tupper will remain, Tupper Lake residents will receive 30-40% property tax reductions, and the project would generate at least 550 jobs (ARISE, 2012). Also they argue that the projects fits within the existing land use and zoning requirements, and they claim that the ACR will provide the foundation for sustained economic growth in Tupper Lake and the Adirondack community (ARISE, 2012).

The nearly unanimous approval of the ACR by the APA in January 2012 emphasized how eager the APA was to accept a project that would stimulate the Tupper Lake economy. Even

conservationists like Brian Houseal of the Adirondack Council, Dan Plumley of Adirondack Wild, and Michale Glennon of the Wildlife Conservation Society agreed that Tupper Lake desperately needs economic development, employment opportunities, and the revitalization of local businesses. However, the sheer scale of the 6,300 acre ACR, limited creation of jobs, failing real estate market, and a multitude of other factors are economically and financially disconcerting. After the ACR was approved, Protect the Adirondacks! The Sierra Club, and three nearby landowners sued Preserve Associates, the APA, and the DEC on March 20 2012 because of several economic problems. John Caffry is the attorney representing these third party interest groups and interviewed the developers, Shanna Ratner and David Norden, to outline the fiscal shortcomings and economic inconsistencies of the project (Caffry, 2012).

Shanna Ratner is the Principal of Yellow Wood Associates, which is a consultant firm for rural community development throughout the United States. She holds a master's degree in agricultural economics from Cornell University and was hired by Caffry to review the ACR permit application for the purpose of addressing fiscal and employment dilemmas, which specifically include:

1. *The extent to which the Town of Tupper Lake may incur liabilities for maintenance of roads installed by the developer.*
2. *The average annual carrying costs to homeowners in the resort.*
3. *The extent to which local unemployed individuals are likely to benefit from the proposed development through direct employment.*
4. *Estimates of retail square footage requirements.*
5. *Assessments of overall municipal carrying costs of resort development (Ratner, 2012).*

Preserve Associates intend to build 9.82 miles of new town roads and an additional 5.38 miles of private roads that will not require town maintenance. The additional town roads represent an additional 28.7% increase in the amount of roads maintained by Tupper Lake. The developers claim that maintenance costs from the 9.82 miles will be provided by the Homeowners Associations for the entire development (Fiscal and Economic Analysis, 2010). However if the Homeowners Association does not form, and there are not enough ACR residents to cover the liability costs, the 9.82 miles of town roads would be liable for their maintenance. Consequently, if the ACR fails entirely, the 5.8 miles of private roads would revert to public roads under town management, thus increasing the amount of public roads by 44.4%. To compensate for public road additions if the ACR failed, Tupper Lake would have to increase taxes or raise town revenue which would be problematic given the deteriorating economic conditions of Tupper Lake (Ratner 2012).

Another financial concern is the large carrying costs for ACR homeowners, who are purchasing these mostly seasonal residences that are only used for a small portion of the year. According to the ACR application, in addition to mortgage payments, and property costs, homeowners will be expected to annually pay an average of \$1,000 to the ski area, \$290 for water, \$458 for electricity, \$668 for sewers, \$516 towards road maintenance and storm water management, and an additional annual payment of \$21,602 in lieu of property taxes (Ratner, 2012). Additionally there will be an unspecified Homeowner Association membership fee. This makes the average annual carrying cost to be more than \$25,534 at full market value. Also it is important to note that these predictions are averages, and the Great Camp owners carrying costs are much higher (Ratner, 2012).

Carrying costs for almost every property will exceed the average salary for resort employees, and once mortgage and property costs are factored in the ACR would exclude the vast majority of Tupper Lake citizens from owning real estate at the ACR. The extent to which locally unemployed individuals will benefit from the proposed development by direct employment is entirely unlikely and unrealistic. Preserve Associates claimed that the ACR will create 519 full-time non-residential construction jobs and 278 full-time jobs in residential construction per year over a 15 year period (Ratner, 2012). However these jobs would not be given to Tupper Lake construction workers, as no local construction firms (*Con-Tech Building Systems, Continental Construction, Fiacco & Riley Construction, A.P. Reale & Sons, and J.E. Sheehan Contracting*) are qualified with extensive experience in resort construction or LEED certified construction standards. There are three nearby Vermont construction firms with skilled workers experienced with substantial resort construction (*Engelberth Construction, Pizzagalli Construction, and DEW Construction*) that will be potentially contracted by Preserve Associates, however this would not employ Tupper Lake construction workers (Ratner, 2012).

The average annual wage for an operations job will be approximately \$19,200 which equates to an hourly wage of \$9.23. Pennsylvania State researcher Amy Glasmeier determined that the livable wage for a Tupper Lake resident is \$24,070 for two adults and \$50,028 for a family of four (Ratner, 2012). The occupational employment opportunities that pay below this livable standard include food preparation and related services, building and grounds cleaning maintenance, personal care and services, and office and administrative support. Therefore these ACR employees would require subsidies for health care, housing, transportation, and other services, with no additional income to support economic growth and further town revitalization (Ratner, 2012).

Additionally Preserve Associates claims that there will be a total of 524 jobs in resort operations once the project is completed. This estimate includes 81 jobs at the Big Tupper Ski Area, 297 resort management and administration jobs, 19 marina jobs, 39 recreation center jobs, 42 at the restaurants/bars/cafeteria, and 46 at the Inn. Ratner's main critique of these estimates is that they are grossly inflated and inconsistent with similar resorts like Stowe, VT (Ratner, 2012). Subsequently many of these jobs are devoted to unskilled and seasonal labor, which are jobs usually filled by foreign HB2 and J-1 visa holders, and not local residents. These practices of contracting seasonal foreign labor are widespread through resort owners in Lake George and Lake Placid, and help employers obtain cheap labor without adhering to US resident labor standards. Despite widespread unemployment, unfortunately there is no guarantee that operations jobs will be obtained by local unemployed Adirondack residents, or will provide residents with suitable livable wages (Ratner, 2012).

Another financial inconsistency with the developers is their estimate value of retail square footage at \$250 per square foot. This price is unspecified and inaccurate, and was never appropriately estimated by Preserve Associates. The \$250 estimate fails to account for the performance of existing local businesses, and without this information it is impossible to estimate the new square footage price considering the additional demand created by homeowners and ACR visitors (Ratner, 2012).

Another municipal concern is the misinterpreted overall municipal carrying costs of resort development during peak tourism times. All of the municipal costs are calculated using the projected increase of 571 new residents. However they disregarded that peak population estimates would also include these 571 residents plus hundreds of additional visitors,

construction workers, and operations employees (Ratner, 2012). Therefore the Town of Tupper Lake must be equipped to handle traffic, safety concerns, water and sewage problems, electricity demand, and other public services at peak population. The predicted number of visitors is unknown; however the peak population estimate which includes residents, employees, and visitors will be roughly 44% larger than the population that is currently monitored and regulated by the Tupper Lake municipality. This demonstrates that Tupper Lake may not be ready for such a drastic development and that the ACR is out of scale with what the town's economy can support (Ratner, 2012).

For Caffry's lawsuit against the APA, DEC, and Preserve Associates he also interviewed David Norden of Stowe, Vermont. Mr. Norden holds an MBA in international business management from the Thunderbird School of Global Management and works as a real estate developer, specifically with large-scale resort development projects similar to the ACR (Norden, 2012). He was the project manager of the \$280 million redevelopment of Aspen Highlands in Colorado and responsible for all aspects of the \$500 million Spruce Peak development in Stowe, VT. After studying the ACR extensively he initially had four main concerns regarding the financial success of the project. These initial disadvantages were (1) scale, (2) access, (3) lack of brand recognition, and (4) disproportionate number of off-mountain to on mountain real estate opportunities (Norden, 2012).

The overall scale of the development exceeds what is appropriate for Mt. Morris. The Big Tupper ski area has only 1,151 vertical feet, 125 skiable acres, and limited uphill chairlift capacity, which are at a scale that has never historically attracted a large number of skiers or a large-scale real estate development (Norden, 2012). Also access to Tupper Lake is very difficult

which would be a detriment to the ACR. Although there may be 36 million people within a 400 mile radius, Norden predicted that the vast majority will be driving to resorts that have superior on mountain technology, more widespread and diverse terrain with larger vertical drop, easier access, and better brand name recognition. For instance, Preserve Associates do not intend to purchase a high speed detachable quad, gondola, or to completely replace snow making infrastructure, which are assets that all elite mountain resorts provide. Many existing resorts in New York and New England may outcompete the ACR, due to ease of access from Boston, New York City, Toronto, and Montreal (Norden, 2012).

The lack of brand recognition due to a historically inconsistent ski operation will be problematic for Big Tupper and the ACR. In the current real estate climate, consumers are turning to long-lasting household brands and investing in pre-existing economically successful real estate for safe and comfortable purchases (Norden, 2012). Likewise, consumers will most likely opt for real estate around resorts with modern state of the art infrastructure that have been successfully marketed in the past. The ACR is concerning; because Big Tupper has failed previously, is economically uncertain, and is a risky investment for real estate buyers. Also with 59% of real estate properties without slope-side access, these off mountain real estate opportunities will not achieve the considerable pricing premium of on-slope development (Norden, 2012).

The real estate market is an important concern that Preserve Associates have failed to address adequately. The current real estate market is entirely different than it was since the initial permit application. The number of US vacation real estate transactions declined 55% between 2006 and 2010. Additionally these trends are consistent with New York State real estate (42%

decline) and the northern Adirondack region (47% decline) (Norden, 2012). This lack of real estate demand is problematic, and pessimists believe that real estate will not be sold entirely. Also, the revenue hypothetically generated from these transactions will not allow further phasing of the project. Preserve Associates has also failed to demonstrate that there is adequate real estate demand beyond only the largest great camps lots. Without the initial great camp and residential revenue, the developers will not be able to complete the project, and consequently Tupper Lake would be even worse off than before. The lack of marketing data and consumer preference analysis due to the failing real estate market was emphasized by both Shanna Ratner and David Norden, and was a common complaint for the majority of individuals opposed to the ACR (Norden, 2012).

The last major economic concern of the ACR is the unreasonable revenue estimates projected by Preserve Associates. The developers estimate that their annual average real estate revenue will be \$38 million over a 15 year period. According to Norden , “Sustaining that level of sale year-in-year-out over an extended period of time is virtually unheard of, and I am not aware of a project that has achieved that level of sustained success” (Norden, 2012). The world class Spruce Peak development at Stowe, which Norden was principally involved with, achieved annual sales volumes ranging between \$10 to \$40 million, which on average is far below the ACR’s average annual revenue estimate of \$38 million. More realistically, with an annual average of 100,000 visitors as projected by the developers, only \$5 million of real estate revenue would be earned, with some fluctuations from year to year. Overall, due to the relatively small size of the ski mountain, out of scale development, pre-existing conditions, limited proposed improvements by the developer, lack of brand recognition, and lack of adequate real estate

market this project would not succeed financially or be an economically sustainable endeavor (Norden, 2012).

