

BASHA KILL AREA ASSOCIATION HISTORY
40 YEARS --1972-2012
by Elizabeth (Buff) McAllister

THE BOND ACT AND PURCHASE (1972-1980)

It all started in 1972. Actually, the idea had been suggested five years earlier and the New York State Department of Conservation (DEC) went so far as to start negotiations with local landowners; but the plan never matured. In 1972, however, New York State residents voted overwhelmingly to approve the Environmental Quality Bond Act. DEC Commissioner Henry Diamond declared that the "Basher Kill" was in the top three -- in the entire state -- of his priorities for purchase.

Benjamin Gilman, a long-time U.S. Representative, had introduced a bill to acquire the wetland when he was in the New York State Assembly. In a newspaper article, he was quoted as saying that the 2700 acres of marsh and upland were "labeled by knowledgeable conservationists as the finest wetlands north of the Everglades" and warned that it was in danger of "destruction by residential and commercial expansion."

Not everyone agreed with Mr. Gilman. Other newspaper articles cited long-time residents' complaints of mosquitoes and the smell of the marsh. One man suggested draining the wetlands to restore it to its original condition before the stream backed up and flooded the low-lying land.

By December of 1972, it was definite that the DEC would be purchasing the land, with the intent of completing the purchase by April 1973. They planned to buy some 2800 acres, including approximately 500 acres of uplands for roads, trails, parking lots, etc. There were about 160 property owners, including 75 year-round residents who would be approached for negotiations. Older residents would be given the option of selling their land and retaining a life tenancy.

Interestingly, Elizabeth Pollock, one of our founders, and already over 70 years old, was not sanguine about the purchase. A feature article in the January 22, 1973 edition of the *Times-Herald Record* quoted her as saying that "where the public goes. . . it destroys." (Mrs. Pollock's small house off Route 209 was very close to the water and to the remains of the old D&H Canal; in fact, it had been the home of one of the canal boat captains, and it was rumored that he sold whiskey out the window of what would later become her bathroom.) She was not opposed to protecting the wetlands, but was concerned about what would happen once they were owned by the state.

All the local landowners were anxious and concerned that their lands would be confiscated at such low prices they would not be able to buy other housing with the proceeds. Some were very angry. Fuel was added to the fire by the disclosure in January 1973 that the DEC wanted to buy some 4000 acres, rather than the initial 2800 -- all the land between Route 209 and South Road. Residents and the Town of Mamakating objected strenuously. The DEC backed down on the larger purchase.

Three residents of the area – Rudy Zurl, Elizabeth Pollock, and Alan Tucker -- got together in 1972, and in March of 1973, took the name “Basha Kill Wetlands Citizens Committee.” Mr. Zurl was named Chairman; Mrs. Pollock, Secretary; and Mr. Tucker, Director of Communications. A fourth person, Sonja (Sunny) McDowell acted as Treasurer. While the group did not object to the state’s acquisition of the wetlands, it sought a two-year moratorium on the purchase to enable owners to research and pursue their rights and options. The members went door-to-door to solicit support. The moratorium idea, however, was rejected, and the state proceeded. It was estimated that the whole purchase would cost \$1.2 million

The first parcel purchased was from Mrs. Pollock, in 1974. She sold her 58 acres and retained a life tenancy; the purchase price of \$46,000 was said to be about the going rate for property in the area. Other owners wanted the moon. One person had purchased some 16 miles of the old railroad right-of-way for \$10,000 a few years previously, and rejected an initial offer of \$41,000 for a third of the property.

It took until 1980 to complete the purchase. The total price was \$2.4 million.

SHAWANGA LODGE/VILLAGE (1973-1983)

In the meantime, Shawanga Lodge (later called Shawanga Village) reared its ugly head, and another fierce battle was joined. The developer wanted to build a 650-unit project at the head of the Basha Kill, and applied for a permit to discharge its treated effluent into the wetlands – some 225,000 gallons per day. Some favored the development for the usual reasons – jobs, additional property taxes, etc.

The Citizens’ Committee was the driving force behind the fight against the development, and Elizabeth Pollock, while never the named leader, was the driving force behind the Committee. Not that others didn’t do their share, but she was like a force of nature, pressing everyone and everything toward her unyielding vision of the goal. She had an iron will and a “no-holds-barred” style. She was intelligent, fierce and stubborn. (She was born in 1902 and told me wonderful stories about growing up in a genteel southern Jewish family, throwing over her boring respectable fiancé, then heading out alone to New York City in her twenties, which was just NOT DONE.)

Mrs. Pollock wrote a petition to the DEC, opposing the project, and about 100 residents signed it. She also wrote for help to many other groups and government units, including the Catskill Center, the EPA, the Natural Resources Defense Council (NRDC), the Department of Sanitary Engineers, and many legislators. The NRDC was especially important for the future of the area; it funded an excellent lawyer, Stanley Bryer, who for years worked tirelessly on our side.

Sometime between April and July of 1973, a new group was formed, the Federation of Community Associations of the Town of Mamakating (Federation), to organize the various local groups and homeowners’ associations into a force for protecting the Basha Kill from development. These included the Basha Kill Citizens’ Committee, Yankee Lake Association, Mountain Lake Camps, Wurtsboro Hills Association, Masten Lake Association, and Winterton-Shawangunk Association.

Mrs. Pollock was involved in forming the Federation, but it was Anna Hagovsky who really held it together. Anna was another very strong person; I know she worked at Bendix, and I believe she was an engineer -- when women were not engineers. Opponents under-estimated her mild-mannered appearance at their peril. She was logical, intelligent, knew how to research a subject, and had the skills of a cross-examiner.

The combined membership of all these groups was some 1700 people, and it kept up the pressure. The DEC had recently permitted the Emerald Green development to double in size, and many more development projects were in the works – projects that would have added some 3000 living units on about 1900 acres, all in the vicinity of the wetlands. The Federation wanted the DEC to reject water and sewage permits on all of these projects.

Dr. Martin Borko, then Associate Professor of Biology at Orange County Community College (OCCC), and who testified at the Emerald Green hearing, recently informed us that Emerald Green was the first proposal to have a full environmental impact hearing in New York State under the new State Environmental Quality Review Act (SEQRA); Shawanga Lodge was the second.

(All this development pressure provided the needed impetus to completing a zoning law, which had been almost seven years in the making. An editorial in the *Times-Herald Record* dated August 28, 1973, congratulated Supervisor Dennis Greenwald for signing the law; there were still five other towns in the county lacking any zoning.)

The battle was long and ugly, and it was mixed up with continued anger about the purchase, the need for more property taxes to offset what would be lost, the low esteem in which many people held wetlands (“swamps”), jobs, and the perennial mistaken belief on the part of municipalities that more development means more taxes and economic growth (forgetting the part about more required services to the new houses.)

In August 1973, the environmental impact report prepared by the developer was leaked from the DEC, and the proposal turned out to be even worse than thought. In addition to the 650 condos, the developer wanted a 14,000 square foot shopping center, up to 125 rooms in a hotel/motel, and a manmade lake. It would need 250,000 gallons a day of drinking water (from a mountain of rock) and the same amount of effluent discharge, which would find its way from a tributary into the wetlands. They said they would treat the discharge before releasing it, but suggested that it would not be good to have the water “too pure” as that would not sustain the necessary ecological balances in the streams.

A letter to the members dated March 10, 1974, reported that, due to the Citizen Committee’s efforts, the DEC had decided to hold a full environmental impact hearing on Shawanga Village. The hearing started in April and lasted for months, finally taking 25 days of testimony, much of it from experts contacted by the Committee. Dr. Borko also testified at this hearing, on his own behalf about the importance of protecting the Basha Kill, as well as an expert witness on water and discharge for the Town of Mamakating and the BKAA. From his description, it sounded wild; at one point, the hearing officer cracked a glass table top with his gavel.

On April 8, 1975, the DEC rejected the water and discharge applications for Shawanga Village, suggesting a revised application for 200 units. The Town of Mamakating, having already given

conditional approval, was shocked. In June, the developer brought an Article 78 proceeding (a lawsuit to say that the decision was arbitrary and capricious and should be set aside) against the DEC, but put it on hold while discussing alternatives.

The issue dragged on for years. The developer met with various DEC personnel and suggested different configurations for the project; their attorneys wrote reams of letters complaining about their treatment by the agency.

In March 1977, the DEC agreed to “reopen” the application. The DEC made it clear what its concerns were: water supply; physical limitations of the area including shallow soil over rock, quick water runoff and erosion, little green belt, etc.; and danger of effluent into the Basha Kill. These problems had to be overcome for the development to proceed. Plus, they wanted a Draft Environmental Impact Statement (DEIS) as per the requirements of SEQRA. The developer’s response was to propose, in August 1977, 525 single-family houses, a hotel, commercial area, and restaurant, using 200,000 gallons of water daily.

The Basha Kill Area Association (the name was changed at the October 1975 annual meeting) and the Federation jumped back into the fray, with letters and Stanley Bryer’s legal help.

On September 16, 1977, the DEC sent a letter to the developer that their latest proposal did not show a substantial reduction in unit density, did not consider visual impact (including the Ridge), did not present a backup plan to prevent inadequately treated effluent from going into the Basha Kill, and did not submit an environmental impact statement as required.

There were more letters back and forth, and the developer went ahead with the Article 78 proceeding – and lost. The whole thing just petered out. There it stood until recently, when a new proposal (one that makes the original one look puny), rose up like a vampire. In the meantime, of course, the land has not changed; so the issues of water access, density, and discharge are identical.

THE FLEDGLING GROUP

The land purchase and the Shawanga Lodge development were the two issues that started and shaped the BKAA. It was a time of turmoil and transition. The youth movement was going strong. Woodstock happened in 1969. Ecological considerations were becoming more and more important -- the first Earth Day was April 22, 1970. More urban people were moving into rural areas, at least for second homes. As noted, SEQRA had just been passed in New York State to curb out-of-control development and destruction of natural resources.

Local residents were understandably upset at outsiders trying to change their long-term practices; newcomers were understandably upset when they saw their little piece of paradise being threatened by pollution and over-development.

Our mission statement for many years said that the group was organized “by property owners in the Westbrookville-Wurtsboro area for the purposes of protecting as taxpayers those ecological and financial advantages derived from living in an environment uniquely related to the continuing existence of an unspoiled Basha Kill and unspoiled scenic surroundings.”

Many people hated the BKAA (some still do!): It supported the bond act purchase. It stood in the way of “increased tax base” and jobs from Shawanga Lodge. It involved the reviled DEC. It forced SEQRA hearings. It criticized such practices as holding a variance hearing without the slightest scrap of paper to show the public what the proposal was, and where the presiding officer repeatedly stated that he was unable to define terminology in the zoning code. It pushed for transparency, for following proper procedures, and for the understanding that it was necessary to look at the real costs of development, not just the rosy tax dollars.

Mrs. Pollock told me that in the first few years, she and Mrs. Briggs had to snoop around looking for town meetings, which they found being held in a local bar! The women would sit nearby and try to hear what was being discussed, and the board members would huddle closer and lower their voices. She also told me that she heard comments about “interfering Jews from the city.”

Even ten years on, in 1982, several of us attended a planning board meeting where a town official passed by our chairs and said, loudly enough to be overheard, “I’m leaving early. I don’t want to listen to their s**t.”

Fortunately, we had increasing support each year. We did our homework, we were polite, firm, and most important of all – persistent. It took many years, but gradually, we achieved a grudging acceptance by most. It became clear that the wetlands brought in tourist dollars and that property values were supported by clean roads and limits on development to retain the rural character of the area. It became more generally known that residential development without existing infrastructure cost more in services than it paid in taxes.

We have had many strong, dedicated members, officers, and volunteers who have kept the BKAA thriving and growing for 40 years, when many other such groups have fallen by the wayside.

GARBAGE & CRIME (1975-1976)

BKAA took on these problems that had existed long before the DEC purchase. The garbage was not small litter – yards, roads and empty lots were full of rusting hulks of cars, an old bus, used bathtubs, large appliances such as refrigerators, and heavy machinery. After Louise Briggs joined in 1975, she and Mrs. Pollock went personally to houses, urging the residents to clean up their yards. That must have taken some courage, as I gather they were not always well received.

The group prodded the Town of Mamakating to take away the junk on the roads, which they started to do. Our annual cleanups, started in 1982, also helped

The crime was truly horrifying, particularly on South Road. Rudy Zurl, in a report to the Federation in May 1976, recounted incredible numbers of criminal acts in a four-mile area of some 25 homes: houses and barns burned; theft of furniture, garden machinery, and in one house, all the valuables. One person said that despite putting up plywood and other protective things on his house, he was stolen from or vandalized on an average of every 60 days. After one young widow was beaten and robbed, she sold her house and left the area.

The BCAA made contacts with the DEC, the Town, the Sheriff's Department, the state police and others, and had a meeting in July of 1976. Parking was prohibited on South Road. The District Attorney personally asked the state police for more patrols in the area, and wrote that eight persons recently prosecuted for burglary got hard enough sentences that it might be a deterrent to others. Things gradually improved.

CAMPGROUND/TRAILER PARK (1976-1988)

There is a field of about 100 acres on Route 209 in Westbrookville next to the cemetery, now owned by the DEC, which is home to bluebird houses. Its peaceful demeanor gives no hint of the twelve-year battle waged to protect it from development.

At a Mamakating planning board meeting on July 29, 1976, there was a public hearing on an application to build campsites for recreational vehicles on the property. It was to start with 50 campers and be extended in stages to a maximum of 300. It would be open from May to November each year; and the site would have central water and several shared septic/leachfield systems.

At its August 1, 1976 meeting, BCAA members voted to oppose the campground for a number of reasons. There was concern about the possibility of leachfield water finding its way into the wetlands, concerns about increased traffic, devaluing neighboring properties, etc. The DEC declined to issue a discharge permit and the issue seemed dead. Years passed.

In August 1983, purely by accident, we found out that the same developers were back and were now proposing a trailer park – again starting with 50, but potentially hundreds eventually. We were certain that if two of us had not attended the planning board meeting for other reasons, it would have quietly been approved. (That's when we started asking for volunteers to monitor planning and town board meetings.)

We immediately contacted the DEC, which required a DEIS. We went over the DEIS with a fine-toothed comb, and found many deficiencies. In several instances, we used the developer's own numbers to draw different conclusions. We gathered information from the census, real estate brokers, the department of transportation and others. We deemed the submission to be totally inadequate, submitted an 11-page document detailing our objections, and pushed the DEC to hold a hearing, which it planned for July 17, 1985.