3. Stakeholder Identification and Analysis

The Adirondack Park encompasses 6 million acres and is the largest protected areas in the continental United States (Erickson et al., 2000). The uniqueness of this park is not entirely due its relative size. It is the combination of the constitutionally protected state and privately owned lands that make Adirondack Park a national, and increasingly an international, example of effective natural resource management. In 1892 the Adirondack Park was created as a means of protecting a critical economic resource. At the parks conception, an arbitrary boundary was delineated as a means of creating a footprint for the continued state acquisition of lands to be incorporated into the Forest Preserve (Erickson et al., 2000). Although continued expansion of the Forest Preserve did occur after the creation of the park, local landowners pushed back and laid claim to private property rights (Harris, 2012). Today the Adirondack Park experience is defined by the ongoing debate over the appropriate configuration of ownership models.

Given the unique dynamic between public and private interest that exist within the park, any major development plan will call the attention of all stakeholder groups. While the ACR has been approved, it was only done so after a lengthy review eight-year review process. During this process the majority stakeholder groups were represented and given the opportunity to present their professional and personal insights in the form of legal testimony and provide the required material for the APA permit approval process. These stakeholders vary from Tupper Lake residents to environmental interest groups to the developers themselves. The Adirondack State Park is extremely unique in the sense that all state land is an asset to New York State taxpayer.

While this development project will be on private lands within the park, considering all necessary permits are accepted and the APA permit approval is not over turned in light of the recent lawsuit, it is the interaction between the private and public lands that truly determine the overall integrity of the Adirondack Park. For this reason alone all development projects proposed within the Adirondack Blue Line draw a wide and varied stakeholder base. While this project will directly impact the local residents of Tupper Lake, there are indirect impacts to surrounding towns and the broader Adirondack community.

Our research was conducted primarily through guided interviews and extensive literature review of primary and secondary sources. All data was collected through a series of interviews, conducted on phone or in person throughout the Adirondacks and recorded for later reference using an Olympus Digital Voice Recorder. We were able to identify the major stakeholder groups, contact the key representatives from each group, and conduct guided interviews with each representative as a means of illuminating the major perspectives of each stakeholder group. The prominent stakeholder groups were identified through our preliminary research of the ACR. Local and regional news sources, coupled with the review of APA testimonies, provided key insights into the varied stakeholder groups. The major stakeholder groups were identified to be the project developers, Adirondack State Park residents, state governing bodies, New York State citizens, and third party interest groups.

Once the major stakeholder groups were identified, we drafted interview questions and began contacting the informants that we determined would act as good representatives for each group (Appendix C). We made our initial contacts via email and deliberately stated our intentions to the informants: “We are contacting you because we believe that you will be able to offer key insights that will aid us in our ongoing research. Our research is focused on the

economic and ecological change that the Town of Tupper Lake and the surrounding environment will face as a result of the project. We are also interested in how this project reflects the history and future of development and decision-making within the park. There is a strong interdisciplinary approach to our case study, and therefore, we are attempting to balance the economic, ecological, and social elements that underpin this project (Appendix C).” We then followed up with a phone call to schedule a time for a personal meeting or phone interview.

During the in-person and phone interviews we asked the informants questions directed specifically towards their response to the ACR, their professional background, residency status, and park-wide vision (Appendix C). We found these interviews to be extremely illuminating and essential to our later parameterization of potential solutions. While some informants were Tupper Lake residents, we would have liked to gain more insights from local residents however we feel confident in the representation of our sample set.

Data analysis

Through our review and analysis of the conducted interviews we were able to place our key informants into their respective stakeholder group and use their information to highlight the major aspects of each group’s stance on the ACR. While we understand that each informant does not speak for their entire stakeholder group, and maybe even transcends arbitrary stakeholder boundaries, we believe our analysis provides an in-depth understanding of the identified interest groups.

The developers

The representative for the developer stakeholder group was identified to be Michael Foxman, the lead developer in the project and co-owner of Preserve Associates. In our phone interview, Mr. Foxman outlined his early introduction to the area. He recognized Tupper Lake as a unique location with many preexisting assets including lake front access, a ski hill, golf course, and remote wilderness character. He stated that he was interested in finding a location for a “drive to destination resort” that was close to New York City (Foxman, 2012). Upon Mr. Foxman’s first visit to the site in 2003, the previous owner suggested that he could build upwards of 100 units on the site. In response, Foxman stated that “if we developed and successfully sold 100 houses we would have raised enough money to fix up the ski area and we would be dipping our hands in our pockets for the rest of lives trying to make up for the operating deficits” (Foxman, 2012). When he realized that the 5,000-acre property adjacent to the ski hill was available for purchase, he became interested in continuing with the development project.

Foxman admittedly knew very little about the regulatory forces that existed within the park when he initially became interested in the development project, but he actively began lobbying for the project and gained substantial support. His views on the backcountry fragmentation have been widely disputed and challenged by various third party environmental groups. He has also received criticism surrounding legitimacy of the economic and environmental impact analyses. He has noted that the “11th hour” lawsuit filed by the Sierra Club was not unexpected, but surprising given the lack of involvement by the organization in the deliberation process (Foxman, 2012).

Mr. Foxman strongly believes that the “the whole community wanted the ski hill open” considering that the community “was died or dying on its feet...because the ski area had closed.” In reaction to the opponents to the project who suggest that too much of natural resource management land would be impacted, he is quoted as saying that “what they want is for us have us go away and nothing to be done there... and no trace of man...[when in reality] it has been man and man effecting that property since the ice age and we are [apparently] just the current annoyance.” He goes on to suggest that maybe the land classification scheme should be reconsidered given that within the resource management lands on his property there exists a ski area, a golf course that has been there since the 1930s, extensive logging has occurred, and there is “no real backcountry” (Foxman, 2012).

Adirondack Park residents

Jim LaValley is a lifelong resident of Tupper Lake and one of the strongest advocates for this project. He has been involved with the project from the begging and has actively invested in the down town revitalization process and is currently heading the 501c3 non-profit organization ARISE (Adirondack Residents Intent on Saving their Economy) which has re-opened the Big Tupper Ski Area on a volunteer basis. Jim LaValley is also the owner of LaValley Real Estate, which operates throughout the Adirondack region. Mr. LaValley is in a unique situation in the sense that he represents many stakeholder groups; park residents, third party interest groups, and the developers. We have chosen to include him in the Tupper Lake residents because he is first and foremost a resident of Tupper Lake and secondarily a businessman with financial investment in the ACR.

It is obvious that LaValley stands to make substantial financial gains with the sale of any number of the proposed 719 units, but LaValley's continued work to reinvigorate the local economy is commendable and impressive. LaValley has maintained his focus on the downtown revitalization of Tupper Lake and the re-opening of the Big Tupper Ski Area. He stated that the Tupper Lake has become "a flashpoint now for the great Adirondack debate" and he has maintained that this project "does not rise to the level of an undue adverse impact on the environment" and to vote against the project would place "undue adverse impact on the human ecosystem" (LaValley, 2012). Unlike other projects that have been approved and subsequently failed in the park over the last ten years, LaValley is adamant that this project will not succumb to the same fate. The major issue with other projects of this size, according to Mr. LaValley, is that they required the majority of infrastructure to be built before some of the more removed lots could be sold. He believes that by selling the great camps first, enough capital can be raised to fund the later phases of the project, which include the development of the Ski Area and slope-side condos.

In response to those who suggest that development should occur from the center out in order to ensure the future success of the project, LaValley states, "to ensure the future of the project we have to generate capital" (LaValley, 2012). In order to generate the initial capital you need to identify the lots that are the easiest to sell in current business climate, and those are the great camps. He has accepted claims from environmental groups who suggest that there would be substantial costs if the developers "cut and run," meaning sell to the great camps and then leave (LaValley, 2012). However, he maintains that they have not provided him with the information regarding the ultimate impacts of this act. When asked if there was demand for the great camp lots he responded in the affirmative (LaValley, 2012).

LaValley provides an important perspective on the original intent of the APA act as one, which was designed, to “balance and show that the human and natural ecosystem can coexist in a healthy and vibrant way” (LaValley, 2012). He goes on to say that the “APA and the environmental groups get an A+ for their environmental efforts over the last thirty five years, (but) they have flunked when it comes to the human ecosystem” (LaValley, 2012). When asked whether the APA Act should be amended, he said that the ACR should not be used as the “whipping post” for lack of clarity in Act, but should simply illuminate the existing weaknesses. In LaValley’s opinion the time for re-evaluating the Act is not now.

We were also able to interview Bill Brown, a longtime resident of Keene Valley, NY, former member of the Adirondack Mountain Club, former member of the Adirondack chapter of the Nature Conservancy, and currently a full time professor of environmental studies at SUNY Potsdam. Mr. Brown now lives in Canton, New York during the school year but remains active in local planning and park-wide issues. Bill Brown was strictly speaking from a resident’s perspective, as he no longer represents the organizations mentioned above. In response to the approval of the project, Mr. Brown recognized that the APA is bound by the legal obligations of the statute, but he would have thought the “preliminary review would have taken a more critical look at overall density of development, overall economic plan, and perhaps some of the known ecological impacts” (Brown, 2012).

When asked what were the major road blocks to updating the APA’s charge, he said that the “fundamental (one) is the fact that it was never an open public process.” Reflecting on the review processes that he has experienced, Mr. Brown stated, “there was never sitting down with groups of stakeholder and walking through issue and trying to come some agreement around them” (Brown, 2012). The deliberation process has historically lacked collaborative decision-

making and has really only represented “positioning through grandstanding” by various stakeholders. A major flaw in the APA approval process, which was represented in the eight year-long deliberation process leading up to the ultimate approval of the project, is its failure to actually conduct open and representative decision making through collaborative means.

We utilized a recent random sample survey of Tupper Lake resident’s perceptions of the ACR conducted by students in the Sociology Department at St. Lawrence University (Appendix D). The survey seeks to gain insights into basic questions such as; will the project's revenue stay in Tupper and will the project make life for permanent residents better? We believe this data can be used to represent the local resident opinion of the project, however we will not interpret the data further. If more information is needed regarding the results of this study, please contact the cited authors.

State governing bodies

There are multiple governing bodies within the park but the Adirondack Park Agency (APA) is the most active within the private sphere given the agency’s charge to regulate development in accordance with the Adirondack Park Land Use and Development Plan (LUDP). Because there is currently a lawsuit filed against the APA, they were not able to speak with us regarding the ACR however we were able to speak with two former members of the APA. Ed Lynch was the former director of operations at the APA from 1978 -1984 and Steve Berman was the former economic advisor for the APA until 2010. Lynch’s initial reaction, without any in-depth background information on the specifics of the project was that “it just seems so large for Tupper Lake” (Lynch, 2012). In regards to the way that the current APA board interpreted the APA act, Berman believes, that this project was in-step with the original intent of the act

(Berman, 2012). The original intent of the act was not created to prevent development but to focus to certain areas and limit the size and extent of project so not to invoke any undue environmental to economic harm.

Berman stated that the current APA board is a very careful agency and would not approve a permit that it though would be over turned in court (Berman, 2012). Lynch described how historically the APA has never approved projects that they felt would not be successful or wouldn't meet the demands of the approval process. Berman reiterated that the permit process is extensive and there are serious requirements that the developer must meet in order to gain approval. Berman suggested, that the "responsibility of the APA is complex" and increasingly must rely on good research when making their decisions (Berman, 2012). Lynch stated, "there is a built in safe guard" in the APA's decision-making process and that is the third party interest groups. These groups play a critical when it comes to dictating the decision of the APA but the questions really remains "do there really have the authority" when the APA is bound by legal obligations.

Third party interest groups

The third party interest groups represent many sides of the on-going Adirondack debate and range from non-governmental organizations focused economic development, local participatory planning, and environmental advocacy. All of our informants come primarily from the environmental community but are actively engaged in the nuanced decision making process that characterizes Park-wide policy.

Dan Plumley is a member of the recently established Adirondack Wild organization (501c3) and is currently working on wilderness stewardships training for graduates and

undergraduates in related environmental fields. He has been active in the movement to place the Adirondacks in a much broader context of international integrated natural resource management and conservation planning. He strongly believes that this project will set a dangerous precedent for future development within the park by denuding the regulatory framework on private lands. He views the natural resource management lands as critical component to the persistence of functioning forever wild lands and the related productive used on natural resource management lands (Plumley, 2012). He also believes that this project lacked a vision for development that matches current landscape planning. He stated, “right away it very clear to me that...the bottom line was that it was too big and an out of scale resort which was out of time” in the sense that it represented an old style development model (Plumley, 2012).

Plumley was also able to bring up a strong point about the mixed reviews of the APA decision. He stated that many proponent of the project have stated that they are tired of people preventing the trained staff at the APA from doing their work. He found this somewhat ironic considering that several years prior the same individuals may have been calling for the abolishment of the agency (Plumley, 2012).

We were able to speak with three acting members from the North American Chapter of the Wildlife Conservation Society, a prominent third party environmental interest group within the park. Michale Glennon, Zoe Smith and Heidi Kretser are all residents of the Park come from diverse academic backgrounds and have been active participants in the ongoing park-wide research. Their work on the ecological effects of exurban development represents some of the best research occurring in the park to date. Their collective work shows that the effects of misguided development have wide reaching impacts beyond the building envelope. Glennon and

others who were active in the adjudicatory hearing process argued that no legitimate wildlife surveys were conducted despite repeated requests from the APA.

As the project stands today, all three interviewees would like to see Tupper Lake thrive, but they believe that the project design represents an out of date model that does not effectively mitigate the potential environmental impacts of habitat fragmentation. In reference to the overall design of the project, Glennon maintains that “[there] exists alternatives which could have been employed and were not” (Glennon, 2012). According to Glennon, when the APA called for a functional wildlife assessment from the applicant that took into account the recommendation provided by the Wildlife Conservation Society, they received a document that lacked any consideration that were based on sound scientific research.

John Caffry is an environmental lawyer from Glen Falls, New York and is representing the third party groups PROTECT the Adirondacks and The Sierra Club in a lawsuit currently filed against the APA, which names Foxman and the preserve associated as defendants. He states that PROTECT’s stance is “that while it is not opposed to the redevelopment of the Big Tupper Ski area, and some construction near it, the project as it proposed is one that is not “legally approvable under the APA act” and would have adverse environmental impact on the Adirondack Park (Caffry, 2012).

Brian Houseal is the acting director of the Adirondack Council, one of the longest standing third party environmental groups active in the Park today. While the council has publically stated its approval of the project, some-time after the final decision was made they stated that the APA act might require some reworking to better define terms such as “clustering” and “fragmentation.”

Speaking to the project directly, Houseal states, “Tupper Lake is obviously in need of economic development and so they were very happy to see someone with a large idea” (Houseal, 2012). This idea was that the project would be a world-class resort destination and in reality this is unrealistic. Mr. Houseal suggest that Tupper Lake could be home to a regional resort given the pre-existing assets, which include the lake, existing mountain, and beautiful landscape. However, after the housing market collapsed in 2008 and Foxman did not alter his project proposal, Houseal and the Adirondack Council begin questioning the legitimacy of the project.

New York State citizens

All tax-paying citizens of New York State are co-owners of the Forest Preserve lands. Considering that majority of these lands are located with the park boundaries, and considering all legal frameworks have been enacted by a majority vote of the people of New York State, citizens represent a stakeholder group in most park-wide issues. The extent to which “outsiders” should play in the decision making process is debatable but never the less they do represent a distinct interest group. To represent this group we interviewed Richard Brummel, an activist from down state NY who has been one of the strongest voices in the opposition of the ACR. He maintains the perception that the original intent of Adirondacks was to maintain the integrity of the forever-wild lands. His focus takes into account the future implication of climate change and the ever-increasing demand for “wild” ecosystems that possess the capability to sustain human population (Brummel, 2012).

4. Park-wide Governance and the Decision Making Process

Many today in the world of international conservation planning see the Adirondack Park as a regional and global model for integrated resource management. Within this landscape mosaic, the largest intact temperate forests in the world persists and fuels the regional economy by providing a suit of public goods to the local residents, seasonal tourists, and varied stakeholders within the greater Adirondack watershed. The Park, which covers over 6 million acres, 2.5 million acres of which are in public land holding, is the largest protected wilderness east of the Mississippi River and represents one of the last intact temperate forest ecosystems internationally. The ongoing collaboration between public and private interest within the park has influenced and ultimately shaped park wide governance. This ongoing collaboration has had its successes and failures in maintaining open space integrity while attempting to promote a flexible economy in turbulent times.

The political history of regional governance in the Adirondack State Park

In 1885 the New York State constitution was amended to include an article (Article XIV) that deemed all non-contiguous state land to be incorporated into the Forest Preserve (Terrie, 2009). Within this article there still exists the so-called “forever wild” clause stating, “the land now or hereafter constituting the Forest Preserve shall be forever kept as wild forest lands and they shall not be sold, nor shall they be leased or taken by any person or corporation, public or private” (Laws of the State of New York, 1885, chapter 285). While the original intent of this clause has been subject to continued debate since in passage of Article XIV, this clause has maintained significance as one of the strongest legal conservation provisions globally (Plumley, 2012). While the “wild nature” of the State Forest lands has been constitutionally maintained for

over two centuries, it is the integrity of the private lands that have recently been a major concern for regional planners in the Park.

In response to increased development pressures on private land in the Adirondacks governor Nelson Rockefeller appointed Contemporary Study Commission on the Future of the Adirondacks in 1968, with the charge of evaluating the existing open space value of the park and the potential risk of unplanned development. The commission's first recommended that "an independent, bipartisan Adirondack Park Agency should be created by statute with general power over the use of private land and public land in the park" (Temporary Study, 1970). The commission recommended that the state create a comprehensive master plan to regulate all development on private lands within the park by creating a permit system contingent on a review process conducted by a board of commissioners appointed by the acting Governor of New York.

When the creation of an independent park agency was initially presented it was stated that the governing body should possess planning and land use control powers over private land within the park but not at the exclusion of local governments (Temporary Study, 1970). Until the completion of park wide comprehensive master plan, the Agency would have interim powers over development in the park. It was made very clear in first proposal that the planning powers of this agency should be consistent with Article XIV and that there would be a mandatory consultation with the Department of Environmental Conservation (DEC) (Temporary Study, 1970).

In 1972 the newly appointed APA completed the State Land Master Plan in consultation with the DEC, which called for the development of a classification scheme. The APA act required that all state lands be classified according to "their characteristics and capacity to

withstand use”. The “essential fragility” of significant State lands were highlighted by specific land and river type characteristics such as slope, aspect, depth of soils, temperature, soil/water chemistry, volume and turnover rate of water bodies, and many more. These priority areas were identified by the initial surveying done by DEC staff and the Governor’s Committee, and are primarily located in the high alpine zones above 2,500 feet in elevation, the low lying boreal swamps and wetlands, and the many river ways and ponds (APA, 1987).

While biological considerations were essential in the initial classification process two other major consideration were taken into account. Seemingly intangible attributes of State lands associated with social, cultural, and psychological value were also taken into account. Specific environs that possess cultural importance due to historic rights of access for hunting, fishing, and recreation and aspects of remoteness, “wildness” or contain significant scenic viewsheds were also considered in land classification. Another major consideration was the existing public facilities on State lands, including roads or existing camp grounds and ski areas. The land classification represents the varied nature of the Forest Preserve and its ability to withstand human influence. (See Appendix E for full descriptions of state land classifications).

The passage of the State Land Master Plan was not very controversial due to the fact that many of the Forest Preserve Lands had never historically been settled permanently and were often acquired by the state through eminent domain and other police powers (Harris, 2012). The APA was now poised to begin the development of a master plan for the private lands as means of delineating private areas that were more or less ‘intrinsically suitable’ for development (Harris, 2004). The Land Use and Development Plan (LUDP) was drafted and presented for approval on the basis that it would uphold the mission of the APA Act, which was to ‘insure optimum overall conservation, protection, preservation, development, and use of the unique scenic, historic,

ecological, and natural resources of the Adirondack Park (APA, 1973). The ‘further purpose (was) to focus the responsibility for developing long-range park policy in a forum reflecting statewide concern...at the same time, provide for a continued role for local government’ (APA, 1973).

In keeping with the extensive evaluations done by the Temporary Study Commission, this comprehensive private lands master plan essentially established a regional zoning and subdivision ordinance, which classified all private lands into six categories (APA, 1973). These categories were selected based on the type and level of development that would mesh with inherent natural/cultural/historical attributes and resource limitations of a given area. The Plan was seen as the first step towards a long-term regional and local planning process. (For full descriptions of the private land classifications please see Appendix A).