The biggest problem with developing this area was that it would destroy the DEC's policy of limiting access to the Kill. It is not accidental that the parking lots are the size and number they are – it was part of the management plan to minimize stress on the wetlands. This large parcel was bounded by the wetlands; so there would have been unlimited access from potentially hundreds of trailers. Other property owners agreed with our opposition; trailers don't pay property taxes, and that would increase the burden on town services without commensurate income.

We saw that this parcel would always be a magnet for developers, and we would be going through this process again and again. We urged the DEC to buy it to add to the wildlife management area.

Hearing that the DEC was “reluctant” to do so, we started calling and writing to a long list of people and groups we thought could help: our own members (a number of whom also wrote to the DEC), the Nature Conservancy, various sportsmen’s groups, the Federation, an independent advisory board to the DEC, the Sierra Club, and others. We were treated to an attorney (thanks to the Open Space Institute), who went with us to Albany for a meeting with a number of high-placed DEC officials on June 20, 1985, and helped to convince them.

In July 1985, the DEC started negotiations with the owners. These negotiations broke down in January of 1988, and we started all over again with the letter-writing, etc. Eventually the DEC did purchase it and filled it with bluebird houses.

DEC MANAGEMENT PLAN (1979-1986)

One bone of contention about the purchase was that the DEC did not have a plan to manage the acreage that they bought. They had started working on the plan soon after the acquisition, but it was taking a long time. Finally, they had a hearing in February of 1979, where neighbors complained about policing and upkeep. A copy of the draft plan for the Bashakill Wildlife Management Area was given to BKAA at its annual meeting in 1980.

The plan was released to the general public in conjunction with the official dedication of the wetlands, which rated front-page coverage in the *Record* on July 25, 1981. The plan called for balancing protection of natural assets with recreational use for visitors. There would be nature trails, boat launches, parking lots and some roads for better access. Funding the program would cost about \$120,000 annually and would come from increases in license fees for sportsmen.

The BKAA generally approved of the major proposals, but wanted to ban snowmobiles and all gas-powered boats. The snowmobiles stayed, but after some back and forth, the DEC agreed to limit boats to electric motors.

Not everyone was so supportive of the draft management plan. An article in the *Record* on September 5, 1981 quoted a town official as being concerned that the DEC would “usurp the town.” That was the beginning of a long and wearying campaign against the DEC.

For the next five years, there were numerous meetings and newspaper articles filled with criticism of the DEC. At a town meeting on September 23, 1981, the most scathing criticism was of one sentence in the plan that referred to aesthetics as being an important part of the outdoor experience. The section recommended that state officials encourage town zoning for the surrounding areas to limit development. A town official claimed that would result in DEC control of the town. On direct questioning, he admitted he didn’t think that aesthetics were important for the outdoor experience!

On November 18, 1981, a number of BKAA officers and members attended a town board meeting where a DEC representative spoke about the plan and pointed out that the DEC cannot dictate local zoning laws. The only direct DEC control would involve discharge into the Kill, or if a plan required approval under SEQRA (which would be the case even without state ownership). At that same meeting, a town official suggested less attention should be paid to outside “pressure groups” than to those who lived in the area and were more directly affected. With some surprise, we realized that he was referring to BKAA.

The negative press just kept coming:

Early 1984: The DEC's perceived failings – not enough money to maintain, cutting back on forest rangers, letting polluters violate discharge permits without consequences, not following their own rules and policies, etc.

February 1985: The State Assembly Ways and Means Committee reported on major failures of the DEC, which included budget cuts and staff transfers.

March 1986: The *Record* accused the DEC of owning landlocked parcels, buying land it couldn't use or protect, permitting garbage and overuse, and having bought some 2800 acres on the Neversink River without buying the hunting, fishing or trapping rights, thereby rendering the land "useless" (useless? what about habitat? what about hiking and bird-watching?) The DEC admitted to making mistakes.

April 1986: In the Adirondacks, people were quoted as saying that the state should not "gobble" more land before it started paying taxes on already-acquired land; the Sullivan County Board of Supervisors agreed.

On April 26, 1986, I wrote a "My View" editorial for the *Record* arguing that the state must continue to buy land for long-term protection, as nobody was making any more of it and it was being developed at a great rate. In the meantime, I wrote, the legislature should allocate more funds for management, and private individuals could roll up their sleeves, as the BKAA does, to help with garbage. We received a personal thank-you letter from the DEC Commissioner, who praised our "excellent work" on behalf of "this superb natural area."

GYPSY MOTHS (1980-on)

In 1865, some genius brought some gypsy moths to the U.S. to breed with silkworms to create a heartier strain. It didn't work, but, of course, some moths escaped. Twenty-five years later, the state of Massachusetts spent \$25,000 to try to eradicate them (a lot of money in 1890!). That didn't work, either, and the caterpillars steadily ate their way into other states.

They came into public awareness in our area about 1980, as their numbers were growing and they were denuding trees in great numbers. There was much discussion and controversy as to how to control them. The municipalities wanted to spray Dylox and Sevin, which would also kill beneficial insects, and weren't so good for human health, either. Some entomologists warned that spraying would only interfere with the natural boom/bust cycle of the moth. We attended town meetings, opposing spraying near the wetlands; we found a federal government handbook and wrote up fact sheets for our members, which we sent out several years in a row.

In March of 1983, the Mamakating newsletter claimed that there was no problem with moths that year because of the previous year's spraying. The DEC, however, was quoted in the *Record* as saying that a natural virus, and starvation because of the vast overpopulation, caused the decline. We wrote a letter to the town expressing our disappointment at the misinformation disseminated to residents, but never received a reply.

In the years since, gypsy moths have continued to be a scourge; while they don't directly kill trees, they can weaken them to a point where other factors, such as drought or disease, do kill them. I don't believe, however, that any insect species has ever been exterminated; so we continue to live with them and do what we can to mitigate their damage.

ORDINARY BUSINESS (1981)

Mrs. Pollock resigned from the board and Jeff Fisher and I became co-directors; Jeff Moore was secretary and Louise Briggs, treasurer (a position she was to hold until about 1997, after which she was membership chair until shortly before her death in December 1999).

MARCY-SOUTH POWER LINE (1981-1986)

Background: In 1970, Consolidated Edison (ConEd), NYC's power company, applied for a permit for what was then called the Southern Tier Interconnection. The Public Service Commission (PSC) had 54 days of hearings and 9000 pages of testimony from more than 50 witnesses (including Anna Hagovsky). There were also petitions and letters with the signatures of more than 5000 persons. There is little about it in our files except for a notation in Anna's handwriting that the portion of the route from Coopers Corners in Sullivan County to Rock Tavern in Orange County was -- after still more hearings -- approved for crossing the Shawangunks near Cuddebackville. Other proposed crossings near Route 17 were denied. This was important for the Basha Kill, as the line would be south of it, and less visible. For some reason, this line was never constructed.

It's Back: In November 1981 we found out that the power line proposal was back, this time by the Power Authority of the State of New York (PASNY) and called the Utica-Poughkeepsie 345kV Transmission Line (later to be called "Marcy-South"). The point was to buy cheap hydroelectric power from Canada and route it to New York City. There were questions over whether the power would be available locally, which would supposedly reduce electric rates; whether or not it would damage property values; whether the projected savings would really pan out, etc. There was enormous resistance to it, from many quarters, including both Orange and Sullivan Counties and state legislators.

A *Record* editorial on April 20, 1983 said PASNY's own estimates showed that conservation could save 2.5 billion gallons of oil per year, compared with the 7.7 million gallons per year that would be saved by the line. A letter to the editor on the same day said PASNY admitted that Canadian hydropower could be imported over the existing grid at a savings of \$114 million, but PASNY's reason to exist was to build power lines -- and its investors expected to get a \$711 return on their investments for this one.

PASNY published some slick newsletters, offered to reimburse affected landowners for future real estate taxes, and offered \$12 million in grants for localities along the right-of-way.

On February 1, 1983, we made a statement at a PSC hearing. We made it clear that our members had their own opinions on the power line as a whole, but we were speaking on behalf of the BKAA regarding the crossing near the Kill. We opposed it on two grounds: aesthetic impairment, and disruption of wildlife, not only during construction, but from chemical

defoliant to be sprayed around the finished line. I had previously written to John Dyson, chair of PAsNY; his office wrote back that several alternate routes were rejected as being too close to the wetlands. I said, "HA!" to myself – they didn't reject these routes, they were denied by the hearing officer back in 1970, thanks to Anna and many others.

Anna got her photo in the *Poughkeepsie Journal* on April 29, 1983, page one, under the headline, "Powerline Experts Meet Their Match." Her skills at cross-examination were mentioned, and the PSC attorney said it was significant that she got the consultants to admit that if one line is built through an area, it increases the chances of having others built along the same corridor.

It was all to no avail. PSC approved it, the Army Corps approved the planned water crossings, and a lawsuit failed.

An ironic footnote: The last item in our file is a *Record* story from August 25, 1989; it turns out that while we were buying "cheap" and "abundant" electric from Canada in the summer, they were buying it from us during the winter.

ORDINARY BUSINESS (1982)

May 1982 – First Annual Basha Kill Cleanup. It was member Ben Siebecker's idea and was not formally organized. We just encouraged all members to clean up where they wanted to.

GRAVEL PIT (1982-83)

For many years the Town of Mamakating took gravel out of the old Benson gravel pit on Route 209 slightly north of Haven Road. In May of 1982, we found out that the town wanted to take out the remaining gravel, level the hill (destroying a stand of white pines), and make a parking lot out of the space. The DEC wanted to turn it into a model reclamation site.

We wrote to legislators and the DEC, and a meeting was set up for July 15, 1982 at the site. It was quite a star-studded event, with NYS Senator Cook, Assemblyman Kisor, a representative from Rep. Gilman's office, Region 3 DEC Director Paul Keller, a reporter and photographer from the *Record* (at our request) and town officials. We presented our views strongly – that the lack of a buffer between the road and the Kill would disturb visitors; it would again undermine the DEC's plan to limit access to the wetlands; and there were other gravel pits available. The DEC presented an opinion from its legal department, and that was that. By our annual meeting in June 1983, the site had been graded and bushes and trees had been planted to create a model of reclamation.

EDUCATIONAL PROGRAM (1982-on)

This was Louise Briggs' excellent idea. She felt that lack of appreciation of the wetlands, and the vandalism that had been occurring in recent years, could best be solved by early education – teaching the children of the value and beauty of the wetlands.

The first year, in September of 1982, children in the third, fourth, fifth and sixth grades at the Bicentennial School in Cuddebackville were treated to a movie on the wetlands by Paul Jeheber. The week after the movie, DEC officers took three fourth-grade classes on a field trip. We had prepared a booklet on animals in the Kill, illustrated with Louise's drawings.

In the spring of 1983, we started gathering slides, some from the DEC, and others from nature photographers we found. In addition, we asked the DEC to train us so that we could start leading field trips ourselves. Joel Hermes and Judy Ford, biologists from DEC's Region 3, attended our June 12 annual meeting and took a group of us on a walk through the Kill, showing us interesting things we could point out to the children.

September of 1983 saw our first venture into doing the program ourselves. Fourth-graders at both the Bicentennial School and the Emma Chase School in Wurtsboro saw the slide show presented by Louise Briggs, received a copy of our booklet, and were led on a field trip by member volunteers. They loved it.

And it was very timely. An article in the *Times-Herald Record* on September 14 showed a photograph of a 40-foot long foot bridge on the nature trail that had been wrecked by vandals. The bridge had just been rebuilt in the spring to replace another bridge that had been vandalized the fall before. Lance Kolts from the DEC told us that there had been some \$20,000 of vandalism in the previous two years. In addition to the bridge damage, bluebird boxes were shot at, 12-foot sections of logs in the parking lots were stolen (until they were anchored together), and an empty house on South Road, which might have been a dwelling for a DEC officer, was burned down. It could not have more clear how important it was to continue our educational efforts.

We had another reminder of the urgency of education. On a field trip in September 1986, gunshots were heard. Shortly afterwards, the children and guides found a dead raccoon that had been deliberately arranged on a rock, obviously to frighten and horrify the children. We wrote about it to the DEC, but the perpetrators were never found.

The program continued with second-graders as well as fourth-graders, until 1991, when budget cuts started forcing the schools to cut out the field trips. Florence Rothausser decided that if the kids couldn't go to the wetlands, we would bring the wetlands to them. In the spring of 1992, BKAA naturalist Gary Keeton did just that. He had slides and a hands-on presentation of specimens, including a huge turtle shell, various animal bones, and fish tanks full of aquatic life. It was very popular, and he went on to take his program to hundreds of students in many schools all over the area.

Gary's presentation was the basis for the hugely successful calendar project, also Florence's brainchild. The children made drawings under the direction of Emma Chase School art teacher Brenda Heins, which Florence put together into a calendar for 1993. Donations to defray printing costs were solicited from individual, groups, and local businesses. The calendars were very popular and sold very well for \$2.50 each. With the proceeds, Florence bought more than seventy carefully chosen books on the themes of art and science. With her specially designed bookplates inside, they were given to the libraries of the Monticello District Schools. Enthusiastic thank-you notes flooded in.

On October 21, 1993, the International Reading Association and Sullivan Reading Council honored the BKAA, the Emma Chase School, and the community for "exemplary service in the promotion of literacy."

The 1994 calendar, called "Our Heritage," focusing on Native Americans, was just as successful. Books were purchased for the Native American, art and wetlands sections of the libraries. The 1995 calendar, called "The Web of Life," was produced with the help of art teacher Ellen McNally. More than fifty books, in the art and environmental science sections, were donated to the libraries.

It was a wonderful project, benefiting all involved. Unfortunately, by 1996, Florence was burned out by the enormous time and energy she expended, and nobody stepped into the breach to produce another calendar. Perhaps in the future, someone else will take it up again.

In September of 1999, fifth-graders at the Chase School participated in a federally-funded project intended to integrate technology into the curriculum. The curriculum was the wetlands ecosystem. The students thought of ideas, designed equipment, studied wetlands in the classroom, and went out with Gary Keeton to see it first hand. The finished project was of such high quality that the class was designated a "demo" site, meaning that the technology would be on permanent loan during the life of the program. And what a great assortment of technology it was! – desktop and laptop computers, digital cameras, scanners, printers and projectors.

In August 2000, BKAA formed an education committee. Janet Barnett, an educator, was asked to be chair and be the liaison between the BKAA and the schools. The goal was to "foster an awareness of nature and a conservation ethic in our youth." That same year, George Schuler (head of the local Nature Conservancy and BKAA ecological advisor) was teaching water testing techniques to students, and Florence was leading classes integrating haiku and collage with a focus on nature.

The 2002 BKAA Annual Report listed the staggering numbers of children that Gary Keeton had reached with his hands-on program – hundreds of children in local schools, summer camps, Thrall Library in Middletown, Soil & Water Conservation Days in Orange and Sullivan Counties, Orange County Community College, and in schools as far away as Tuxedo. In the spring of 2006, Gary was honored as "Man of the Year" by the Sullivan County Soil and Water Conservation District for his years of service and education to students.

The education program is ongoing. Other BKAA members, including Mike Medley, Jackie Broder, Linda Gette and Gary VanHouten have all been involved in recent years. It is one of our most important projects. As young people grow up appreciative of the magic of the Basha Kill and wetlands in general, they will be more inclined to cherish and protect them, and take their knowledge with them to inform others as they disperse to other parts of the country and the world.

ORDINARY BUSINESS (1983)

August 1983 – The state program "Return a Gift to Wildlife" was started in 1982; residents could check off a box on their state tax return to donate a few dollars to the DEC; \$800,000 was collected in the first year. In 1983, \$55,000 of that amount was earmarked to buy an additional 35.5 acres at the Basha Kill, which included the entrance to a system of extensive limestone caves ("Surprise Cave"), an important bat wintering ground.

OTISVILLE FEDERAL PRISON POLLUTION (1983-1986)

The Federal Prison at Otisville – a medium-security men’s prison – had been discharging treated sewage into the Kill under a DEC permit since it was built in 1977. In early 1983, we discovered that the system frequently broke down, as it was apparently inadequate from day one, and allowed untreated sewage to flow into the wetlands. We pushed the DEC and the prison to agree on a remediation plan. The plan was approved, but in 1984, we found out that the prison hadn’t followed it, and the permit was still being violated.

The matter was turned over to the Attorney General’s office and we urged vigorous prosecution of the prison to end the problem. (I was surprised to realize that we also made the Assistant AG in charge of this issue very nervous by suggesting that we could bring a private lawsuit, permitted under the Clean Water Act, which could result in money damages for us and our attorney. I suppose they viewed us as a loose cannon.)

By 1986, the prison was finally in compliance. After breathing a sigh of relief, we promptly found out that the nearby State prison had been polluting the Shawangunk Kill for years. It did not directly affect the wetlands, but we still wrote to the DEC about it and were told that a modification was to be completed in 1988.

KAY COTTAGES (LATER PARADISE II RESORT (1983)

These were originally summer camping cottages on 50 acres owned by union Local 805 for use by their members. The property was sold, and the new owners wanted to sell the cottages as condos. They planned to use the existing water and sewage arrangements, and did not intend to clear land or put up any more buildings. We attended a planning board meeting in February 1983 and found that, since the site had been in continuous use, even though it was nonconforming under later zoning laws, it was grandfathered. The only agency with jurisdiction was the NYS Department of Health, which had to approve it annually -- and the approval was up to date. As the parcel was adjacent to the wetlands, we made a note to keep an eye on it.

ORDINARY BUSINESS (1984)

May 2, 1984 – There was an article in the Record about a report from Catskill Center for Conservation and Development on out-of-state firms (such as Patten) buying, subdividing and reselling land in many rural areas. The properties could be flipped in as little as a month. But the developers had no connection to the area and didn’t care what problems they created for purchasers, such as substandard roads and electric service in remote locations. Nor did they have any sensitivity to environmental issues. We had a brief brush with Patten in the BK area, but nothing major.

ORDINARY BUSINESS (1985)

January 4, 1985 – An article in the Record stated that the Sullivan County supervisors voted to contribute \$4000 to a group in the Adirondacks fighting stricter land-use laws, on the grounds that the Catskills could be next. The money was to be used to lobby state legislators.

January 16, 1985 – the Record reported that the federal government was looking at deep underground granite deposits under the Catskills and Adirondacks as a place to store spent nuclear power plant fuel rods. We dodged that bullet!

May 18, 1985 – Fourth Annual Cleanup. Fewer cans and bottles, we assume due to the bottle/can law passed in 1983. We found some very large piles of garbage, and asked the

DEC if they could have it removed by inmates at the Otisville prison allowed to go out on work projects. The prisoners helped us quite a lot in the wetlands with this sort of work.

July 1985 – the DEC released maps to supplement the Wetlands Act, which had already been on the books for eight years; no alterations were allowed within a 100' buffer zone of wetlands without DEC approval. Town officials complained and some residents attacked it as a violation of the rights of landowners.

ORDINARY BUSINESS (1986)

May 17, 1986 – 5th Annual Cleanup and 1st Annual Picnic after the cleanup.

June 22, 1986 – Annual Meeting. At the meeting we decided to change the date from June to the first Sunday in October. It was originally scheduled for June because there were so many summer people in the group, but that was no longer the case.

August 26, 1986 – I was honored by an invitation to be a discussion leader at the DEC Region 3 Environment 2000 conference in New Paltz. These conferences were held in all regions to get local input as to where the state should be environmentally by the year 2000. My workshop was on the state acquisition and management of land.

September 9, 1986 – Elizabeth Pollock sent us a note from Charles Thomas of the Neversink Valley Area Museum about the origins of the name “Basha Kill.” Alas for the romantics, Basha was not an Indian princess who drowned in the stream. “Bashaba” is a title meaning “chief;” (also written as Betsebe, Bessabe, or Bashebe.) “Basha’s Land” would refer to the territorial possessions of the chief of the nation or tribe. “Kill” is the Dutch word for “stream.”

December 1986 -- There was a note in the annual report about creating a park out of the old D&H Canal towpath and urging members to visit the Neversink Valley Area Museum.

BOND ACT (1986-88)

The NYS legislature approved a new environmental bond act to present to voters in November of 1986. It was for \$1.4 billion, with \$1.2 billion to clean up hazardous waste sites; \$250 million to buy land for recreation, historic preservation and cultural parks; and \$100 million for loans to municipalities to close landfills.

Once again, the specter of DEC management was raised. In August, NYS Assemblyman Bill Larkin said he didn't support it because of how it would be used. An article in the *Record* the same month reported that sportsmen groups opposed it because it would just repeat past errors to buy land without having money for management.

On October 17, 1986, I wrote a letter to the editor of the *Record* expressing my opinion that this attitude was “incomprehensibly short-sighted.” Only 17% of the whole amount would be for purchasing land; the vast majority was for cleaning up toxic waste. Besides, land is being gobbled up for development so fast that we “soon will not have the luxury of arguing over management because there will be nothing to manage.”

The Act was passed, and BKAA sent a proposal to the DEC to complete the goal of the original purchase – all the land between Route 209 and South Road. That did not happen, but, as was announced in January 1988, some 1800 acres of uplands had been purchased.

This news caused a furor, because it was first purchased by Open Space Institute, then resold to New York State. An editorial on January 26, 1988 in the *Sullivan County Democrat* accused Open Space of making a profit on the transaction. According to Open Space, it actually lost about \$125,000 because of the costs of assembling the whole piece over a period of five years from different landowners.

To our surprise, Mamakating's town supervisor was quoted in a January 12, 1988 *Record* article as having previously been opposed to the purchase, but after speaking with state officials, was now in favor. We wrote him a letter applauding his attitude. We also wrote to U.S. Rep. Gilman and Assemblyman Larkin, reminding them that it was the legislature – not the DEC – that votes for funds to manage state lands.

After public meetings where again many people expressed their dissatisfaction with the DEC purchase and management practices, we wrote to Larkin and Gilman again, pointing out that not everybody was opposed. While we didn't always see eye-to-eye with the DEC, they were doing the right thing by buying sensitive areas before it was too late. I repeated these points in another "My View" published by the *Record* on March 29.

In a letter dated October 18, 1988 the town wrote to the DEC urging immediate action on a management plan. "I am sure you will act quickly as we both love and want to protect the Basha Kill."

ORDINARY BUSINESS (1987)

May 3, 1987 – 6th Annual Cleanup. We finally picked the right day – the first Sunday in May – for a good turnout of 25 people.

June 2, 1987 – Member Doris Hambly represented the BKAA at a ceremony to transfer title of 1200-acre Lake Minnewaska to add to the New York State Park System.

August 6 1987 – Jeff Moore, Louise Briggs and I were interviewed by Helen Winer on her live evening show on Ellenvideo Channel 6, a local television station. Barbara Gref arranged the event. After our initial nervousness, we felt that we conveyed to viewers the urgency of environmental protection in general, as well as the uniqueness of the Basha Kill.

October 4, 1987 – 15th Annual Meeting -- the first one in October. As we had hoped, there was a much larger turnout than at previous meetings in the summer.

October 28, 1987 – We attended the groundbreaking ceremony for the "Wetlands Maintenance Structure," basically an adjustable dam. The DEC saw it as a crucial structure to ensure sufficient water in the wetlands (in case vandals thought it would be fun to mess with the sand bar); to permit controlled water releases in time of flooding to protect nesting waterfowl; and to permit some dredging of the sandbar that causes the Pine Kill to flood in the spring. Ducks Unlimited paid for half the structure.

November 1, 1987 – Usually we were looking for speakers for our meetings, but this time we were the speakers -- at the Sullivan County Audubon Society dinner. Several of us attended, and Louise presented her educational program slide show.

NEVERSINK GORGE (1987-1997)

Background: The Neversink River Gorge is an undeveloped, wild area of unparalleled beauty and majesty, with the spectacular Neversink River and its two waterfalls. (The Nature Conservancy has named it one of the 75 last great places in the U.S., Latin America and the Pacific.) The state wanted to buy it.

This was the area that critics of the Basha Kill purchase cited as evidence of DEC bungling. Eighteen hundred acres had been purchased by the DEC in December 1981 from O&R Utilities. But the exclusive hunting, fishing, and trapping rights to that parcel were owned by Benjamin Wechsler, and he would not allow any access at all (at the point of a gun, people said). Critics charged that the DEC owned “useless” land. Wechsler also owned another parcel of 1775 acres.

In addition to the 1800 acres, the DEC had previously bought another 1065 unencumbered acres from O&R.

The DEC wanted to buy Wechsler’s 1775 acres, plus the rights to the 1800-acre parcel. It offered him \$900,000 for the rights but he refused. Wechsler positioned himself as a conservationist, and a good steward of the land, and said he didn’t trust the DEC to manage it properly.

Eminent Domain Tried. In 1987, the DEC decided to use eminent domain to gain both parcels. It was a messy process involving the courts. Wechsler got a stay order, but it was suspended while Rep. Benjamin Gilman got the parties together. He thought he had worked out a reasonable compromise. He hadn’t.

The DEC released a DEIS in February 1988 on the acquisition, and got more egg on its face by disbanding a citizens’ advisory committee. Wechsler walked out of a meeting with them.

In March 1988, the court ruled that the state could proceed with condemnation. A public hearing was postponed when the advisory committee, angry at being summarily dismissed, vowed to fight on and partnered with the Town of Forestburgh to try to stop the condemnation. In June 1988, Wechsler sued the state for \$25 million because the announcement of the condemnation proceedings had lowered the value of his property. The DEC won, and announced a public hearing for December 14, 1988.

In November, Wechsler again sued the DEC, to permanently prohibit them from using eminent domain. This time it was for \$125 million. At the same time, the *Times-Herald Record* published an article saying that the federal government was NOT happy with the DEC. Apparently the DEC used \$364,255 of federal grant money as part of the payment, but never got around to mentioning that the land they were buying did not have access rights.

The public hearing in December attracted a number of speakers. We commended Wechsler for his stewardship, but pointed out that nobody lives forever, and the only way to guarantee

the long-term protection of the land was to have it owned by the state. We stopped short of supporting condemnation, urging the parties to try again to work it out. Other speakers did support condemnation. There were some stories of being threatened by Wechsler if they even paddled into the river, let alone try to get access to the land.

The final EIS was released on March 15, 1989. In the section of the EIS asking for justifying the necessity of acquiring the land, there was an interesting note. Wechsler had previously requested subdivision approval for his land that would leave only a 600-foot buffer along the Gorge. In addition, a man named Handman testified at the hearing that he had made an agreement with Wechsler to buy the land and its rights. A *Record* article from July 8, 1989 said that Handman had bought one parcel of 25 acres in 1987, and another document apparently detailed a \$4.7 million agreement for 2324 acres in fee and property rights to the 1800 acres.

The battle dragged on, and the case finally went to the Court of Appeals, our highest state court. It ruled in favor of the DEC, and the land and rights were acquired on October 12, 1993. The management plan, after SEQRA hearings, was put into place on June 2, 1997.

MONGAUP VALLEY EAGLES (1987-1990)

In 1782, when the bald eagle was named the national symbol, its population was about 25,000 in the lower 48 states, according to an article on March 29, 1986 in the *Tri-State Gazette*. By 1986, there were about 4500, due to shooting, habitat destruction, and the widespread use of DDT, (which thinned the egg shells to the point where they would crush before they could hatch.)

We first heard at the Audubon dinner in November 1987 that Orange & Rockland Utilities (O&R) planned to develop some of its land in the Mongaup Valley. The utility owned some 15,000 acres of land around three hydroelectric dams built 60 years previously. It became a major eagle wintering ground from all over the northeast of the country. The hydroelectric turbines kept the water from freezing, and many small fish (particularly alewives) were killed in the turbines -- so it was easy pickings for the big birds.

O&R had been excellent stewards of the land for 60 years, but, like everybody else, it apparently wanted more money. It spawned a subsidiary, Clove Development, and gave Clove title to much of the land for the purpose of building luxury homes. The first proposal, called Lake Side Forest at Swinging Bridge Reservoir, was to use 806 acres for approximately 74 single-family homes. Phase I (of three) would be 230 houses on 30 lots. They would subdivide the land and sell the vacant lots.

It did not take a genius to see that this was just the tip of the iceberg. The sheer magnitude of the project -- fifteen THOUSAND acres -- was frightening and appalling. These same eagles visited (and later nested in) the Basha Kill wetlands at other times of the year. What would happen if they lost their wintering ground?

BKAA as a group, and many individual people wrote to everybody we could think of -- the chairman of O&R, the DEC, Governor Mario Cuomo, state and federal legislators, national Audubon, National Wildlife Federation, the Catskill Center, and to Eagle Valley Environmentalists in Illinois for technical assistance from their research.

Sullivan Audubon also contacted many people; it had a meeting with Orange Audubon to hear the proposal, talked to the DEC, to national Audubon (which notified all other NYS chapters), and with an eagle expert who was one of their members. It also planned to participate in a closed meeting with Clove, the Catskill Center, and the Forestburgh planning board. (We tried to wangle an invitation, but failed.)

On March 1, 1988, several of us attended a scoping session held by the Town of Forestburgh, to discuss the issues the developer would be obligated to address in its DEIS. Quite a few of the other groups came as well, and spoke about irreparable damage from increased human disturbance.