This zoning and subdivision ordinance (Appendix F) outlined the guidelines for the intensity development within each land classification. Lot size limitation, minimum shoreline frontage and set backs were among many provisions provided in the plan and were specific to the form and function of each land use category (Harris, 2004). All development projects must pass through a lengthy, thorough and fairly typical review and permitting process. Upon receiving an application, the APA is given 90 days to approve and decline permit access. Within 60 days of a submission of an application, the APA is required to conduct a public hearing where public testimonies (Harris, 2004). If the project proposes subdivisions of 50 units or more, a zoning variance will be required in order to continue with the development procedures.

The LUDP divided development projects into two classes based on their relative size and overall impact, whether it is localized within small townships (B) or if it is of regional

significance (A) (Appendix F) (Harris, 2004). Given that the ACR project proposed subdivision on substantial natural resource management land, the project is considered a class (A) proposal and is of regional significance. The LUDP was designed to orient the decision making power to local governments given that all class (B) project would be reviewed by local governance structures.

Many have argued that the level of state land protection and private land regulation that exists today within the Adirondack Park has occurred at the loss of significant private property rights (Erickson et al., 2000). It can also be said that the Park's governing structures are primarily top-down in the sense that local participation in the decision making process is limited. The Passage of the APA act in 1971 represented an attempt to address park-wide issues in a manner that took into account the varied stakeholder interests within the Park today. Among other recommendations, the APA Act called for the creation of a regulatory agency to oversee the permit approval process for all development of private lands within the park. The Adirondack Park Agency's 11-member board consist of the state commissioner of environmental conservation, the state commissioner of commerce, the secretary of state, and eight other governor appointed board members, five of which are park residents (Erickson et al., 2000).

The APA act also called for the creation of an Adirondack Park Local Government Review Board, which consisted of twelve representative members from the twelve counties in the Park (Erickson et al., 2000). The Review board was charged with oversight of the APA in the local development permit and regional zoning plan approval process but never obtained voting power. The governance structure has been polarized since the creation of the park but has increasingly become more collaborative with the increased influence of third party interest groups and local governments.

The political history of the Adirondack Park has been marked by a constant conflict of interests. State institutions, which are legally bound to ensure the integrity of the state lands while dictating development on the many private parcels within the park have expressed top down control. In addition, the third party environmental interest groups have dictated policy on the state and local levels since the park's genesis. Organizations like the Adirondack Mountain Club (est. 1922) and the Adirondack Council (est. 1975) and many other advocacy groups represent large constituencies of NY state citizens and out of state stakeholder groups. Non-governmental organizations (NGOs) have occupied the Adirondack debate for the last forty years and have dramatically influenced policy within the park through local, state, and even in recent years international lobbying. In the great Adirondack debate that has occurred over the appropriate use and management of the forest preserve and surrounding private lands, the NGO have truly come to the fore.

The major influence that NGOs and special interest groups have on park policy today is in part due to the lack of local citizen involvement in the park decision-making process. This increased influence is in response to a need for more flexible policy implementation and better representation of all stakeholders. The Adirondack Park has always had multiple stakeholder groups and as the "Adirondack model" for conservation becomes more internationally recognized, investment in the park has expanded beyond the Blue Line and even New York State's political boundaries.

Town level and county wide planning maintains an important role in regional governance within the Park. While New York State has established a park wide zoning ordinance for public and private lands, town and county planning boards have increasingly made the concerted effort to draft their own master plans and have had experienced improved representation as a result.

While the APA has primarily represented a top-down approach to park-wide governance, there has been a recent trend towards a more participatory and transparent process (Erickson et al., 2000). The passage of the first statewide Open Space Conservation Plan in 1992 marked this transition (Hubacek et al., 2002). A Regional Advisory Committee with the charge of reviewing the APA decisions was appointed jointly by the state and local governments and possessed the veto power over unpopular land acquisitions (2002). This plan also included a “willing seller” provision, which was added to the rules and regulations regarding the use of the Environmental Protection Fund for state acquisition of land in full fee.

The drafting of the “Blueprint for the Blue Line” in 2006 marked another important step in moving towards a participatory model of governance. The Blue Print went through a series of review processes at the Common Ground Alliance forum in 2008 where public-private collaboration between non-profits, residents, and other stakeholder groups successfully established a working list of fourteen focal points for sustaining the “economy, environment, and communities of the Adirondacks” (The Common Ground, 2008). These focal points ranged from addressing climate change to main street revitalization, and offered a rationale for the consideration and a suggested action plan. Point eleven was focused on establishing a more effective governance and policy framework called and for the continued “support local planning to address Adirondack communities’ future infrastructure and economic development capacity with necessary coordination at the county and State levels” (The Common Ground, 2008).

While the APA act has come under intense scrutiny since its passage in 1971 it has been successful in many regards. Development has been controlled to level that is still in step with the original intent of the Act but continued pressure to solidify certain permit approval requirements

and create a more inclusive and participatory governance structure will be necessary to promote the long term success of this regulatory agency.

5. Solutions

Parameters

The controversies surrounding the proposed development of the Adirondack Club and Resort are of a complex nature, resulting from multi-sided and conflicting interests of different stakeholders, each of whom participated to varying degrees in the decision making process. As a result, it is unlikely that any single appeasement will offer satisfaction to stakeholders on all levels. Therefore, it is necessary to seek a balance of solutions, with the ultimate goal of providing the maximum benefits to each stakeholder, while minimizing the undesirable consequences of the development. Additionally, all stakeholders should be entitled to fair consideration of their desired outcomes for the project; and all controversial issues should be evaluated for a feasible solution or compromise. These guidelines should be followed to ensure maximum stakeholder satisfaction.

To promote the above guidelines, potential solutions can be parameterized, and all may be held to the same prioritization standards. The overall purpose of these parameters is to ensure that solutions are productive in the pursuit of maximum stakeholder satisfaction. A potential solution to a problem should: (1) address a specific stakeholder concern (2) not create any additional controversy without a comparative assessment of the advantages and disadvantages (3) have a foundation in quantitative data, if pertinent, and not assumption or opinion (4) should encourage even distribution of benefits, if pertinent.

Identification and evaluation of potential solutions

In the following section we will propose and evaluate the feasibility of solutions to the problems associated with the ACR. Solutions will address the four broad categories from which problems arise: (1) ecological threats and uncertainties of the proposed development (2) potentially adverse impacts to the Tupper Lake economy of the proposed development (3) complications and controversies arising from the governance and policies underpinning the decision making processes and execution of the project (4) fears about the precedent that the ACR sets for future development within the park; and it's contradictory nature to the "forever wild" side of the argument of the "great Adirondack debate".

Ecological solutions

Clustering is a development strategy, the purpose of which is to reduce the ecological impacts of habitat fragmentation and conversion. Clustering is essentially a reduction in the ratio of developed land to land subjected to adverse ecological impacts as a result of the development. Clustering entails grouping development lots and associated infrastructure to specific and minimally sized areas, so as to reduce the total effected land area. Clustering does not necessarily imply a reduction in lot sizes.

By implementing clustering strategies into development planning, the adverse ecological effects of habitat fragmentation and conversion can be minimized. These effects include but are not limited to: altered migration patterns and reduced mobility of wildlife, change in ratios of interior to edge habitat and associated community structural change, and the extent to which land area is subjected to the alteration of microclimate.

Clustering in the proposed ACR development site should be applied throughout the site to minimize ecological risks to the greatest possible extent. Particularly, clustering of lots should

be in close proximity to the hamlet, and away from key habitats or lands which are particularly susceptible to the adverse impacts of habitat fragmentation including wetlands, vernal pools, uplands, and steep slopes. Additionally, clustering strategies should be implemented in the eastern portion of the ACR property where fragmentation according to current development plans will be particularly acute (Prefilled testimony of M. Klemens, April 13, 2011).

Buffering is a strategy to reduce the adverse impacts of development on habitats of particular ecological importance. Buffering involves separating a key habitat from developed areas by a specific distance in accordance with the specificities of the habitat in question. Wetlands, for example, perform a variety of importance ecological functions, and serve as unique habitat which is depended upon by an array of flora and fauna. Wetlands are susceptible not only to degradation from adjacent development, but also from activity in their relative proximity. Wetlands are therefore a land type which should be protected by a buffer from nearby development and human activity. Additionally, rivers and streams and vernal pools (seasonal wetlands), are other land types which should be considered for buffers. Several factors can determine the size a suitable buffer, and from a conservation standpoint it is best if each specific habitat is evaluated individually. It is more economically feasible, however, that a standard buffer size be established for a particular property or development project. Buffer zones are not only important around key habitats, but also in the interface between such habitats. For example, the slopes between a wetland and upland are important to protect the wetland from activities happening uphill, and to protect species which require both habitat types.

In the ACR property it is important that buffer zones be delineated and buffer sizes agreed upon. Perhaps a 100ft buffer zone around wetlands, with an additional zone of reduced

development from 100 to 750ft beyond that would be appropriate (Calhoun and Klemens, 2002). Once the specificities of suitable buffers have been decided upon, buffers should be applied throughout the ACR property.

Fragile habitats and habitats upon which development is likely to have proportionally large ecologically adverse impacts should be avoided as areas to be developed. Such habitats include steep slopes, and areas with shallow soils. These areas are particularly susceptible to soil erosion as a result of anthropogenic activity. Also wetlands, unique forest types, ridgelines, some upland and lowland areas, and any other area which is determined to be ecologically significant should be protected from development.

In the ACR property, an assessment of all areas of particular ecological significance should be conducted, areas of particular importance should be determined, and buffer zone delineated; development should then be clustered away from these areas.

Another method of minimizing the ecologically adverse impacts of habitat fragmentation and conversion is a reduction in the overall scale of development. Reducing the scale of development entails decreasing both lot sizes, and the total number of lots. Reducing the scale of a development project alleviates the ecological stresses by allowing a greater land area to remain unaffected. The scale of the ACR should be reevaluated to address serious concerns that it is out of proportion economically and ecologically with the town of Tupper Lake and surrounding environment.

The lack of adequate ecological assessment of the ACR site severely inhibits the ability to plan and make informed decisions regarding the impacts of development. Functional wildlife assessments should be conducted in accordance to principles and methodologies of modern conservation biology as outlined in Milder et al, 2008 (ACR lessons learned, Caffry, February 2012). It is important to have species specific occurrence data, so that decisions can be made with respect to the specific needs of these species and their roles in the natural community. It is easier to prove that common species exist in a given area than that rare species do not; and so it is necessary that the assessments are thorough and extensive.