At the April 29 closed meeting, Clove proposed a citizens' advisory committee to work with them to identify sensitive lands that should not be developed. Tied to the formation of that committee, Clove said it was willing to drop Phases II and III and include those lands with the other areas to be evaluated by the committee. This would probably count as a mitigation measure in the DEIS. (Although we didn't attend this meeting we have a later letter from the Catskill Center with these details.)

In a letter dated May 6, Tom Miner, Executive Director of the Catskill Center, laid out his understanding of April 29 agreement. He confirmed that the role of the advisory committee was to ". . . review O&R's undeveloped landholdings with the purpose of identifying areas of environmental significance or sensitivity that should either not be developed at all or have limited development with restrictions to protect their environmental values. . . ." Miner further hoped that such a review would identify land that should be publicly owned for protection or recreational use. He suggested inviting the DEC and the Sullivan County planning department to be on the committee. Finally, he emphasized that being on such a committee should be no bar from raising future objections.

Clove wrote back on May 23 agreeing with all the provisions in Miner's letter and emphasizing that their main goal was to do the right thing by the environment.

On May 31, the Catskill Center announced a \$5000 grant from the Armand G. Erpf Fund to pay for an independent eagle expert to examine the area and report his opinions on what effect increased human impact would have on the eagles. The expert was Dr. James Fraser from Virginia.

The advisory committee was made up of the Catskill Center, Sullivan County Audubon, and BKAA. At our first meeting with Clove on June 17 we brought a lawyer, which caused consternation in some quarters. Clove's president was a youngish, well-spoken, MBA type who was very courteous, respectful, reasonable, and serious. I didn't trust him one little bit.

To the shock of some attendees at the meeting, Clove suddenly slid Phase II back into the development mix.

Jim Bogner, who represented the Catskill Center at the meeting, sent a "Memorandum of Understanding" dated June 21, 1988, to Clove. He said he was "troubled" by the "unexpected debate over the specifics of the proposed advisory committee." He had assumed that the

meeting had been just to accept Clove's proposal from April 29. He reviewed the proposal, the letters confirming it, and he hoped that Clove had no "fundamental disagreement on the above issues . . . "

The letter back from Clove, dated July 7, fully agreed with the history and substance of Bogner's memo, then went on to say:

"Specifically, we will drop Phases II and III from the Lakeside Forest subdivision plan in favor of including these with the lands to be evaluated by the committee. We will do this as a stated mitigation measure in the DEIS. In return, the committee will be supportive of our Phase I proposal." [emphasis added]

Tom Miner shot back a letter emphatically stating that there was NEVER any intention that the Catskill Center would support or oppose the project based on Clove's actions.

The DEIS was complete in November 1988, and there was a public hearing on December 13. We read a six-page document into the record on behalf of the BKAA. Many others spoke, and many asked for an extension of time to comment, as Dr. Fraser's report was not yet done.

Dr. Fraser's report was ready in January 1989. We were disappointed with his vagueness and his conclusion that Phase I, by itself, would not be a problem. The problem, as we said to both him and the planning board, is that no one development project can be considered in a vacuum; it is critical to consider the cumulative effect.

(In an ironic aside, I saw in a newspaper article that Gov. Cuomo had appointed the head of O&R to a commission on protecting the Adirondacks. I wrote to him, but, of course, received no reply.)

Clove submitted its FEIS on February 27, 1989. On April 8, 1989, there was a public hearing in the town of Lumberland about developing a management plan for eagle habitat lands in Sullivan County. Many of us commented, including BKAA. Jeff Moore got into a heated exchange with state legislators, after which he received a round of applause from the audience.

At the hearing, the director of the county's Real Property Tax Service sounded the voice of doom regarding property taxes. He told the audience that the county would lose up to \$1.8 million in property taxes if this land were sold to the state.

He was wrong on two counts:

1. He included the taxes paid by both O&R and Clove, but O&R continued to own the reservoirs, power stations, buffer strips and the area around the conference center (over 3000 acres).
2. The actual taxes paid by Clove, reflecting the 80% forestry exemption, were only \$114,000, spread over five towns.

Unfortunately, the *Record* reporter did not stay long enough to hear our rebuttal; so the newspaper article contained only the inflammatory \$1.8 million. I called and wrote to them, but nothing further appeared in the paper. So much for investigative reporting!

The Forestburgh Planning Board considered the FEIS and it decided to approve Phase I and not approve Phases II and III.

Clove and the DEC had obviously been talking, because the final disposition was as follows:

Of the 16,700 acres owned by Clove and O&R, 6700 acres were sold to the DEC, 4000 acres were restricted from development by conservation easements, and 6000 acres were retained for the hydroelectric plant and dams -- and for development. Even taking out the O&R acreage, that was still a lot of room for development, but at least Clove will have to come back to the planning board for future projects.

As I write this in 2012, I wonder if Clove really even cared about Phases II and III; they may have used them as throwaways to get what they really wanted – Phase I. For that matter, was the entire project a throwaway to create pressure on the DEC to buy the land?

ORDINARY BUSINESS 1988

May 1, 1988 – 7th Annual Cleanup with best turnout ever – 33 people. We received a complimentary letter from Frost Valley Environmental Education, which had people in the area shortly after the cleanup and did not see any litter at all!

June 16, 1988 – We wrote to Open Space Institute requesting information on land trusts; we also got information from the Trust for Public Land, and two of our members attended a seminar sponsored by the Catskill Center. It was fairly early in the movement to protect land with conservation easements, and we thought it was a great idea to sponsor in Sullivan County. We researched and talked about it for several years, bought some books, and invited knowledgeable people to speak to us, but we just did not have the manpower or the funds to get it started. Fortunately, in 1994, the Delaware-Highlands Conservancy, in Pennsylvania, was formed, and some years later started taking easements in New York as well.

July 12, 1988 – BKAA is now a not-for-profit corporation!

September 1988 – Our first quarterly newsletter! The first issue was the “No-Name Newsletter,” and we had a contest to name it, won by Elizabeth Pollock. Twenty-four years later, I am still putting it together, but fortunately, there are many more writers now!

September 26, 1988 – There was a large article in the *Record* about some 7000 acres of land on the grounds of Stewart Airport in Newburgh. The land had originally been taken from private landowners by eminent domain to build the airport. The NYS Department of Transportation wanted to open up development on 2000-2500 acres of what had become a vast wildlife habitat. This did not directly affect the BKAA; so we kept track of it from afar. A local group was formed called Stewart Park and Reserve Coalition (SPARC), who worked tirelessly to protect the land. In 1999, Gov. Pataki set aside about 5100 acres, allowing 1200 acres to be developed; in 2005, after a long legal battle, SPARC finally won protection of the entire 7000 acres, which is now managed by the DEC.

October 1988 – Sixteenth Annual Meeting. Dues were raised from \$3 per person per year to \$5 per person and \$10 per family. We felt it was important to keep dues low so that nobody was priced out of membership; and those who could afford it could send additional donations, which most people did.

November 1988 – A paper on tourism prepared for the Sullivan County Office of Public Information and the Sullivan Chamber of Commerce showed that 61% of visitors valued the natural scenic beauty. It bolstered our long-held contention that we should build on our strengths (tourism and agriculture) rather than trying to attract types of development that had the potential to undermine those strengths.

MAMAKATING TOWN BARN (1988-89)

We discovered this small but important project in August 1988. The town planned to build a town barn on land behind the new town hall, abutting the wetlands. In a letter to the town engineer on January 27, 1989, we expressed our surprise that the town was already clearing the land without any written documents – not even a site plan.

We attended a town board meeting on February 2, and voiced our two major objections to the plan: the gasoline tanks were to be underground, and the salt storage area was just a pile of salt, which could easily reach the wetlands.

The town submitted an environmental assessment form (EAF) required under SEQRA and said that there would be “no impact” on the environment and that there was “no public controversy.” In June 1989, the DEC agreed with us that the EAF was incomplete and asked for further information on potential impacts of runoff to the stream and wetlands, especially from the salt storage area.

New plans were submitted that included above-ground gas tanks, and a runoff basin for both salt and sand storage, with no access to the wetlands. The DEC approved and issued a stream-crossing permit on October 5, 1989.

MAMAKATING LANDFILL (BALEFILL) (1988)

The landfill was located above Wurtsboro Hills in a triangle between two streams (why is garbage always dumped by streams, the worst possible place?) and was an ecological disaster that the DEC had ordered to be closed by 1990.

After a secret meeting in June 1988 between the town and Rockland County (the town claimed that it would have killed the deal to make it public), the town proposed a new balefill which would also take in garbage from Rockland County – about 150,000 tons per year.

We attended a press conference on August 17 to get more information. Mamakating would truck its loose garbage to Rockland County, where it would be compressed into blocks (bales) of about one ton each. Rockland would return the bales to the town, and any leachate from them would go back to Rockland for processing. The bales would be put into a quarry next to

the present landfill, and stone silt from the quarry would be used to cover the garbage daily. The quarry had an estimated 40 years of available space, even with the Rockland garbage. Recycling would be part of the deal, and would be taken care of by Rockland's full-time recycling coordinator.

The best part, from the viewpoint of the town, was the money: Rockland County would pay for the whole thing – closing the old landfill (some \$800,000 plus monitoring the site for 30 years at \$25,000 per year); building the new one; and paying to bring their garbage to Mamakating (estimated to be as much as \$23 million per year) The town said the income would be used to lower taxes or repave roads, or for some other public project.

We came away from this meeting with mixed feelings: yes the landfill had to be closed, as it was an environmental disaster -- and it was expensive. BUT. . .

We sent a letter to our Mamakating members with the pros and cons, and asked for a vote on what our position should be.

On the "pro" side, the town would have a free, state-of-the art landfill, the old disaster would be closed, for free, and the town would make a large amount of money each year.

The "cons" included: the possibility of groundwater pollution, postponing the sense of urgency required to change our "disposable society" mentality; concerns with possible toxic material and increased truck traffic; creating a poor image of Sullivan County as a "dumping ground;" and concern that the income might just be frittered away rather than lowering taxes.

On August 30 the *Record* reported the formation of a new group – Mamakating Against the Dump (MAD).

At an informational meeting on September 1, there was a hot and heavy exchange of opinions. Some residents were passionately pro and others just as passionately con. Others suggested a bond issue to finance the town's own landfill along with a recycling plant. Someone pointed out that the state would have money available until October 15 to help develop recycling plants. Why was Mamakating not taking advantage of this?

There were many newspaper articles. It even made the national news by way of an interview with the town supervisor in the *New York Times* issue of October 3. There were more meetings and the issue was discussed from every direction.

On October 20, 1988, we wrote a letter to the town stating that, after we had attended many meetings, received extension information, and put it to the members for a vote, we were opposing the project. We then received a letter from the town dated October 29, "disappointed" that we hadn't listened to both sides!

On November 15, MAD sent a petition with over 1700 signatures expressing opposition. It had gotten documents from the DEC suggesting that the proposed site might be above an aquifer, or might be a freshwater wetlands site based on its vegetation. It also questioned the money issues and said that Mamakating should support the county site in Monticello.

A November 22, 1988 article in the *Record* reported on yet another meeting: all sides called each other liars, and two different fistfights were narrowly averted. The town finally threw in the towel and killed the project. There was too much divisiveness, and it was tearing the town apart.

ORDINARY BUSINESS (1989)

January 1989 – The DEC moved very quickly on the management plan for the 1000 acres on the west-facing slope of the Shawangunk Ridge between Wurtsboro and Summitville to the east of Route 209, that they had bought in 1988 with bond act money. After all the hoopla and complaints about management, the public hearing attracted exactly 12 people, according to an article in the *Record* on January 28. We attended the hearing, but I don't recall independently the number of people there.

January/February 1989 – We were asked by the New York-New Jersey Trail Conference to be on an advisory committee to study the possibility of a major re-route of the Long Path along the Shawangunk/Kittatinny Ridge. This group started the Appalachian Trail in 1920, and their second project was the Long Path in the 1930's. The concept was to start the trail in New York City and extend it to the Adirondacks, but it wasn't until the 1960's that they actually started connecting the pieces. The problem with the current route was that due to Orange County's rapid sprawl, some sections had been closed and others were too developed to create a good hiking experience. We gave them information about the Basha Kill area, and they published a feasibility study. It was a pleasure to interact with people who weren't hostile!

March 1989 – We found Earth Care Paper Company, a source for recycled paper products. It's fine to recycle paper, but there has to be a demand on the other end to make the cycle work. We joined their program and received a 5% donation on all paper bought by people we had sent them. They had office paper, note cards, and other products. We found buyers for the photocopy paper, and delivered it to law offices, municipal offices, and others. In 1992, Earth Care discontinued the program, as recycled paper had become more widely available. It was a good thing, too, as we were tired of lugging heavy boxes.

May 4, 1989 – We participated in the annual Sullivan County Community College Science Symposium. I lectured on "Environmental Action: What You Can Do." It went well except for strange scheduling that resulted in half my class leaving halfway through; many students were out playing Frisbee as there was no supervision. Also, we were served lunch on Styrofoam plates! I politely made some suggestions in a later letter.

May 5, 1989 – BKAA was one of the sponsors of a major conference on the Bald Eagle. Primarily organized by the Catskill Center, a number of eagle experts spoke, including Dr. James Fraser, author of the Mongaup Valley eagle research paper.

September 24, 1989 – 17th Annual Meeting. We voted to enlarge the board to eight, so that we had more hands to help. The new board members were John Hahn, Susan Opotow, Florence Rothausen, and Kate Honders.

December 18, 1989 – We received a letter from the IRS granting us 501(c)(3) status.

PARC EUROPE (1989)

In March of 1989, we found out that a European-American investment group, Group Pelege, was proposing a “European Williamsburg” on a 5200-acre property (the Lundy property) in Wawarsing, Ulster County.

Group Pelege proposed a re-creation of history and historical buildings from the 18th and 19th centuries. They wanted to show vineyards, shepherding, tilled fields, etc. They planned an equestrian center, a spa and center for old herbal medicines; a music and dance center, and light and sound shows to re-create historical events. (Of course, the media picked right up on the possibility of seeing “Joan of Arc Burned at the Stake!”) I thought the proposal sounded like fun, and would be happy to visit – at some other location!

A meeting was held in March sponsored by Concerned Citizens of Napanoch, where Group Pelege made its presentation and concerns were expressed by residents, including traffic, rerouting and widening roads, housing for workers, water and sewage considerations, tax consequences, and rest of the usual concerns raised by any huge project of this kind. (It was pointed out that current zoning would allow 3000-4000 homes on the site.)