Before development on the ACR property progresses, adequate assessments should be conducted, and species specific data should be collected from the site. This would enable development planners to base their decisions in sound quantifiable data, and not on assumption or with complete disregard for the natural inhabitants for the site.

Economic solutions

ACR development should be focused upon revitalization of the Tupper Lake Economy. It is important to the residents of the community, as well as to the success of the ACR that the town sees economic benefits as a result of the project. In order to ensure the necessary economic stimulation there are several criteria that are important to be met by the ACR including; (1) demand must exist for the great camps, and other private residences to be developed (2) funding must be available in order to ensure that the project can be carried through to completion, and the town should not incur any costs as a result of the project (3) revitalization of the town of Tupper Lake, and the Big Tupper ski hill is essential (4) benefits and wealth generated by the project should be circulated into the community, and should not remain within the ACR as if it were a separate entity.

A major economic concern regarding the scale of the ACR is whether demand exists for the proposed development. As it currently stands, the developer is hoping to attract buyers for over 700 second home lots, while the major attractions to the area including the ski hill and the town itself are suffering and in desperate need of restoration.

One solution which would reduce the risk of developing lots for which there is no demand would be to reduce the overall scale of the project. A reduction in scale would not only make the demand more easily met, but it would also reduce the overall cost of the project, allowing more funding to be allocated towards revitalization of the town, ski hill, golf course, and other major attractions, which are essential in creating demand. Additionally, by reducing the cost of the project, the risk is lowered that the town itself will incur costs as a result of insufficient funding being available for aspects of the ACR development that are begun but cannot be carried out by the developer.

Another strategy which can be used to lessen the burden of demand for the lots which will be developed is the implementation of additional phasing into the development plans (see appendix G for the four phase plan for the ACR). As it currently stands, the developer plans to develop and sell 24 great camp lots first, in order to generate the funding needed for the next steps of the project. The idea behind this is that the great camp lots require relatively little development, and their sales will generate substantial revenue. The concern, however, is that this revenue will then be used to develop the remaining residential lots to be developed in phase 1, for which there will not be demand. Essentially, the money put in will not be returned, the ACR site will be subjected to substantial degradation, and ultimately the town will not see any benefits.

There is also some concern that the developer will back out of the project after the great camp lots are sold (Plumley 2012).

To address these concerns, additional phasing should be implemented into the developmental design (particularly, phase 1 should be subdivided further). The project should be subdivided into several smaller projects, which would be completed one after the other, assuming demand still appears to exist and funds are still available after completion of the previous phase. For example, the number of great camp lots to be developed and sold initially could be reduced. The revenue from these sales could be put into the development of the major attractions and the town; this would be more in line with the interests of current Tupper Lake residents, and would help to increase the demand for second homes on the ACR site. A second phase could involve the sale of more great camp lots, and this revenue can be used to support the development of some additional residential lots, and further revitalization of attractions.

Phasing of this type should be incorporated into all aspects of the ACR development. Essentially, phasing in this manner reduces the risks of economic disaster, while simultaneously distributing the economic benefits more evenly, and earlier in the development process. The project should be subdivided into several additional small phases; increasing the number of subdivisions further reduces economic risk, and generally makes the development process more flexible and more likely to succeed.

In summary, the current four phase development plan represents essentially the right idea, however, these phases are still too large (particularly phase 1), and should be further subdivided in order to reduce the economic risks of the ACR development. Phases of the ACR development should be treated as separate projects, with one phase only commencing after the completion of the previous phase if at that point it is still economically feasible to do so.

The ACR project could also be restructured on several levels to improve demand, and to ensure the economic benefits are distributed among the stakeholders and within the community. The ACR should be restructured so that revitalization of Park St. and the Big Tupper ski hill are prioritized, and are the first places to be developed. Restructuring the project in this way shows that the developer has the interests of the community in mind, and it also helps to create demand for the 700+ lots which would be developed later on. Not only would this reduce the risk of economic disaster resulting from insufficient demand, but would also ensure that the money that is put into development does not go to waste.

Additionally, the ACR development should be restructured so that it is reliant upon the Town of Tupper Lake. The ACR should not be self-sustaining, and functioning as a separate entity from the community, but the opposite should be pursued; trying to improve connectivity between Tupper Lake and the ACR, and making them mutually supportive of each other.

It is important that jobs go to Tupper Lake residents. It is not only fair to the residents of the community who are stakeholders of the ACR project, but it is also economically advisable with the interest of revitalizing the community in mind that jobs created by the ACR development are available to the community. Providing jobs to the local community maximizes stakeholder satisfaction, and stimulates the local economy. With this in mind, it is essential that the developer avoids outsourcing the jobs that are created by the ACR development.

Governance solutions

To reduce the controversies associated with the policies underpinning the decision making processes of the project there are several reforms that should be made within governing agencies. These reforms should promote cost and time efficiency of the permit application

process, and stakeholder representation in decision making. Also, these reforms should seek to eliminate uncertainties about the ecological and economic aspects of the project.

The Adirondack Park Agency (APA) has an inefficient and expensive permit application process which requires an adjudicatory hearing before they are able to deny a permit, even if there are blatant errors with the application and it is impossible that it will be legally granted a permit. The APA should, like other state agencies, have the ability to deny a permit before going to a hearing if the application clearly does not meet permitting standards, or when the applicant refuses to provide required information. The applicant should be allowed to resubmit an application within a specific time frame. The inability of the APA to deny a permit before a hearing is inefficient because it costs money and man-hours, and therefore the costs are borne by taxpayers as opposed to the permit applicant.

The APA needs to uphold its own standards, and should not be easily persuaded to yield to the applicant if the application requirements are not met. The APA issued a Notice of Incomplete Application (NIPA) in May 2005 on the grounds that the ACR application was lacking sufficient wildlife survey data. A second NIPA was issued in March 2006 for the same reason. The application was then deemed complete in December 2006, despite that the same information was still lacking. The APA's project review director explained at the hearing that the agency had asked for the information twice, and having not received it either time, decided it was time to move on (ACR lessons learned, Caffry, 2012). Failure to submit the requested information should have resulted in the denial of the permit application; instead, it set the precedent that applicants can put off providing requested information until the review board grows weary.

Applicants should be held under time constraints. Throughout the ACR application's review the applicant delayed submissions, often for several months at a time; this is inefficient and costly for the APA, making it difficult for them to allocate staff resources.

There should be a local land use plan. The Town and Village of Tupper Lake do not currently have an APA-approved plan which expresses their desires for community development projects, such as the restoration of the ski area. A local land use plan would provide guidance to prospective permit applicants, which would hopefully translate to greater representation of the community's views in the permit application, and simplify the hearing and permit granting process.

Several terms need to be clearly defined within section § 805 of the APA act. These include "in small clusters" and "substantial acreage". The vagueness of these terms was relied upon by the ACR applicant's attorney. Issues pertinent to the development of resource management lands were brought up in the context of these terms in the adjudicatory hearing, but were unable to be clarified. As a result, the applicant was able to exploit these loopholes to receive permission to develop resource management lands in a way that APA act probably did not intend.

As there is no clear definition as to what "clusters" are in their relation to residential development on resource management lands, there is no guidance for applicants about what to design, or for the APA about what to require. In 2006 Adirondack Council contracted a conservation design expert to draft language that would assist the APA in developing uniform standards regarding clustered development. This definition should be utilized by the APA, and standards should be incorporated into the existing regulatory legislation.

Also, the term “functional wildlife assessment” needs to be defined in accordance with up-to-date scientific methodologies of conservation biology (as suggested in Milder et al., 2008). Functional wildlife assessments should emphasize the collection of data which can be used to determine the harmful effects of exurban sprawl to the local wildlife and ecological integrity. This definition needs to be incorporated into existing APA regulatory legislation.

All permit reviews should occur concurrently in order to avoid redundancy and to improve time and cost efficiency. The ACR has received an APA permit, but still requires permits from several other state agencies including the Department of Environmental Conservation (DEC) and the Department of Health. The DEC issued its own Notice of Incomplete Application (NOIA) in October 2010. The applicant has not yet made any progress in obtaining a DEC permit. The applicant has been content to receive permits one at a time, and delay the submission of required information to state agencies until the time is convenient. Now that the ACR has received an APA permit by a resounding 10-1 vote, the precedent has been set and the other permits are likely to be granted without the requirement of any additional information. This lack of coordinated review should be amended so as to speed up the review process by allowing modifications to be considered by all agencies simultaneously. This would also reduce costs and promote the integrity of each agency’s application review by not allowing one agency to set a precedent as to how specific requirements have or have not been met.

Solutions for the fear of the precedent

The “great Adirondack debate” is essentially the argument over the purpose of the Adirondacks. On one side of the debate is that the Adirondack Park should be preserved in its most natural state as “forever wild” lands, which should be the domain of wildlife, and humans

are only visitors who should enjoy the land for recreational purposes. The other side of the debate is that the Adirondacks represent a harmonious integration of humans and wildlife living together, and that the “human ecosystem” within the park deserves just as much conservation concern as the natural ecosystem. There are fears that the ACR project sets a dangerous precedent which strongly supports the idea of human conservation, while under representing the importance of the wildlife conservation and the “forever wild” ideal.

In part, the fear that the ACR sets a precedent which is contradictory to the forever wild nature of the park can be rectified by upholding existing policies, and by implementing new policies which emphasize environmental protection by requiring assessments to be conducted to determine the ecological damage of proposed development, and the development should be inhibited if the results of these assessments find the proposed development to be deleterious. This alone, however, may not be enough for those who believe the Adirondacks should serve as a symbol of untouched pristine wilderness. Considering that this viewpoint is only the extreme one side of the great Adirondack debate, it is unreasonable to claim that that is in fact the purpose of the park; nevertheless, a compromise can be reached. Specific lands of particular aesthetic appeal or recreational value should be protected under a land classification. These lands, such as mountain ridgelines, or areas with recreational trails (such as those around cranberry pond in the ACR site) should be protected under the terms of this land classification, and exempt from development consideration. This type of protection would not only ensure protection of these valuable resources, but would also prevent lands which have historically been accessible for recreational purposes from becoming inaccessible as a result of development.

Finally, it is imperative that public input is sought, and attempts are made to incorporate public opinion into the decision making process. The APA used a “conceptual review” to allow

stakeholders to have their opinions heard for the ACR project. This was a positive step, and should always be utilized for proposed development projects. It can be hoped that most developers will give public desires for development serious consideration. In general, the public should be provided with avenues to voice their opinions, and both developers and state agencies alike are encouraged to consider public opinion seriously.

Feasibility of proposed solutions

Save the unlikely event that the current attempts to appeal the ACR's APA permit are successful, it is effectively too late to ensure that the developer comply with any of the suggestions for the redesign of the ACR project. These include suggestions for the reduction of scale, spatial redesign (clustering, buffering, avoidance of important habitats, concentration of development near the town/ski area, avoiding scenic or recreational areas, etc.), and temporal redesign (phasing, the order in which the various aspects of the project are implemented, etc.). Similarly, it is too late to require additional ecological assessment or for planning to be backed by sound data.

Assuming the remaining agencies (including the DEC) to grant the ACR a permit don't follow suit the APA decision, and deny the application on grounds within their existing legislation, it may be possible to legally require some of the aforementioned solutions. Otherwise, it is not feasible for these solutions to be enforced, and all that can be done is attempt to persuade the developer to reconsider his development plans.

Also, it is too late for suggested reforms of the APA act and APA permit review process to serve as feasible solutions to the ecological, economic, and governance issues arising from the ACR. These reforms include; more clearly defined terminology, required effective ecological

assessment, the ability to deny a permit without a hearing, and better upholding of their own standards, as well as concurrent permit review across agencies, and applicant time constraints. All of these solutions can realistically be implemented as preventative measures for controversies arising from future development proposals. Along these lines, these are also effective solutions to the fear of the precedent that the ACR sets for development within the park.

The establishment of a local land use plan is also a post hoc solution to the ACR problems, but would be useful for future development proposals, particularly if the ACR development does not go through as planned. All Adirondack towns should have APA approved land-use plans which express their desires for development within their community to serve as guidance for potential developers.

It is very feasible that jobs associated with this project are provided to Tupper Lake residents, however, this is also largely unenforceable, and to what extent jobs are outsourced is up to the developer. The public and their representatives should be sure to make their desires clear to the developer, and it can be hoped that they will be fulfilled to the maximum extent.

Recommended solutions

The most important solutions are those which protect the biodiversity and ecological integrity of the Adirondack Park, and promote maximum stakeholder involvement and satisfaction.

At this point in which solutions suggesting the restructuring of the ACR's development plans are unlikely to be implemented through enforceable regulation, their greatest value is as solutions to the fear of the precedent which the project sets. For this reason, reforms within the governing agencies should be sought so that controversies from future development proposals

can be minimized. Most importantly, we suggest that future development decisions be made in the context of quality data, collected through functional ecological assessments. Development projects should not be approved unless this data is available and the development plans reflect the findings of these surveys. Along these lines, it is equally as important that confusing terminology is clearly defined, and these definitions are incorporated into the governing acts. Also, it is necessary that the APA and other agencies uphold their own standards unremittingly.

To promote maximum stakeholder satisfaction jobs created by the ACR development should go to the local community, we encourage the developer to take the interests of the community seriously, and to outsource jobs as little as possible. Providing jobs to the local community doesn't only reduce animosity towards the project, and better the local economy, but it also supports the ACR and its chances for success by integrating it with the Town of Tupper Lake. Future decisions regarding development proposals should promote maximum stakeholder involvement through the further use of conceptual review processes such as the one used for the ACR.

6. Ease of Implementation

In regard to the feasible solutions for problems of the ACR specifically, implementation may be difficult as they rely on the good faith of the developer. However, assuming the developer is willing to pursue solutions to the ecological and economic problems, several of them would be fairly easy to implement. The desires of the local community and special interest groups have been clearly expressed to the developer. Also, there is a wealth of ecological information available, and what is not available has been identified and the proper assessments

have been suggested. Any restructuring based on this information is up to the discretion of the developer.

Solutions to prevent similar controversies in the future should be enforced by governing agencies. Some aspects of reform should be very easy and inexpensive to implement, such as the incorporation of clearly defined terminology into the governing acts. The most important reform is the requirement of adequate ecological assessment and the effective upholding of this requirement. While this type of assessment could potentially be quite expensive, depending on the nature and area of the proposed development, the costs should be incurred by the applicant to see that the necessary data is collected and applied to the development plan accordingly, under the supervision of qualified advisors. Essentially, the burden to prove that the proposed development application is in accordance with the terms of the regulating agencies should be upon the developer; if the developer is unable to do so then the application should be denied.

Overall, through the reform of the governing agencies and the decision making process, it should be very easy to implement solutions which would prevent controversy from future development proposals. This is because the Adirondack Park is already a successfully managed region which promotes biodiversity and allows wildlife to flourish. Management doesn't need to incur significant expenses when it comes to development proposals, the burden of proof can be transferred to the applicant. The reform of the agencies itself shouldn't be difficult either; however, something has to motivate this reform. For that reason, it is essential that anyone with an interest in the well-being of the Park's natural environment express their opinions to their representatives and voice their desires for reform.

Solutions which promote the well-being of the human environment within the park are more specific to each individual development proposal; however, these solutions can also be

implemented through policy and governmental action. It is important that the decision making process incorporates public input, and that the opinions of all stakeholders are given the consideration they deserve. This can be enforced by providing outlets for the public to voice their concerns and desires for a project, such as the conceptual review that was held for the ACR. It is reasonable that the nominal costs associated with holding such a session would be covered by the agency, and the developer's attendance should be mandatory. While it shouldn't be difficult to provide the public with outlets for their input to be heard, it may be more difficult to ensure the representation of public opinion in the final development plans. This is in part up to the good-faith of the developer, it can be hoped that most developers will have the best interests of the community truly at heart.

7. Implementation

The immediate next step required by the developer in order to move forward with the ACR project is to obtain permits from other regulating agencies. There is also the current appeal of the APA permit. Therefore, there is the potential to force the developer to restructure the ACR project to some degree, assuming legislation exists which provides grounds for denying a permit within these agencies; and that the agencies uphold their standards. Assuming the ACR is not prevented in its current design by a governing agency, the developer needs to be continually pressured to consider the ecological threats, and the economic risks of the ACR, and to reevaluate the current plan accordingly. Also, the developer should attempt to keep jobs that are created by the ACR within the Tupper Lake community, to the maximum possible extent.

In order to catalyze governmental reform so as to avoid similar issues arising from future development proposals, stakeholders in the well-being of the Adirondack Park should encourage the necessary reforms by expressing their concern to their representatives.

The “Great Adirondack Debate” is the question of how public and private land should be utilized; whether for the preservation of wild nature in its own right, or in the pursuit of economic prosperity for human communities. In the contemporary situation of our planet facing a growing threat from global climate change, and a rapid rate of biodiversity loss, and the simultaneous economic recession, the ACR serves as a fascinating case study for analyzing the debate. Recognizing that protected natural landscapes are also an economic asset, it is imperative that park governance uphold the integrity of the debate and the Adirondack Park, and implement the suggested reforms so as to strive for maximum stakeholder satisfaction. These reforms seek to maximize the benefits and reduce the risks of the ACR, and to address the precedent that the ACR sets for development within the park by ensuring that decisions are made under the guidance of adequate ecological and economic assessments in the future.

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Appendix A

Hamlet: 'range from large, varied communities that contain a sizable permanent, seasonal and transient population...to small, less varied communities...Hamlet areas will serve as the service and growth centers of the park.'

Moderate Intensity Use: 'areas where the capability of the natural resources and the anticipated need for future development...primarily residential in character, is possible, desirable, and suitable.'

Low Intensity Use: 'readily accessible areas, normally within reasonable proximity to to a hamlet, where the physical and biological resources are fairly tolerant and can withstand development at an intensity somewhat lower than found in hamlets and moderate intensity uses areas.'

Rural Use: 'areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, and proximity to scenic vistas or key public lands.'

Resource Management: 'lands where the need to protect, manage and enhance forest, agricultural, recreational, and open space resources is of paramount importance because of overriding natural resources and public considerations. Open space uses, including forest management, agriculture and recreational activities, are found throughout these areas. 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...and preserve the open spaces that are essential and basic to the unique character of the park. Resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well-designed sites.'

Industrial Use Areas: 'areas where existing land uses are predominantly of an industrial or mineral extraction nature or identified by local and state officials as having potential for new industrial development.'

Source: (Adirondack Park Land Use and Development Plan 1973)

Appendix B

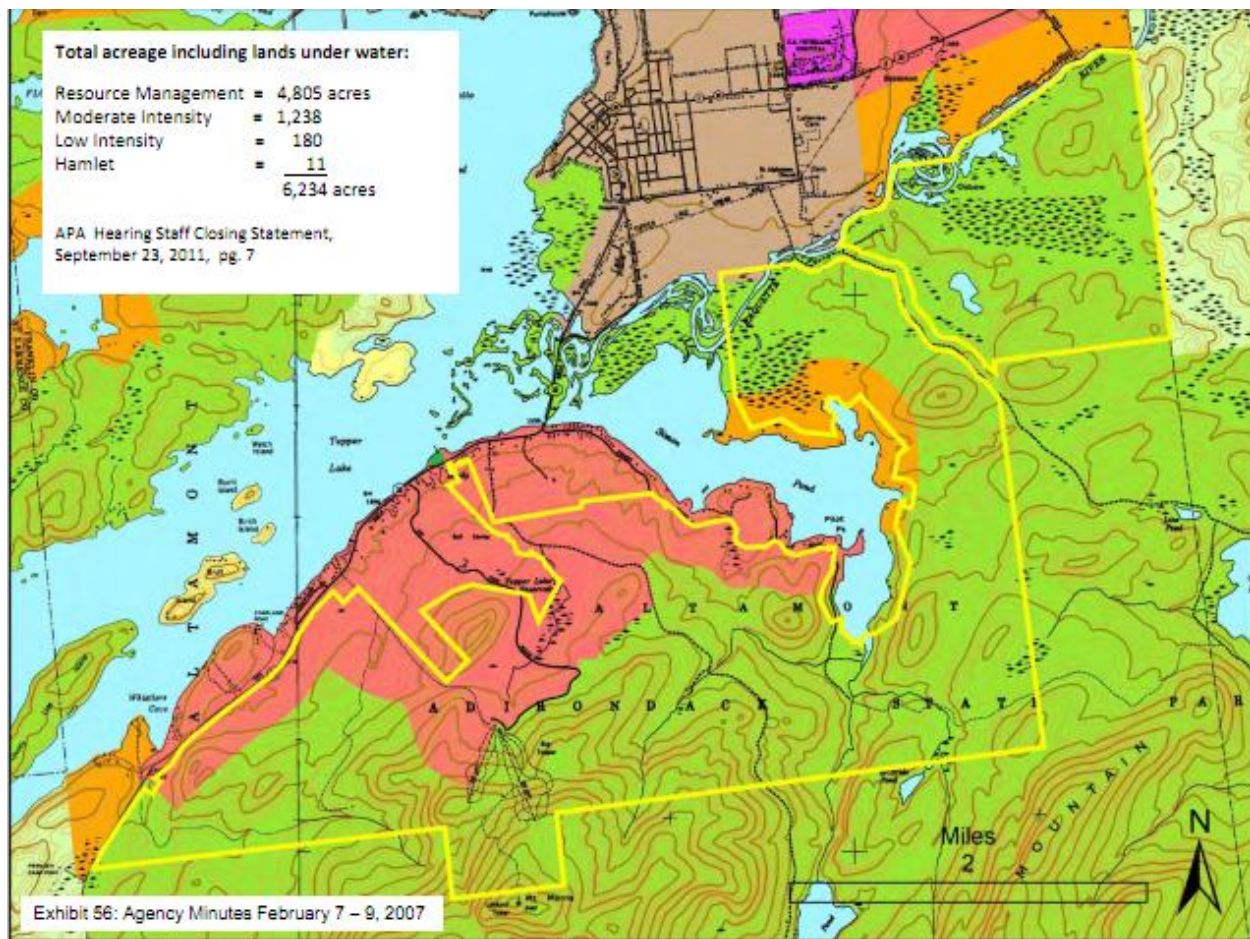
Resident Type	Residential Units
Single Family Dwellings	206
Great Camps	39
Artist Cabins	8
Townhouses (125 Buildings)	453
Total	706