On April 2, there was a major meeting of various groups (BKAA, Catskill Center, Friends of Shawangunks, and many others) and government units (local, state and federal). Local government favored the project for jobs and tax base. The state expressed interest in purchase of at least some of the land (1/3 of it was within the Catskill Park “blue line”). The proponents called it a “European Williamsburg;” opponents called it a “Disney World.”

Representatives of many of these organizations formed a coalition coordinated by the Catskill Center (including Cragmoor’s Paula Medley!); as the groups had different viewpoints, it was agreed that the coalition would express concern, rather than opposition for the time being. It was pointed out that the secondary impacts would be tremendous -- imagine Route 209 as a four-lane highway! We also got some information on what happened to Orlando, Florida after Disney World set up shop. Disney became its own little world, immune to many municipal rules that ordinary folks had to follow.

When we sent out a flyer in early May announcing the annual cleanup, we sent a fact sheet with the pros and cons, with a tear-off coupon to express opinions. Of the 59 coupons in the file, only two were in support; and many of the negative votes had hand-written comments further expressing dismay.

About twenty of the local groups in the coalition came out in opposition to the project.

Oddly enough, it just faded away. An article in the November 14, issue of the *Record* said that investors who were initially interested were changing their minds, perhaps because a similar project just outside of Paris had cost \$200 million and was not attracting the expected crowds.

(Update: In 2000, the Open Space Institute and the Trust for Public Land bought the entire Lundy estate, and in 2002 conveyed it to the DEC, which now manages it as the Vernoo State Forest. Open Space’s website now calls it “one of the most significant additions to the publicly held lands of the Catskills since the creation of the Catskill Forest Preserve in the 1800s.”)

ORDINARY BUSINESS 1990

Early 1990 – We published our first brochure, featuring a wonderful pencil drawing by Buzz Wallace.

October 14, 1990 – Annual Meeting. John Hahn had the idea of sponsoring two teenagers each year to a one-week stint at DEC summer camp. John had attended when he was a boy, and he found it a very worthwhile experience. Everyone thought it was a great idea, and it was voted in.

November 1990 – Bond Act defeated. It was a \$1.9 billion open space proposal. Half would have been used to buy land, and the rest to help local governments with disposing of garbage, creating parks, restoring public buildings, maintaining state parks and recreational sites, etc.

EARTH DAY 1990 (April 21-22, 1990)

This was a grand and glorious and highly successful twentieth-anniversary celebration of the original Earth Day in 1970. The first Earth Day helped to create the Clean Air Act, the Clean Water Act, and the EPA.

Sheela Stainton, who owned a tea room and plant nursery in Loch Sheldrake, was named the official coordinator of our local event, as part of the regional group, which in turn was part of the national organization. I started helping her organize, and by the time the celebration rolled around, we were sharing equally in the overall coordination of the many, many people and groups participating. As an affiliate of the regional group, we could use the Earth Day logo, get event insurance, ask for advice, and buy Earth Day T-shirts and other souvenirs at wholesale prices.

We sent out press releases and calls for participants, and we had such an enthusiastic response! – a wonderfully diverse group of people, ideas, and displays on every aspect of the environment. We got a lot of press coverage, including large articles on some of our members, complete with photos. We sent information to the schools on ideas for activities with students, and flyers for the kids to take home to parents.

It was a huge event, taking over one entire side of the gigantic field house at Sullivan County Community College (SCCC) and, at times, its theater. (There was some tension when a water pipe broke in the locker room at the very beginning of the first day and threatened to wash everything away, but fortunately, it was repaired quickly.)

With Cornell Cooperative Extension, the BKAA co-sponsored a conference entitled, “Who Says You Can’t Change the World?” with speakers on water, plant life, soil conservation and a keynote speaker on global warming. Our panel discussion, called “County at the Crossroads” had BKAA members, county and town planners, someone from the Trust for Public Land, and others.

BKAA also had a beautiful booth, designed by Florence Rothausser. Fourth-graders at Emma Chase School painted Florence’s vision of a mural of the wetlands and our logo was rendered in felt on the tablecloth. There were birch saplings, large photos, tapes of bird and swamp sounds, recycled notes for sale from Earth Care, and even a bowl of authentic Basha Kill

green slime, labeled “The Womb of Life.” The booth was tended by some fifteen BCAA members over the two days, who gave out our new brochure, recycling information, and membership applications.

Some of the events:

An environmental musical play (“Your Time is Your Own”) written by local folk singer Jack Hardy, and put on by the Peacemaker Players, a local grassroots theater group.

A theater presentation called “Teaching Peace” adapted from Red Grammer’s tape, by the Off-Off-Main Street Theater Workshop. Both theater pieces were sold out (everything was free except for small donations for the plays)

Our conference and panel discussion

A visual art competition, called “Contemplating Planet Earth,” displayed in the DeHoyos Gallery at SCCC and in the Government Center.

Tree-Planting a few days later in various individual towns.

Some of the displays: video and slide shows; indoor gardens; children’s area; vegetable oil car; crafts; recycling; a tree giveaway; a bicycle raffle; a hands-on junk sculpture; voter registration; mini-rain forest; food; storytelling; and the booths for all the various organizations, such as Audubon, fly fishing, garden and bird clubs, pottery, bonsai, NYSEG, NOW, Sullivan County Soil & Water, and many more (39 in all).

More than 400 people signed a petition to President Bush urging him to fulfill his “no net loss of wetlands” policy by rescinding the weakening of an agreement between EPA and the Army Corps of Engineers. (We mailed it to him after the event, but heard nothing.)

The *Sullivan County Democrat* had a 12-page free pullout section with details of the event in its April 17 edition; a similar 4-page pullout covering the whole region was in the *Times-Herald Record’s* GO Section on April 20.

In addition, another environmental group arose in conjunction with this celebration – Sullivan County Environmental – which was concerned with issues affecting the whole county.

BIG VALLEY MOBILE HOME PARK EXTENSION (1990-1995)

In March of 1990, we received an EAF from Big Valley, which was seeking to expand by building 52 new mobile home building sites on ten acres of a 47-acre tract, with central water and individual septic systems. There was still a moratorium on expanding trailer parks in Mamakating, but Big Valley was grandfathered in.

The Planning Board named itself the lead agency, and required a DEIS. When we received a copy of the DEIS in February of 1992, we immediately saw that they wanted to extend an existing road already in the wetland buffer zone. There were also issues related to water and sewage.

At the public hearing on April 14, 1992, the developer claimed that the DEC had already flagged the edge of the wetland, and the road was only in the buffer zone, not in the wetlands themselves. Jeff Moore, who read our statement into the record, stated that he had spoken to the DEC that very afternoon, and contrary to what the developer said, the wetlands had not yet been flagged. We suggested that by eliminating a few lots, the road extension could be curved

away from the buffer zone. The FEIS was completed on May 24, 1993 with no change in the road. Again, we wrote about our various concerns, particularly the road.

The developer finally returned to the planning board and received its final approval in June 1995 – but with the conditions that we had wanted -- and more. It was required to take out three lots and move the road extension out of the buffer zone. It also had to improve the septic systems for another ten lots. The final approval was for only 42 lots, not 52, with only twenty per year to be built.

ORDINARY BUSINESS 1991

February 19, 1991 – The DEC instituted an “Adopt-A-Wetland” program and we asked to be appointed, as we were the natural choice.

April 16, 1991 – We attended a meeting of Rails to Trails and showed slides of the wetlands. Earlier in the year, we heard from them wanting to work with us on the old rail bed running through the wetlands. In November, several of us went out to the trail with them and with Bruce McMillan of the DEC to discuss their ideas. We expressed our convictions that the trail should be as untouched as possible; any “improvements” should be minimal.

July 13, 1991 – Wurtsboro Founder’s Day Street Fair. I believe this was our first participation in the fair; we have been back every year since (except when the fair itself went on hiatus for a few years). We have a booth with artifacts from the Kill and hand out brochures and extra Guardians, and always manage to sign up some new members.

September 14, 1991 – First Nature Walk. Acting on Susan Opatow’s idea, Susan Ashworth of the DEC Stony Kill Farm Environmental Education Center led a nature leadership walk for 16 BKAA members. We were very enthusiastic about learning to conduct our own nature walks and planned two for 1992: a February Winter Discovery Walk with Gary Keeton, and a June Underwater Life event with Susan Ashworth. In the years since, there have been scores of nature events: moon, sunrise and star-gazing walks; children’s events; trips to see reptiles, birds, flowers and fall foliage; history walks; canoe and kayak trips; and many, many more. It is a wonderful expression of our educational outreach, which is one of our key functions. Kudos to those generous leaders to give up time for this purpose.

October 19, 1991 – First Annual Meeting with dinner and a “show.” Attendance at annual meetings had been declining, and in an attempt to entice more people, we had a dinner at the Keyboard Café in Bloomingburg. The “show” was Larry O’Brien and his slides on volcanoes. A professor at OCCO, he was very funny and imparted a great deal of information painlessly. Mrs. Pollock later pointed out that it was not fair to require members to spend money to come to the annual meeting; so starting the following year, we made it clear that members were welcome to come to the meeting and the entertainment without having to pay for dinner.

October 19, 1991 – At the annual meeting, we voted to once again increase the size of the board, from eight to eleven.

ORDINARY BUSINESS 1992

April 1, 1992 – We got the proposed Adopt-A-Wetland agreement from the DEC, but the contract required us to inform them in advance of the names and social security numbers of

people who would be working in the wetlands! They also wanted each volunteer to provide a certificate of insurance. There was no way we could do any of that, never knowing who would be coming to a cleanup, and not wanting to scare away our volunteers. By September, they had agreed to cross out the inappropriate provisions and both sides signed the agreement.

July 12, 1992 – There was a wonderful three-page article on the wetlands in the Times-Herald Record, complete with photos and a color map. Only omission? – us. We sent a letter to the paper mentioning the oversight.

October 17, 1992 – Twentieth Annual Meeting. From 50 members in 1981, we now had over 200! We got a letter from the DEC congratulating us on this milestone.

December 5, 1992 – Susan Opotow took on the task of compressing our aims into a succinct mission statement: “The Basha Kill Area Association is dedicated to preserving the beauty of the Basha Kill Wetlands and surrounding areas; to protecting the area from ecological degradation; and to promoting continuing education in respect for the environment in general.” In 1996, these words were added at the beginning of the statement: “Since its founding in 1972,

ORDINARY BUSINESS 1993

April 25, 1993 – Adopt-A-Wetland ceremony, twelfth annual litter cleanup, and luncheon. We had a lovely ceremony conducted by representatives from the DEC; and they provided a beautiful sign that was staked into the ground at the parking area on the South Road end of Haven Road. There was even media attention. We had 85 volunteers at the cleanup – our best ever – and luncheon. Unfortunately, our beautiful sign was stolen within a month.

August 4, 1993 – The Record finally remembered us, and wrote a very nice article in the “Neighbors” section entitled “The Caretakers, Guardians of the Basha Kill.” On the front of the section was a large photo of Gary Keeton conducting a nature walk.

September 29, 1993 – Photograph on the front page of the Record of school children in the wetlands looking for items for the Sullivan County Interacademic League (SCIL) competition. More than 100 kids went out to capture and identify as much plant, aquatic and animal life as possible (and return all “prisoners” safely). These games started in 1991.

MORRIS SMITH HORSE BARN (1993-1999)

On February 18, 1993, the Army Corps of Engineers made public a notice of application by Morris Smith for filling in 0.51 acres of wetlands at the Basha Kill for the purpose of building three run-in horse sheds, a barn 85 feet by 65 feet, and a gravel access road for a horseback-riding operation.

We wrote to the Army Corps on March 12, 1993 with serious objections: the proposed construction was in a floodplain, one-half acre of wetland would be destroyed, and there was a great potential for water pollution from horse manure and urine. The soil had a very fast percolation rate, we didn’t like the idea of digging a pond for the horses in the stream that feeds the wetlands, and by the way, there are three freshwater mussels right there that are considered endangered. Sounds serious, doesn’t it? So of course the Army Corps gave the permit without any reply or comment, and the gravel was placed.

The Planning Board was told that since the property floods up to three feet, the site would be built up approximately four feet, and wooden boards and steel pipes would be driven into the banks of the Basha Kill to support the sides of the existing water hole. There would be about one hundred feet between the proposed barn and the banks of the Kill. There would initially be about 6-10 horses and perhaps more later. The board asked for an EAF and a site plan.

In December of 1994, the DEC gave Smith a permit for six run-in sheds, the barn, the gravel access road, and modifying the existing water hole.

Time passed. In February of 1998, Smith went back to the planning board for a 100-foot barn, for which he needed a special use permit. He gave them a short-form EAF; they wanted a long-form EAF, which he supplied (“no impact,” of course).

There was a public hearing on June 2, 1998. BKAA’s John Hahn asked if a permit was required for hiring out horses, and Smith said that it was “none of his business.” With or without a permit, his horses were there to say. When the chair of the planning board informed him that if he could not talk civilly, he would not continue the hearing, Smith apologized. (This is directly from the minutes of the planning board.) There were other comments from BKAA and we suggested the planning board ask the DEC for comments, which they agreed to do.

The public hearing continued on June 23. At that point, the barn was going to be 35 feet by 110 feet, and there would be a riding stable and a riding ring. He said he would limit the number of horses. We later sent information to the planning board from the USDA about using buffers to protect streams.

After a good deal of back-and-forth, on August 25, 1998, the planning board approved the plan with conditions, including the buffer, frequent removal of manure, best efforts to keep the paddock area seeded with grass, and removal of the front run-in-shed; it would be reviewed with a field visit in a year. The head of the board actually thanked us for our input – without it, they would not have recognized the importance of the buffer zone.

The horse pen under construction was in the Village, and jurisdiction lay with them. In February of 1999, Smith went to the Village ZBA for a variance, as he had gone ahead and built the run-in shed without a building permit. He applied for a permit after the fact, and was turned down because it was in a floodplain. In April, the ZBA denied the variance because his problem was self-inflicted by not getting a building permit.

A May 4, 1999 *Record* article said that Smith had hung up signs saying that Wurtsboro was anti-horse and anti-business, and he claimed the Village was acting in a prejudicial manner in dealing with him. I am not sure what happened with the shed.

ORDINARY BUSINESS 1994

May 14, 1994 – In honor of National Wetlands Month, the DEC sponsored a discussion and a walking tour which included 25-30 people, including four DEC officers, one federal fish and wildlife expert, BKAA members, and others.

June 1994 – The Board decided to try a policy of rotating board members with two to leave in each of the next three years, until each member was serving a maximum of three years in a row. We hoped to involve more people on the board, get new ideas, and have a pool of past board members we could call on for outreach or special projects.