Number of residential units of each residence type

Land-Use Type	Total Acreage of the ACR
Resource Management	4,805
Moderate Intensity	1,238
Low Intensity	180 Acres
Hamlet	11 Acres
Total	6,234 Acres

Acreage of each private-land classification type

Appendix C



Resource management = green

Moderate intensity = pink

Low intensity = orange

Hamlet = brown

Land classifications on the ACR site

Source: Adirondack Club and Resort Project Description November 2011

Appendix C

Informant Contact Letter:

Hello, informant x

We are currently seniors majoring in conservation biology at St. Lawrence University in Canton NY, conducting research on the recently APA approved Adirondack Club and Resort project in Tupper Lake. We are contacting you because we believe that you will be able to offer key insights that will aid us in our ongoing research. Our research is focused on the economic and ecological change that the Town of Tupper Lake and the surrounding environment will face as a result of the project. We are also interested in how this project reflects the history and future of development and decision-making within the park. There is a strong interdisciplinary approach to our case study, and therefore, we are attempting to balance the economic, ecological, and social elements that underpin this project.

We would like to request approximately 30 minutes to discuss your perceptions of the project and its immediate and future impacts on the town of Tupper Lake, its residents, and the Adirondack Park in general. We will be available to meet at your convenience Thursdays through Sundays, and we are available to drive to meet with you at your preferred location from now until the end of April. Otherwise, we are also able to schedule a phone or Skype appointment at your leisure. Our preference would be to speak with you directly, however, if this is inconvenient email correspondence would work as well.

We are excited to speak with you and look forward to hearing back from you in the near future.

Sincerely,

Matthias Nevins, Andy Sargrad, and Andrew Skaggs.

Email: mtnevi08@stlawu.edu (Matthias)

Phone: 315-391-3337 (Andy)

Questions used to interview our informants:

1. What is your relationship to the Adirondacks?
 - a. Resident (permanent?), visitor, investment,
 - b. Employment
2. What type of work do you do in the park?
3. When did you first here about the Adirondack Club and Resort Project?
 - a. What were your initial reactions?
 - b. What do you think this project offer the community of Tupper Lake, the Adirondack Park etc.?
 - c. How is your organization involved with this project?
4. Are you excited about this project?
5. Are you satisfied with your communities involvement in the decision making process.
 - a. What was that role?
6. What has been the role of the APA in the approval of this project?
 - a. Has the APA changed?
7. What is your response to the recent lawsuits?
8. How will this project change Tupper Lake?
9. Do you foresee any negative effects resulting from this project?
10. What type of an example does this project set for future development in the park?
11. What are the alternatives to this project?
12. FOR RESIDENTS OF TUPPER: How has Tupper Lake changed over your lifetime?
13. How have the Adirondacks changed over your lifetime?
 - a. Development
 - b. Land use
 - c. Environment
 - d. Economics
14. What does the future look like for the Adirondacks? Tupper Lake?
15. Please speak to the relationship between the state and local government in terms of decision-making process.
16. What are the different governing bodies present in the Park today?
 - a. Local government
 - b. State
 - c. Other influential organizations?
 - i. NGO, Adirondack Council, Nature Conservancy etc.

Ecological Questions:

- How was ecological assessment prioritized and how was it involved with the project planning?
- What are some specific ecological concerns associated with the development?
- What suggestions do you have as to how the development of the area should progress so as to minimize ecological threats?
- Land use change/Land cover change?
- Water resources and runoff from golf course.
- Ecosystem integrity, floodplain forest, wetland, and other habitat information?
- What are your suggestions for mitigating ecological damage?
- Role of Natural Resource management lands?
- Clustering of proposed housing units and why it was so poorly planned?

Economic Questions:

- Current economic climate
- Positive economic impacts on Tupper lake?
- Tax Pool?
- Job Creation estimates?
- Percentage Blue Collar/White Collar and Short Term/Longterm employment
- If economic revitalization occurs will the Town demographic be transformed so that low income residents will be forced to relocate and adapt?

Appendix D

Survey questions

1. The natural surroundings of the Tupper Lake community is important to me

SD D N A SA

2. Second home owners are an important part of our community and will contribute positively to our economy and culture

SD D N A SA

3. An all season recreation area in Tupper will improve the current economic condition

SD D N A SA

4. Manufacturing business will reopen in Tupper

SD D N A SA

5. The project has taken into account the environmental effects associated with the development

SD D N A SA

6. The project's revenue will stay in Tupper

SD D N A SA

7. The project will generate local jobs for the town

SD D N A SA

8. The project is in the general interest of the Tupper Lake community

SD D N ASA

9. The project will make life for permanent residents better

SD D N A SA

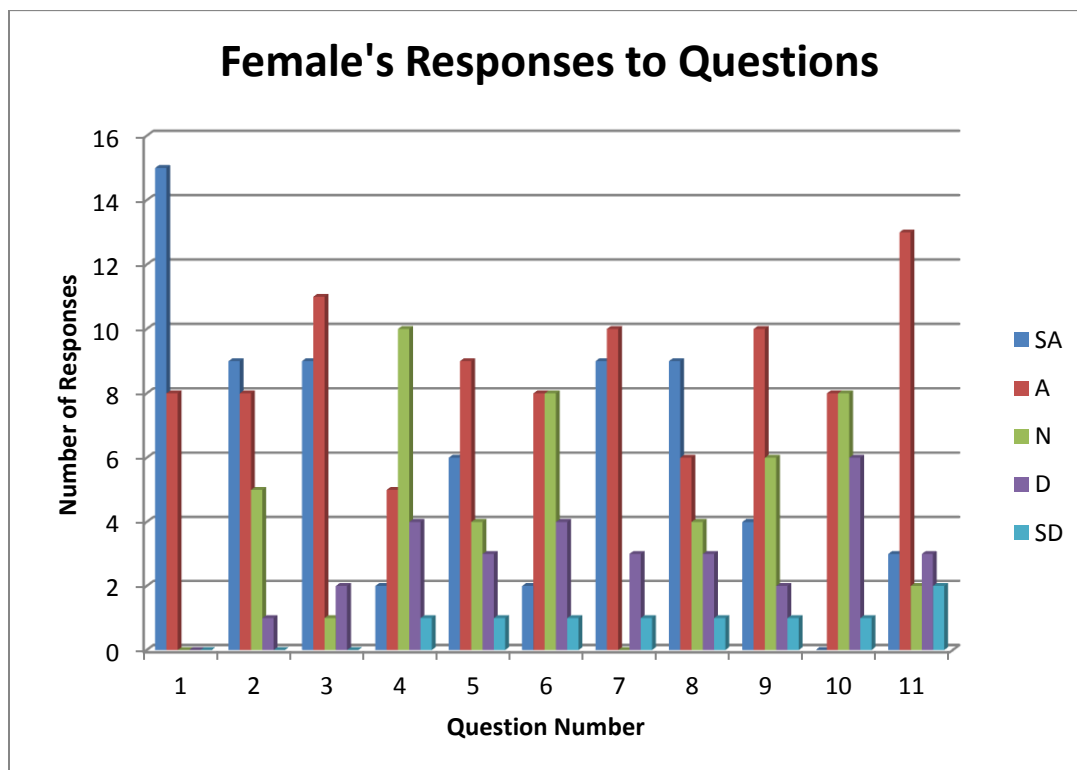
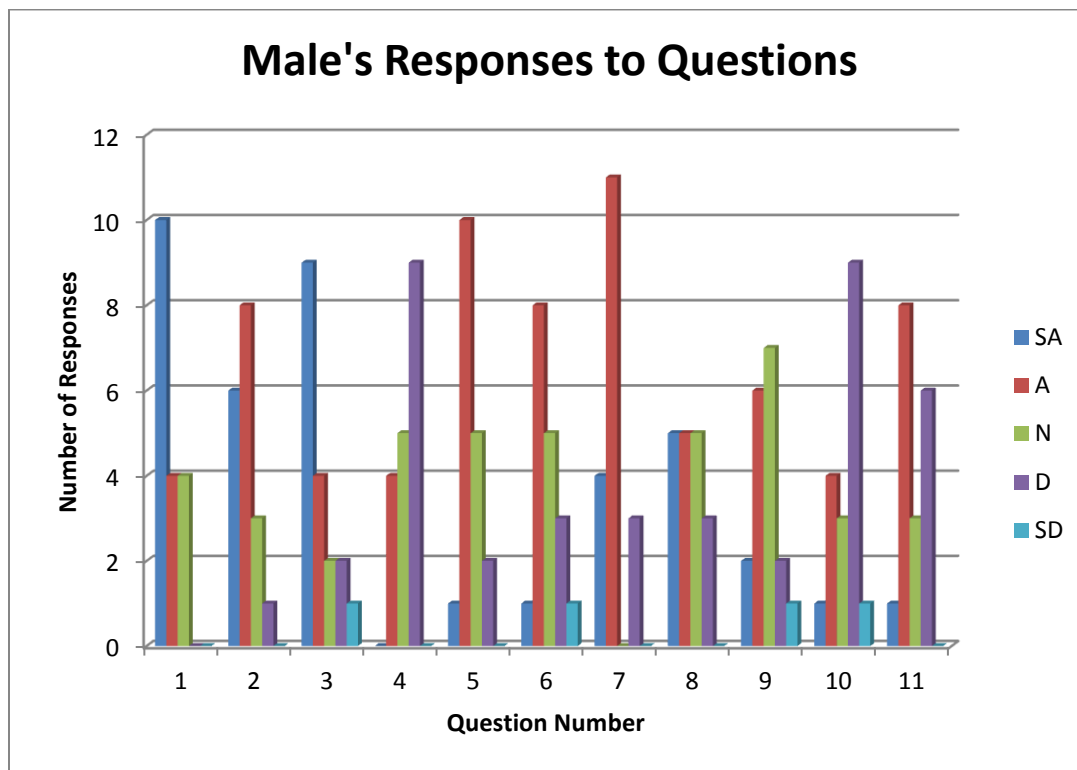
10. Economic growth is more important than environmental preservation

SD D N A SA

11. The project will encourage young people to stay in Tupper Lake

SD D N A SA

12. Is there anything else you would like to add?

Survey results

Source: Lane, Sam., et al. St. Lawrence University sociology department, 2012

Appendix E

Wilderness: ‘an area where the earth and its community of life are untrammelled by man, where himself is a visitor who does not remain...it is further defined to mean an area of state land or water having primeval character, without significant improvements or permanent human habitation.’

Primitive: ‘essentially wilderness in character but, (a) contains structures, improvements, or used that inconsistent with wilderness...or (b) contains, or is contiguous to, private lands that are of a size and influence to prevent wilderness designation.’

Canoe: ‘an area where the watercourses or the number and proximity of lakes and ponds make possible a remote and unconfined type of water-oriented recreation in an essentially wilderness setting.’

Wild Forest: ‘an area where resources permit a somewhat higher degree of human use than in wilderness, primitive, or canoe areas, while retaining an essentially wild character.’

Intensive Use: ‘an area where the state provides facilities for intensive forms of outdoor recreation by the public.’

Historic: ‘locations of buildings, structures, or sites owned by the state (other than the Adirondack Forest Preserve itself) that are significant in the history, architecture, archeology or culture of the Adirondack Park, the state or the nation.’

State Administrative: ‘areas where the state provides facilities for a variety of specific state purposes that are not primarily designated to accommodate visitors to the Park.’

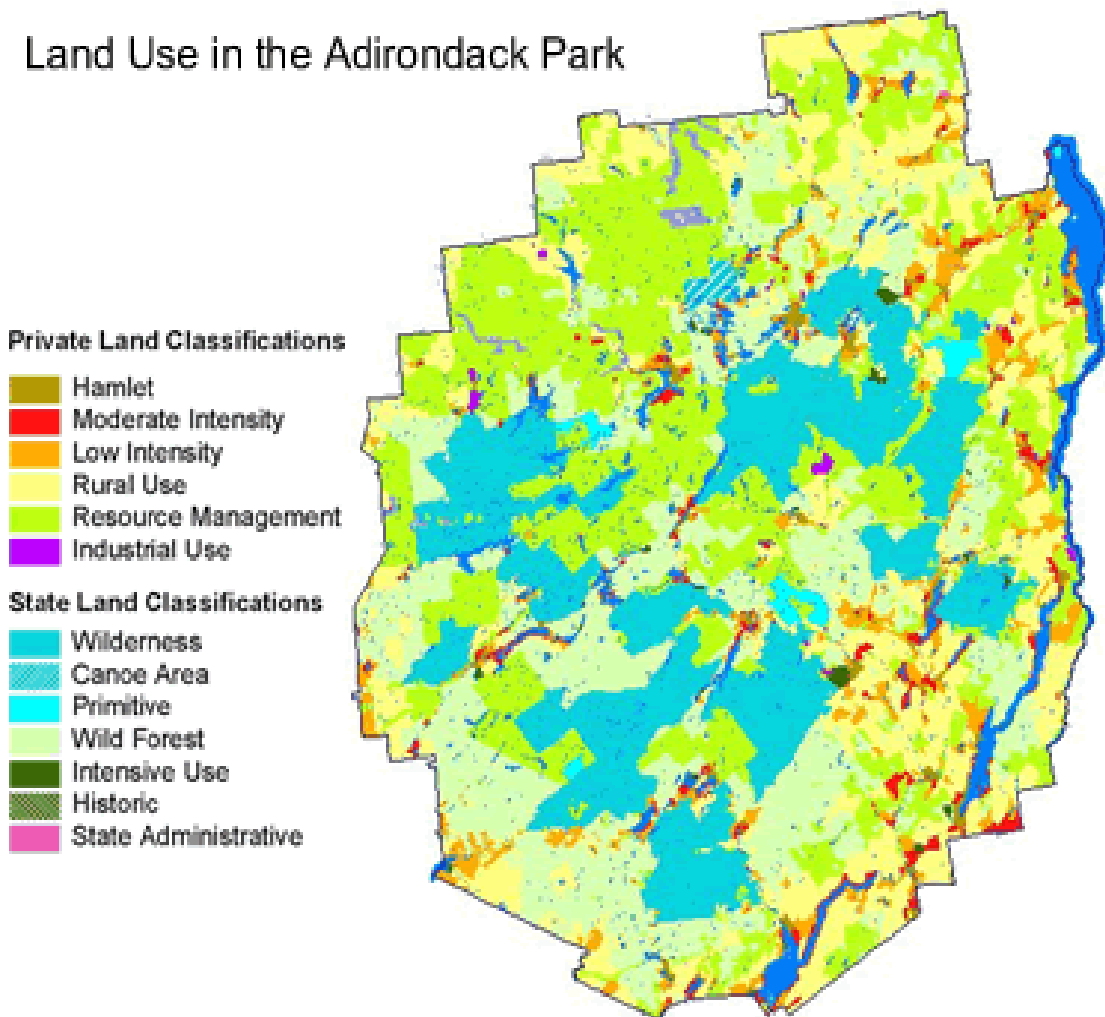
Wild/Scenic/Recreational Rivers: ‘a wild river is a river or section of river that is free of diversions and impoundments, inaccessible to the general public except by water, foot or horse trail, and with a river area primitive in nature and free of any man-made development except foot bridges.’

Travel Corridors: ‘strip of land constituting the roadbed and right-of-way for state and interstate highways in the Adirondack Park’

Source: (Adirondack State Park State Land Master Plan 1987)

Appendix F

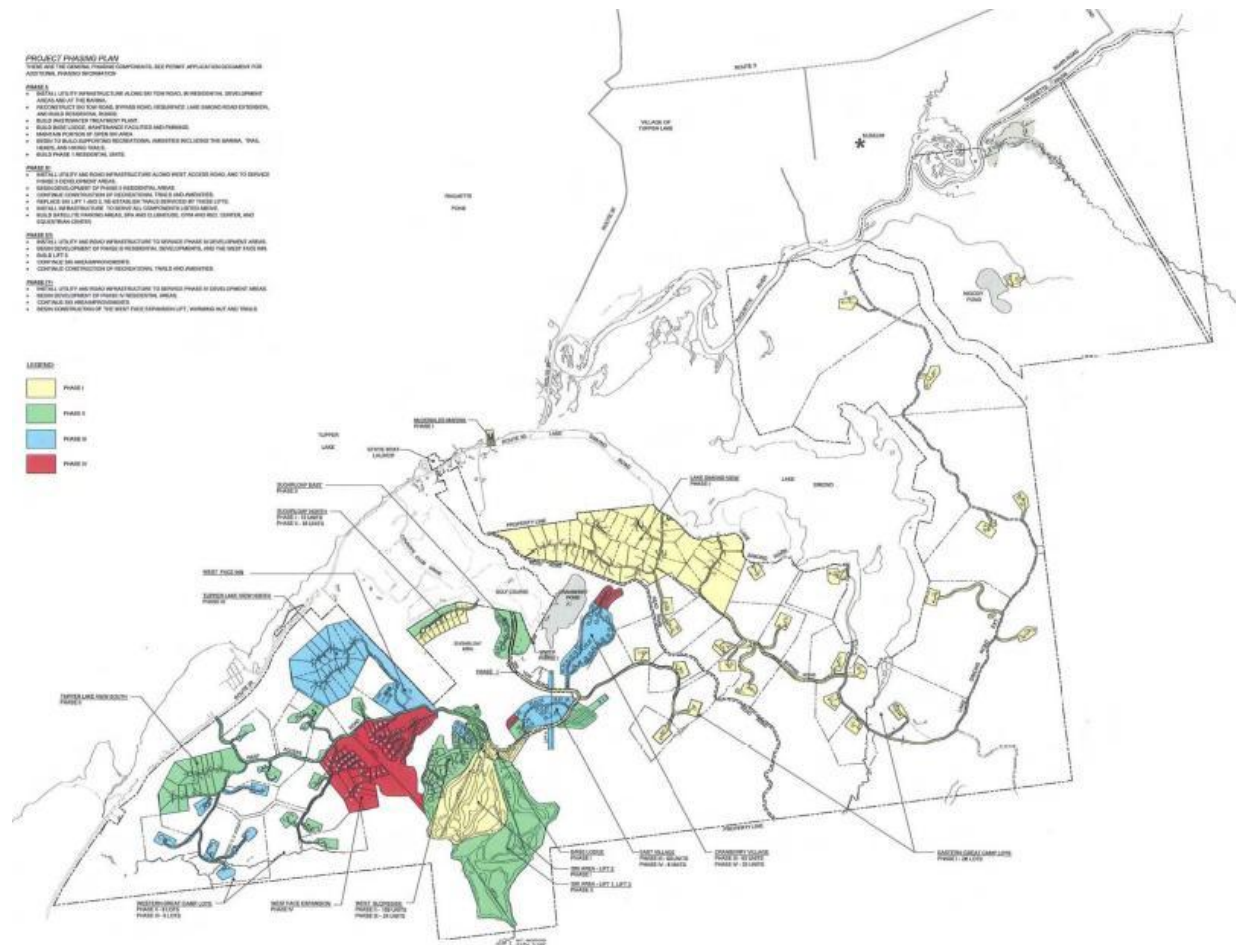
Land Use in the Adirondack Park



Land classifications within the Adirondack Park

Source: http://apa.ny.gov/about_park/index.html

Appendix G



Four phase plan for the ACR development

Source: Adirondack Club and Resort Project Description November 2011

Appendix H



Aerial photo of ACR site

Source: Adirondack Club and Resort Project Description November 2011