November 11, 1994 – Two Sullivan County Audubon members (Valerie Freer and Barb Schmitt), Florence Rothausser, and I visited the wetlands and selected places for twelve benches which were purchased by Audubon with a grant from O&R. The DEC had to place them, as they were each 300 pounds of preformed concrete.

ORDINARY BUSINESS 1995

April 14, 1995 – Another Earth Day celebration, sponsored by SCE, at the SCCC Fieldhouse again.

ORDINARY BUSINESS 1996

The big news was that our BKAA videotape was finished. The board started talking about it back in 1992. It took some time to organize, but finally, we had a wonderful product with professional filming by board member Tracy Baxter (News Director of Cable 6 in Middletown at the time). It included footage of the wetlands, interviews, aerial shots, narration by John Hahn, and classical music in the background. We sold copies to pay for expenses and gave copies to the schools, senior citizens group, etc. By February 1997, the Guardian reported that it was the most popular tape checked out of the Futurevision Store in Wurtsboro.

April 18, 1996 – There was a good article in the River Reporter called “The Bashakill: Sullivan County’s Rainforest;” on the front page was a photo of the wetlands under the title, “What the Environment Means.”

October 1996 – Article in the Guardian about the new Youth Council. It was the brainchild of Susan Opatow, organized by Florence Rothausser, and led by Gary Keeton. A group of young people, 7-13 years old, was trying to get out into the wetlands every Saturday, weather permitting.

October 22, 1996 – Annual Meeting. This was a bittersweet meeting, as I stepped down as President after fifteen years. Mrs. Pollock sent a beautiful letter to the meeting complimenting me on my tenure. Jeffrey Fisher took over as President.

MASTER PLAN (1996-2002)

In 1996, questionnaires were sent to residents of Mamakating by a master plan committee, asking them what was important to them for the town. There were many meetings of the committee throughout 1996 and 1997.

On August 23, 1997, there was a public meeting to solicit public input. Stuart Turner Associates, the professionals assisting with the process, presented a “Design Guidelines/Land Use Planning Workshop” for the committee and interested parties. The visual survey rated the following extremely highly: open space, D&H Canal, Basha Kill, view of the Shawangunk Ridge, horse farms, farmhouses and stone walls.

Here are some of the conclusions reached by Stuart Turner Associates in a document dated September 14, based on the public meeting and the workshops:

1. Land use should preserve significant expanses of open space, woodland, farmland and preservation of scenic vistas. Residential developments should preserve large amounts of open space.
2. “New development should be required to incorporate and preserve historic features found within the community.”
3. “Farmland preservation is crucial.” Existing farmers should be assisted in finding alternative uses to retain their land.
4. “With few exceptions, large-scale residential and nonresidential uses rated Highly Inappropriate.” Nix on big-box retail stores and shopping centers. Landscaping and retaining of trees and other vegetation was very important. “. . . the community does not desire auto-oriented strip commercial development.” [emphasis in original]

There were many more meetings of the committee into 1998, and it seemed to take its job seriously and take public input seriously. By March 1999, the master plan seemed to be a solid, well-thought-out document that tried very hard to reflect the concerns of the citizens. At that point, the committee forwarded the plan (including some zoning amendments) to the Town Board, which started the SEQRA process.

Then something happened. As reviewed in a timeline from the town board to the public dated March 27, 2001, “In 1999, the *then* Town Board during review of the comprehensive plan and zoning amendment, proposed revisions to the comprehensive plan and zoning amendment, referred to collectively as the ‘resort development’ modifications.” [emphasis in original] What a bland way to refer to a disaster – and blaming the town board at the time, as though the current board could not reverse it!

Those “proposed revisions” essentially “spot-zoned” three areas in the town as “Planned Resort Community” (PRC). The amendments practically begged for mega-development (hoping for casinos?) on the Shawangunk Ridge, the Catskill Ridge above Wurtsboro Hills, and on the shores of Yankee Lake. (The planning board wondered if it should allow helipads!)

The Supplemental Impact Statement prepared by the town board for these revisions claimed that “it is not anticipated that any significant impacts will result from development of the areas for resort development.” The board didn’t “anticipate” any “significant impacts” on soils, ground or surface water resources, on wetlands or adjoining land uses; no impact on community services or solid waste disposal; and no negative impact from an increase in population.

It did admit that development would increase traffic and had the potential to have a significant visual impact due to the prominence of the Shawangunk Ridge. In addition, those areas might have suitable habitat for threatened and endangered species (not that the species were there, mind you, but the habitat might be). The SDGEIS cited no research or supporting evidence.

The public was outraged. (Well, except for groups such as Sullivan County Partnership for Economic Development, which wanted fewer restrictions!) There were public hearings on three dates – July 18, August 1, and August 19, 2000 – and hundreds of people turned out to complain, not about the bulk of the master plan, but about the last-minute town board revisions.

BKAA hired attorneys with financial help from NY/NJ Trail Conference. Experts were contacted. BKAA sent urgent information to members and a nine-page letter to the Board. Other letters poured in – from the Nature Conservancy, from our lawyers and experts, from NY/NJ Trail Conference, and from private citizens. Flyers were distributed and an advertisement taken out in the *Record*. A “My View” appeared in the *Record* on August 27 written by Ann Botshon (Sierra Club), our own Linda Gette, and John Myers (NY/NJ Trail Conference). There were meetings of citizens.

The Supplemental Final Generic Environmental Impact Statement was released on February 13, 2001; it said that those areas could have allowed resorts under the 1999 plan, too. (If so, then why add the amendments if not to troll for developers?)

To address some concerns, a few changes were made: maximum residential density was reduced for guests at resorts and for private dwellings in residential developments; a maximum building height of 40 feet was put in for mixed-use resorts (which the planning board could increase to 80 feet in its discretion) and a maximum height of 60 feet in the Planned Resort Community (which could be increased by the planning board to 100 feet); it required applicants to submit studies of traffic, ecology, hydrology, etc.; gave planning board power to prevent year-round occupancy of resort developments; and a few other things.

Their statement said that the board had reviewed all public comments, and after a full review of everything, it found that the current plan “. . . provide[s] a balanced land use pattern for the community.”

Some 300 people crammed into town hall for a public hearing on February 27, 2001, the vast majority of them opposed to the amendments. The *Record* ran an editorial on March 12, saying the town should listen to its residents in their opposition to the plan. Of course, the board ignored it all and voted unanimously to approve the plan.

In June 2001, the BKAA, joined by Yankee Lake Preservation Association, Wurtsboro Hills Community Association, and Cragsmoor Association, filed an Article 78 proceeding in New York State Supreme Court. In August, a *Record* article quoted town Supervisor Mary Barbuti as saying, “These outsiders are looking at only one side of the picture.” [emphasis added] That’s always the tactic – to claim that it’s not the town residents who object, but wild-eyed outsiders coming in to stir things up.

In spring 2002, the court dismissed the lawsuit on a strange technicality, and apparently an appeal went nowhere. That was very unfortunate, as this master plan has directly led to inappropriate mega-developments that we are still fighting today.

PARADISE RESORTS II (1996-1999)

Back in 1983, as we saw earlier, the new owners of this property (former Local 805 summer camp) proposed to fix up the cottages and sell them as condos, under the name Kay Cottages. At the time, they proposed only to renovate the buildings, not to build other structures or clear any land. They were within their rights at the time, and, in fact, it would have been a blessing to clean up the eyesore.

A planning board meeting on February 20, 1996 recorded the application for a site plan and possibly a special use permit by the new owner, Yakov Bresler. He wanted to convert the camp into a year-round resort. The old club house would be converted into a 400-seat restaurant for residents only; kitchen facilities would be removed from the cottages. There were 55 units at the time and no plans for new construction. The camp was in two different building zones, with South Road being the divider.

The DEC notified the planning board that SEQRA applied; so the usual procedure ensued, with information from engineers, tests of wells, SPDES application to the DEC, etc.

In November 1996, the owner told the planning board he now wanted 24 new rental units in the future, in three new buildings. The planning board designated itself the lead SEQRA agency and declared the project to be an unlisted action. In January of 1997, the planning board received a full EAF, made a negative declaration under SEQRA and scheduled a public hearing for January 18.

About 40 BKAA members attended the public hearing and voiced concerns about pollution down a steep slope on the east side of the Kill; visual impact of parking lots; potential impact on endangered species; additional demands on community services such as roads and firefighting; demands on water; safety hazard of increased traffic passing school and Little League Field, and potential future expansion. The owner decided to decrease the restaurant capacity from 400 to 200.

On March 25, 1997, the public hearing continued. The owner decided to reduce the capacity of the project from 200 people to about 150-160. The board agreed it should be allowed as a special use.

BKAA's biggest concern was the effluent discharge from buildings bordering on the wetlands. There would be a central sewage plant for most of the units, but there were six on the other side of the road that would have their own septic systems. We encouraged the board to require all effluent from these buildings be pumped to the opposite side of the road for treatment. Of course, that would be more expensive.

We also wrote to the DEC with these concerns, but they didn't seem too excited about it. Once again, we went the round of notifying our members, asking for letters, having letters sent from other groups, etc. President Jeff Fisher wrote to the DEC that the area is an Audubon Society "Important Bird Area," and there were only six units on the "wrong" side of the road that would need pumping. We collected more than 70 signatures from members of the Basha Kill Sportsmen's Association.

Finally, under pressure, the DEC opened the issue for public comments, which we sent in plenty. On August 18, 1997, the *Record* ran a big color photo of Florence Rothauser at the Basha Kill under the title, "Battle Over the Bashakill." An editorial in the *Record* on August 29 quoted supervisor Duane Roe as saying, "Many [environmentalists] come into the town and they don't live here or pay taxes, yet they dictate how we should run the town." (Sound familiar?)

On October 20, 1997, the DEC issued the SPDES permit – but **CONDITIONAL** on the developer's modifying his plans to pump all the wastewater from units on the Basha Kill side to the new central disposal system on the other side of South Road!

A footnote: In August of 1998, we discovered that Paradise II wanted to sell water from an artesian well on its property. We got information from the U.S. Geological Survey, which said that taking water out of the aquifer could de-water portions of the wetlands. The developer dropped the idea in September.

ORDINARY BUSINESS 1997

June 19, 1997 – Elizabeth Pollock, one of the three founders of BKAA, died at age 94. The BKAA agreed to create an award in her honor that would be given to BKAA members who had demonstrated outstanding service to the organization – the Elizabeth Pollock Great Blue Heron Award. The first award – a beautiful photo by Gary Keeton of a blue heron and a gold plaque framed together – was awarded to long-time treasurer Louise Briggs at the October 18 annual meeting.

October 18, 1997 – Twenty-fifth Annual Meeting! We celebrated with Bill Streeter and his live raptors. We also amended the bylaws to allow for 15 board members, up from 12.

WATER MONITORING PROGRAM (1997 – present)

The water program arose from concern over Paradise II and other developments along the Basha Kill. On checking with the DEC, we were amazed that no data was available; so we decided to do it ourselves. The original plan was to do an intensive one-year project to create a baseline, so we could have the data to back up our concerns about potential pollution.

We checked with experts, and got much help, financial as well as educational. Lori McKean of NY Audubon Society Water Watch helped us to determine the protocol and recommended equipment providers. Training was done by Steve Fleckenstein, biology instructor at SCCC, and Kyle Myers, Water Specialist with Cornell Cooperative Extension Service. DEC personnel helped select sites for testing. OCL Analytical Services in Bloomingburg (which tested for fecal coliform, the only test we couldn't do ourselves) gave us a generous discount on fees.

Linda Gette had all the equipment purchased and wrote a quality control manual. When the whole plan was in place, the DEC gave us ". . . compliments on a very thorough and well-designed monitoring plan" and thanked us for our ". . . willingness to conduct this field work."

The plan was to test twice a month for water temperature, pH, dissolved oxygen, nitrogen and turbidity of the water at five different locations on the Basha Kill and tributaries. Once a month, samples were to be taken to OCL labs to test for fecal coliform. The coliform sample had to be

done during the week, as it had to be taken to the lab within six hours for the test to be valid. The total monthly cost would be about \$100.

The first date of the water testing was also the date of our 25th annual meeting, October 18, 1997, a fitting date! The monitoring continued, through all types of weather, in snow and heat and cold, as it had to be done at the same time every month. Kudos to the intrepid volunteers!

In the March 1998 *Guardian*, Linda Gette wrote that she was often asked if the water was “healthy” but that was not a simple question to answer. One good thing was that the pH was good; it ranged from 6.2 to 7.5, with most readings between 6.5 and 7 (7 is neutral). The largest variety of aquatic animals is supported by a range of 6.5 to 8.

In May of 1998, Linda and Toni Garrett were interviewed on WJFF radio about the Basha Kill and specifically about the water testing program.

At the end of the first baseline year, we decided it was a very important program and should be continued indefinitely. Generous donors made it possible to do so.

In the Fall 2006 *Guardian*, it was reported that over \$6900 had been spent on testing since the beginning. Fecal coliform counts were generally fine, except for some spikes, mostly after flooding. The DEC explained that flooding can cause overflowing septic tanks, animal waste being washed into the Kill, and the bottom of the water being churned up. When the flooding subsided, so did the coliform.

In the Summer 2011 *Guardian*, it was reported with great pleasure that a generous bequest from the estate of the late John Winkler, a member who was always a great supporter of the BKAA, enabled us to buy new and upgraded water testing equipment. The new equipment would measure a number of things on the spot, and download it to a computer (donated by Rockland PC Users Club). The software would generate reports, graphs, charts, and highlight anomalies, if any. With this outfit, we were able to test more sites, increase the number of tests, and increase the frequency of testing.

This important project, critical to our stewardship of the wetlands, continues.

ORDINARY BUSINESS 1998

April 25, 1998 – The 17th Annual Cleanup, unusual because of the assistance of the Agassiz Society, a biology club at OCCC. They donned scuba gear and pulled up garbage inaccessible to those on the surface – including road signs, old bottles, a typewriter, and a house safe that must have been stolen during a burglary in the area!

Summer 1998 *Guardian* – A new store in Wurtsboro, called the Hiking Shack, owned by Susan and John Lavelle. They started to carry our T-shirts, hats and sweatshirts.

Fall 1998 – SCIL was back at the Basha Kill, and our own Gary Keeton was one of the judges.

ORDINARY BUSINESS 1999

March 1999 – The DEC discontinued the “Adopt-A-Wetlands” program in favor of a general “stewardship” program. We applied to become the wetlands steward.

April 17, 1999 – The 18th Annual Cleanup. We were assisted by Boy Scouts from Pack 153 in Huguenot, who helped clean as part of earning a badge in conservation.

May 21, 1999 – BKAA adopted a section of Haven Road, under the local “Adopt-A-Road” program. We received an official certificate and did a mini-cleanup the next day.

Summer 1999 – The BKAA got a toehold on the Internet. The Hiking Shack added us to their site.

Summer 1999 – BKAA received a Regional Water Resources Merit Award for 1999 for “furthering community education and for collaborative activities to improve water quality in the Hudson Valley.” It was awarded by a coalition of water improvement organizations: Southeast New York Intergovernmental Water Supply Advisory Council; NYS Soil and Water Conservation Committee; Hudson Valley Regional Council; and Water-Wise Council of New York Inc.

September 1999 *Guardian* – The local Nature Conservancy chapters took a field trip to the Basha Kill in connection with their annual meeting. Also, a chartered bus brought 40-50 people from the Museum of Natural History in New York City to see the wetlands. They were happy to spend four hours on a bus to look at what we have in our backyard!

December 3, 1999 – Louise Briggs died at the age of 92.

CRESCENT HEIGHTS (1999 -)

An article in the September 1999 *Guardian* had a brief note on a project that was being watched by the BKAA.

In the Spring 2000 *Guardian*, there was more information on the proposed development. It would be a massive project on 800 acres adjacent to Wurtsboro Hills, including four to five hotels with 250 rooms each, two golf courses, a spa, a conference center, condos, an equestrian center, vineyards and a waste treatment plant to empty into Wilsey Brook. The initial presentation was made to the planning and town boards, but it appeared that the developer was waiting for the change in the zoning laws (thank you, master plan!) before proceeding. In the meantime, the developers had an option to buy, and drilled several test wells at the site.

There has been no activity by the developer since then.

ORDINARY BUSINESS 2000

Spring 2000 – Maryallison Farley had an article in the *Guardian* about BKAA’s vision and goals. “The BKAA board has begun a strategic planning process, under the tutelage of George Schuler from the Nature Conservancy Neversink Preserve, to make sure that we as an organization are focused on how best to preserve the wetlands, to enhance people’s enjoyment of them, and to help the Town and the wetlands to live together fruitfully.” Comment was invited via a page to fill out and return.

June 17, 2000 – Record article that Mongaup Valley and the Basha Kill have been designated by Gov. Pataki as “Bird Conservation Areas.”

July 1, 2000 – After the death of Louise Briggs, everybody realized what a lot of work she did to keep up with monthly member renewals; so it was decided to change all memberships to run from July 1 to June 30.

July 13, 2000 – The Orange County Land Trust made a formal resolution to protect the Basha Kill.

A new brochure was printed this year, and a committee, of which I was a part, started work on a BKAA field guide, which had been a dream of mine for years.

KOHL’S DISTRIBUTION CENTER (2000-2002)

This was another huge project – a 500,000 square-foot regional distribution warehouse for retailer Kohl’s – that came to the BKAA’s attention in September of 2000. It estimated 18 trucks an hour (432 per day) and claimed to offer 900 jobs.

Kohl’s representatives were amazingly cooperative with the BKAA. We quickly set up a meeting with them to discuss concerns about water (Gumaer Brook could be affected by runoff), and air pollution. Nobody had discussed air pollution with them, and they invited us to meet with their engineer to set up an air quality study.

We requested the planning board to make a positive declaration under SEQRA and require an EIS, which they denied. On October 3, the planning board issued a negative declaration (negdec) but said that the full range of environmental impacts would still be addressed. The board allowed a height variance (from 30 feet to 40 feet) because the building was in a depression relative to Route 209, and would appear to be only 30 feet high.

Also in October, Kohl’s presented its Air Quality Study, and Stormwater Management and Water Quality Report, which took many of our concerns into consideration.

There was a long letter dated October 24 from the Wurtsboro Airport Pilots group, which represented over 50 pilots. They were worried about the proximity of the project to the airport. They were concerned with significant interference with flight patterns, the removal of a safety area for landing in case of emergency, wind turbulence from the size of the building, air pollution due to truck traffic in case of inversions, the potential impacts of water, sewer, and holding pools to collect runoff, etc.

There was a standing-room-only crowd at the public hearing, but Kohl’s did everything it was required to do: agreed to water monitoring, to planting native riparian species as a buffer along the brook (BKAA and Nature Conservancy helped to identify suppliers of native vegetation and offered to help them get discount prices for the water monitoring equipment which they agreed to buy and use); planting trees, etc. We suggested more consideration to water and air quality in the future as traffic built up, or if future expansion were considered.

It easily passed the planning board. In August 2001, the *Wurtsboro Good News* newspaper had a front-page photo of Gov. Pataki at a ceremony welcoming Kohl’s to Wurtsboro.

In October 2002, the town engineer took a final walk-through of the new building and grounds, and complained about a few things, which Kohl's assured him would be addressed.

Some of Kohl's employees joined us for a cleanup at the Basha Kill on August 27, 2011. Kohl's has a company-wide program to support not-for-profits that benefit youth by encouraging their employees to do volunteer work. We qualified, as we are involved with children's environmental education. Not only did we get some work done at the Kill, we earned a \$500 grant!

ORDINARY BUSINESS 2001

Summer 2001 – Member Jack Orth died and left a bequest to BKAA, which will be used for scholarships in his name.

ORDINARY BUSINESS 2002

Summer 2002 – We joined with Wurtsboro's Sullivan Renaissance Project by helping with planting and "adopting" a planter on Sullivan Street.

Fall 2002 – The criteria for the Jack Orth Memorial Scholarship were decided on. The student must be a resident of Orange, Sullivan or Ulster Counties; must be studying Natural Science, Science or Environmental Science at SCCC; and must write an essay or complete a project on an environmental science topic. The prize will be \$300. Nobody was found that year who qualified.

ORDINARY BUSINESS 2003

January 2003 – It was voted to raise dues to \$10 for an individual and \$15 for family.

Gary Keeton received a 2003 Recognition Award from the Upper Delaware Heritage Alliance for his interpretive hikes on the D&H Trail at Wurtsboro, including both nature and local history.

It was the 13th consecutive year that the BKAA sponsored summer campers to the DEC camps. At least two were sponsored every year, with some years up to five.

9/21/03 – Florence Rothauser was awarded the second Great Blue Heron award for her many years of dedicated service.

Networking has always been an important part of the BKAA activities – to get new ideas, to help each other out with projects and threats, and to realize that there are many like-minded people out there. It has increased steadily every year. In 2003, for example, BKAA representatives served as members of the Sullivan County Water Quality Coordinating Committee and the D&H Canal Commission. Events are cross-listed among the various groups; and members and officers participate in various workshops sponsored by other groups in order to keep information up to date.

EAGLE WATCH/NATURE WATCH (2003 – present)

Originally called "Eagle Watch," this educational program was the brainchild of Maryallison Farley and the BKAA Board. It was a cooperative effort among the BKAA, the Eagle Institute,

and the DEC. Volunteers were trained in 2002, but the actual program started in the spring of 2003.

The idea was to have trained volunteers at the South Road boat launch site to educate visitors on the life history of the bald eagles and how to observe them so as not to disturb their activities. They had a spotting scope, distributed handouts and provided other information about the Basha Kill. They also recorded observations on the behavior of the Basha Kill eagles, to be shared with the DEC. In the first year, some 20 volunteers interacted with as many as 40-50 visitors per day on fair weekends in April, May and June.

The program continued to train and deploy volunteers during 2004, 2005, and 2006. In 2005 and 2006, the big birds shunned the Kill; and the volunteers concentrated on other flora and fauna, deciding to rename the program "Nature Watch" to reflect that widened view. The big birds – eagles and ospreys – would be the "icing on the cake."

2007 was the fifth year of Nature Watch, and the eagles returned, producing two eaglets; the ospreys also nested and fledged young. More and more visitors were being reached; in 2007, 671 people visited. The BKAA general fund enabled the purchase of a high-quality scope, and a member donated a tripod. Volunteers started keeping track of demographics of the visitors, which they shared with the town board to document how use of the wetlands brings money into the local community.

In 2008, there were enough volunteers (37) to man two shifts, morning and afternoon, from April 19 to June 29, and volunteers interacted with 1066 visitors. 35% of the visitors were from Sullivan County and another 45% from the rest of New York State. 41% gave birding as their reason for visiting and another 33% were boaters. 28% shopped in local stores and 24% ate in local restaurants. The BKAA board authorized the purchase of another scope and another tripod was donated.

In 2009, volunteers interacted with 1200 people. It was a great year for eagles – a pair built in a nest easily visible from the boat launch and raised three chicks, which was not so common in New York State. A DEC biologist banded them when they were about six weeks old.

Other milestones: in 2010, a kiosk highlighting the work of the BKAA was erected at the boat launch, courtesy of the DEC; the same year saw the first annual fundraiser at Basha Kill Vineyards; in the summer of 2011, a porta-potty was delivered. In 2011, the ninth year of the program, 40 volunteers interacted with 1391 visitors. And it is still going strong. . .

SHAWANGA LODGE (AGAIN) (2003 -)

Recent Background: An article in the *Times-Herald Record* on February 4, 1997 reported that Sullivan County had seized this property from the owners Jim Pappas and Stanley Horowitz for non-payment of taxes. Then the county spent more than \$1000 to put ads into the *New York Times* and the *Wall Street Journal*, reading:

"DEVELOPER WANTED! Prime resort opportunity, approx. 220-acre parcel with easy access off Route 17 at gateway to Sullivan County on Sullivan/Orange border. Commanding 300-degree view of Shawangunks and Bashakill Preserve. Former hotel site 90 min. from Manhattan. Submit offers in writing by "

An article in the *Record* on September 10, 1999 reported that the county had sold the property to Flaum Management Co. of Rochester for \$650,000, which included paying the back taxes with interest and penalties, paying off the former owners to relinquish their claims, and paying off creditors! What a lost opportunity! Where was the DEC?

Flaum was also waiting for the master plan to be completed before revealing his project.

Current Project. In the Spring/Summer 2003 *Guardian*, members were informed of Flaum's plans, which made the 1972 project look like a pimple. In 1972, the plan was for 650 condo units and taking out 225,000 gallons a day of water (with waste discharge into the wetlands), and was rejected by the DEC for insufficient available water.

The 2003 version encompassed a 250-room hotel, a 300,000 square foot sports/entertainment facility, parking for almost 5000 vehicles (most in an elevated structure), and taking out 600,000 gallons of water a day, with waste discharged into a tributary of the Basha Kill and/or the Shawangunk Kill. The acreage also increased, to 307.

We requested that the DEC be the lead agency; over 50 letters were sent to the planning board, the DEC, and Rep. Maurice Hinchey.

In the Winter 2004-05 *Guardian* it was reported that the planning board voted to allow the DEC to be lead agency. The stated size moved up to 340 acres.

In the spring of 2005, the DEC required an EIS and accepted the BKAA as an interested party. "Reliable sources" said that Gov. Pataki had eliminated this parcel from consideration as a site for a casino. Nothing more was heard for several years.

In February 2012, the developer informally introduced the newest plan (up to 350 acres) to the town and planning boards, both of which seemed receptive. The current configuration, even worse than the 2003 version, from the bottom up, encompassed:

Basement Level

Conference Level –

Two conference rooms, one of 210,000 and the other of 90,000 square feet

Food and beverage, 80,000 square feet

Retail, 30,000 square feet

Mezzanine Level --

Two banquet halls of 80,000 and 88,000 square feet

Administration, 40,000 square feet

Entertainment, 160,000 square feet

Spa/Pool Level –

Spa, 60,000 square feet

Pool, 28,000 square feet

Hotel – 60,000 square feet

Plus – an eight-level parking facility for 3600 vehicles and surface parking for an additional 500 vehicles.

That adds up to almost a million square feet, not including parking! This monster on the sensitive Shawangunk Ridge – one of Nature Conservancy’s “Last Great Places,” with no water and thin soil? There’s so much wrong with it, it’s hard to know where to start. In addition, this development would be a serious blow to New York State’s vision of a public-access continuous ridge-top corridor from Route 17 to Cragmoor – a vision for which New York State has spent millions to acquire land.

YUKIGUNI MAITAKE (YM) MUSHROOM PLANT (2003 -)

The Spring/Summer 2003 *Guardian* reported the first information about this proposed project. It would be a facility of approximately 825,000 square feet on a 47-acre lot at the intersection of Route 209 and McDonald Road. The parcel adjoined the upper part of the Basha Kill and the D&H Canal Linear Park.

The developer wanted a building 83 feet high to produce 30 tons of Maitake mushrooms per day. It would produce 3.3 tons of solid waste plus 67 tons of sawdust and waste mushrooms per day. It would require 621,000 gallons of water per day from the aquifer under the wetlands and would return only 50,000 gallons a day of wastewater to on-site infiltration basins. The U.S. Geological Survey said that amount of water removed from the aquifer would inevitably lower water levels in the wetlands, to say nothing of private wells and the Wurtsboro water supply.

There was a scoping session on September 18. There were many speakers with concerns. The ZBA had scheduled a public hearing on three variances desired by the developer – height, lot coverage percentage, and number of loading docks. It was the position of BKAA that a ZBA hearing was premature, as variances could not be issued until the lead agency under SEQRA had issued its determination of environmental significance.

Paula Medley attended the ZBA hearing on November 13 and reported that it was a chaotic spectacle that curtailed the public’s freedom of speech. The public comment period was extended, possibly to include another hearing.

On February 26, 2004, the ZBA postponed acting on the variances, partly due to our pressure; a non-binding vote, however, showed that the board was in favor of granting them.

On May 18, YM presented its DEIS to the planning board, and there was a public hearing on August 31. There were more than 100 attendees, most of whom objected or voiced serious concerns, including BKAA, D&H Transportation Heritage Council, Friends of the Shawangunks, National Park Service, and the NY/NJ Trail Conference. Our experts said the impacts of the project would be tremendous.

The FEIS was presented to the board on November 23; written comments had to be submitted by April 8, 2005. An Action Alert was sent to members, some of whom had already put up “No Mushroom Plant” signs on their properties.

The planning board, rejecting the “no-build alternative,” and ignoring the comments of our experts, accepted YM’s findings on May 25, 2005. In July, BKAA filed an Article 78 lawsuit against the planning board.

In the meantime, YM had four variances pending before the ZBA. The Sullivan County Planning Commissioner said that the height and lot coverage variances should be denied because of negative intercounty effects; this meant that the ZBA had to approve these variances by a super-majority (4 out of 5) to legally grant them.

The ZBA met on November 3. When their attorney, Ira Cohen, recommended that the height variance be denied, they summarily fired him and hired different counsel. The fees for that attorney were to be paid by YM, whose own attorney once worked for the newly hired firm. (Could there be a conflict of interest here?)

Not surprisingly, the variances were approved – they allowed decreasing the loading berths from 21 to 7; increased the coverage of the lot from 35% to 45%; allowed the height of a building for agribusiness use to be increased from 45 feet to 65 feet; and permitted the height of an accessory utility to go from 10% of the total building height (which would have been 6.5 feet) to 23% (15 feet), resulting in an 80-foot tall building, almost double the current standard.

In January of 2006, Tish and Kevin Moore sued the ZBA and YM. In March, their suit was dismissed as having no merit; and while we obtained standing, our Article 78 proceeding was dismissed. We appealed to the Appellate Division, but it denied a stay pending appeal. Our attorney suggested that since it would be the same judges ruling on our appeal, we should drop it and use our money for other things, which we did.

On April 17, the planning board held a public hearing on the site plan and special use permit applications. Rep. Maurice Hinchey sent an aide, who said that Hinchey opposed the project outright. Our engineers exposed all the weaknesses in the application, and some 20 speakers made negative comments. In general, the favorable remarks were made by out-of-town union members. In spite of public protest, the planning board closed the hearing and allowed a 10-day written comment period.

The planning board approved the plans, with conditions (such as getting DEC and DRBC permits), at its August 22, 2006 meeting. Oddly enough, the board gave this approval even though YM owed the town \$82,500 in fees. In September, we once again filed an Article 78 proceeding. Our major points were: the planning board did not take the “hard look” at environmental concerns as required by SEQRA; the board did not have a super-majority to reject the Sullivan County Planner’s modifications; the planning board improperly delegated to the chair of the board the decision on what conditions would be required; the planning board deferred crucial studies and plans, violated DEC rules and Mamakating’s zoning code and local law, and failed to make a detailed and precise review of the matter.

Once again, the Supreme Court ruled against us, and this time, did not even grant us standing. Jodi Rubenstein, also a named plaintiff, appealed in June 2007, but the Appellate Division ruled against her. A request for leave to appeal to the Court of Appeals was denied in 2008.

In the meantime, YM had not yet fulfilled any of the conditions imposed on them by the planning board (which they said was our fault, because we sued them!) and got extensions of time to do so.

In April and May of 2008, YM went back to the planning board with a “revised site plan” which is not a definition found in the law. They were trying (and did manage) to slide it through without paying further fees. (They finally did pay the town the original \$82,500, but should have paid again for a different plan.)

On August 27, 2008, the planning board had a public hearing on the revised plan, which it called merely an “adjustment” so as not to require more fees from the developer. This time we had four different consultants: attorney Alex Smith; engineer Andy Willingham from David Clouser & Associates; hydrogeologist Dr. Katherine Beinkafner, and ecologist Spider Barbour. There were also some 100 people who expressed their concerns. Alex Smith said the alterations might require a supplemental EIS. There was a second hearing on September 23, our experts testified again, and once again their questions went unanswered. On December 30, the planning board voted 6-0, with one absence, to grant the conditional site plan approval.

Back in court we went, in January 2009, for the planning board’s failure to require a supplemental EIS; but withdrew the suite in March on our attorney’s advice. The issue of standing was becoming more difficult to sell to the judges.

Planning board attorney Langdon Chapman received unanimous support from the planning board for his suggestion that it countersue BKAA to reimburse the town’s legal fees. This was an instance of the infamous “SLAP” suits, typically used by large developers to discourage opposition. The town board wasn’t interested, however, and the idea died.

On April 21, 2009, the DEC declared YM’s four permit applications to be complete. Our team disagreed strongly, and we countered with detailed written comments, letters and phone calls. The DEC finally agreed to hold a hearing. It was a packed house on July 15. Our experts addressed the issues and about 25 others expressed serious concerns. About 13 people supported YM, mostly employees, construction union people, and board members from the Partnership for Economic Development. Only one Mamakating resident spoke in favor of the project.

The DEC approved YM’s permits, but with critical conditions. They had to build a pilot plant and after a year of operation, report to the DEC on all aspects of its performance. Then the DEC would determine if YM could proceed with the full buildout. (The DEC had originally said that no additional review was needed between the pilot and the full buildout, but changed that after we vigorously complained.) The DRBC permits were also only for the pilot plant.

The pilot plant would be about 37 feet high with a footprint of 44,100 square feet. The water withdrawal would be 71,300 gallons a day and wastewater discharge 15,500 gallons per day. Also, the final size of the full buildout was much smaller than the original plan – 63 feet tall rather than 80 feet, and using 95,000 gallons of water a day rather than 200,000.

In keeping with its continued secrecy, and the planning board’s continuing inexplicable reluctance to make YM conform to town law, YM never submitted its detailed construction drawings. In the summer of 2010, YM started grading and clearing the site – without the construction drawings, a building permit, or a driveway permit! It turned out that the planning board accepted a “surety” rather than a building permit, which is not a feature of the town code.

The DRBC never received its required Emergency Management Plan either; but it gave YM a pass so that it had to do the EMP only when they begin to build the factory. The planning board also released the surety so that YM managed to do substantial work without paying any fee.

In January 2012, YM again asked to be put on the planning board agenda for more changes to the plan, but was dropped for not having paid the review fee. According to our engineer, most of the changes were minor cost-saving measures; but YM did want to defer paving and landscaping until the full buildout. It was our expert's recommendation that the board require the work to be done as scheduled, or put measures in place to guarantee that the work is done in the future. In his letter, Willingham mentioned that he understood that YM itself has questioned the "economic viability of constructing the main plant."

ORDINARY BUSINESS 2004

The mission statement was changed to: "Since our founding in 1972, our mission has been to protect the Basha Kill Wetlands and surrounding area from ecological degradation, to promote education and respect for the environment in general, and to preserve the beauty of the area."

WURTSBORO AIRPORT/COMMERCE PARK (2004 -)

In late 2004, the owners of the Wurtsboro Airport wanted to sell the 400-acre property and there were two possible scenarios:

1. The Town of Mamakating would buy it with funds from FAA, DOT and the Aircraft Owners and Pilots Association and lease it back to the Association to continue its current operations, while adding low-impact improvements that would be compatible with its 100 acres of wetlands, Revolutionary War cemetery, a mile of the D&H Canal, and other historical sites. The town's vision was of a world-class glider operation and a "Turn of the Century" village and canal park. OR
2. The owners would sell to a large developer who would construct inappropriate and intrusive building complexes next to the Basha Kill.

The owners were presented with identical bids by the town and by the developer (Shalom Lamm). They chose the developer.

At a public hearing in August 2005, the BKAA supported the town's vision and urged the use of eminent domain. (Other plans ranged from 400 houses to gravel-mining and a drag-racing operation.) At the end of the year, the town voted against condemnation and announced that it and the prospective buyer, Shalom Lamm, had agreed upon a vision that was submitted to the FAA.

The idea was that Lamm would retain about 80 acres for the construction of 48 upscale fly-in houses and possibly a hotel. He would then sell the rest to the town (the sale would enable him to use that money for building the houses), and the town would lease the airport back to Lamm. One tiny problem – the FAA does not permit residential development in airports that are financially obligated to the federal government. The obligation stemmed from 1996, when

the previous owners accepted federal funds to widen a runway with the provision that the airport operations continue until 2016.

Lamm went back to the FAA with another idea; he would keep the airport in use forever if several parcels could be split off for future development. The FAA accepted this plan; now 177 acres are set aside for airport use and the other 223 acres could be developed.

On August 25, 2009, the Wurtsboro Airport Preservation League (aka Black Creek, aka Shalom Lamm, aka the developer of Seven Peaks) submitted a huge proposal to the planning board.

Commerce Park would use 140 acres of the site for four commercial buildings: 1.2 million square feet, 275,000 square feet, 33,500 square feet, and 20,000 square feet. Each building would be for warehouse/distribution use, with some as office space. The entry to the site would be through McDonald Road, the same road leading to the YM mushroom plant. The size of the project automatically required a DEIS, and the planning board declared itself lead agency.

There was a public hearing on the draft scope on November 10. The speakers were evenly divided between those expressing concerns and those looking for more tax base and jobs. BKAA testified, incorporating statements from our experts. Issues included: the creation of 72.56 acres of impervious surface instead of the current surface of less than half an acre; the runoff of pollutants from parking lots and resulting contamination of the Gumaer Brook (which drains into the Basha Kill); water supply; consideration of what materials would be stored, some of which might be hazardous; cumulative truck traffic impact including Kohl's and YM; floodplain issues; and destruction of habitat, including that of five kinds of "Special Concern" birds.

Barbara Restaino wrote a thoughtful letter to the planning board on the subject of "vision." She referenced a noted planner who said that the most successful communities value and build upon their unique assets to achieve a stated vision. The Basha Kill is an Audubon "Important Birding Area," 60 million Americans are now birders and tourism is our number two industry. Developing the airport as proposed would degrade the town's most important assets rather than enhance them.

On December 22, 2009, the planning board accepted the scope as being complete, which permitted the preparation of the DEIS. As of August 2012, it has not yet been submitted.

ORDINARY BUSINESS 2005

February 13, 2005 – The BKAA board voted to oppose construction of any casinos in the town. Richard Riseling from Casino-Free Sullivan County testified before a New York State Senate hearing; his excellent speech is reproduced in the Spring 2005 edition of the Guardian.

Summer 2005 – A new BKAA color brochure was created..

Summer 2005 – There were public hearings on a proposed Steep Slopes Law, which would apply only to slopes over 35% BKAA strongly advised the town board to apply the proposed law to slopes of at least 25% instead.

Fall 2005 – The first Jack Orth Memorial Scholarship was awarded.

December 2005 – There was a “My View” in the Record written by Town Supervisor Charles Penna which “. . . serve[s] as a catalyst for a long-overdue response to the innuendoes, accusations and falsehoods about the Basha Kill Wildlife Management Area and the Basha Kill Area Association that have been blatantly promoted by the supervisor throughout his tenure.” according to the response by Paula Medley which also ran in the paper.

It was the old litany of “outsiders” and “property taken off the tax roles” (when in fact the Basha Kill is subject to property tax and paid about \$19,000 in January of 2006). He suggested that BKAA uses its money in “secretive ways,” and that “we may be neglecting the Basha Kill itself.” Paula’s reply is excellent and can be read in the Winter 2005-06 issue of the Guardian.

BASHER KILL SUBDIVISION (2005 -)

This proposal was for the Town of Deerpark, Orange County, for 300 houses, a retail center and recreational areas, on a 689-acre Shawangunk Ridge parcel bordered by Route 211, County Road 61 and Port Orange Road. Again, it was a development proposed for the Ridge, with all the problems that implied; 33% of the site had slopes over 15%.

Local residents, led by two BKAA members, formed a group called Deerpark United Neighbors (DUN) to fight it. There was a scoping hearing on June 29, 2005, and BKAA was there. We drew in seven networking partners (Friends of Shawangunks, Mohonk Preserve, Nature Conservancy, NY/NJ Trail Conference, Palisades Interstate Park Commission, Save the Ridge, and Sierra Club) with some input from Orange County Audubon. More than 75 letters were sent to the planning board.

DUN was in contact with the DEC, urging them to expand the Catskill Mountain Forest Legacy area to include the Shawangunk Ridge and specifically this parcel. There are many reasons to protect the site – it’s near the Basha Kill (a small portion of it abuts the Kill and a tributary goes through the western section) and parcels bought by Open Space and Nature Conservancy. The Shawangunk Trail is proposed to run through the site, linking the Kill with the abandoned rail bed in Otisville. There is a chestnut oak forest nearby that has been deemed a Significant Ecological Community by the NY Natural Heritage Program.

It was not until 2008 that the DEIS was finished. There was a public hearing on September 10, which was continued on October 22. BKAA urged the board to required an addendum to the DEIS, as many critical issues in the scoping were ignored or inadequately addressed.

On November 19, the planning board voted to require the addendum. On December 10, it reversed itself, freeing the developers to go ahead with the FEIS.

A revised site plan was presented to the planning board on August 26, 2009. While the developer proposed to build more townhouses, taking units out of areas with serious environmental issues, it is still a really bad project. The whole site is full of steep slopes, wetlands, and floodplains; just upslope a local unauthorized garbage dump was there for years and was finally just covered over. As of August 2012, there is no current activity.

ORDINARY BUSINESS 2006

Spring 2006 – The BKAA set up its own website, including photos, history, calendar of events, how you can help, etc.

Spring 2006 – The dues schedule was revised to drop the family membership category in line with the bylaws allowing one person, one vote. Individual dues remained at \$10/year.

August 2006 – The Sullivan Renaissance competition in Wurtsboro ended, but Wurtsboro Renaissance continued its beautification efforts, with help from the Village, the Sierra Club and BKAA.

BKAA renewed its five-year contract with the DEC to act as steward to the wetlands under the “Adopt-A-Natural-Resource” program.

NYRI POWER LINE (2006 – 2009?)

This was one of those projects that everybody hated as soon as they heard about it. New York Regional Interconnection (NYRI), a private (Canadian) company, wanted to build a direct-current power line from Marcy in Oneida County to the Rock Tavern Substation in Orange County. The towers would be 85 to 129 feet tall, and the right of way would be 150 feet. The preferred route (as opposed to the just-as-bad Delaware River corridor) would go through the grounds of the Neversink Valley Area Museum and the Bicentennial Elementary School, over the Ridge, parallel Route 211 to Otisville and follow the abandoned railroad bed through the village.

The application to the Public Service Commission (PSC) was deemed incomplete in August 2006 and NYRI’s lawyer said they would take their case beyond New York, to the Federal Energy Regulatory Commission (FERC). Under federal legislation passed in 2005, NYRI could ask that the project be considered a National Interests Energy Transmission Corridor (NIETC), and if FERC agreed, they could override any local or state government and condemn private land. According to information from SayNO2NYRI, a group formed to oppose the plan, FERC board member Marc Spitzer was quoted as saying it was a “no-brainer” to give the go-ahead.

It was rather bizarre; as Paula Medley said in the Summer 2007 *Guardian*, “. . . a private, foreign business can legally seize the homes and businesses of state residences for personal financial gain with the acquiescence of the federal government.” Just as bizarre is the idea that a foreign company could get federal backing under a law that purported to protect the national interests of the United States.

NYRI submitted more information to the PSC, but on March 24, 2008, the application was again declared incomplete. By this time, eight counties had formed a coalition called Counties Against Regional Interconnect (CARI) and put up \$50,000 each. The NYS Senate promised \$1 million, and the NYS Assembly was encouraged to match that.

NYRI applied to FERC for federal price supports that would guarantee them 13.5% return on their investment; the request was denied.

In August, PSC declared the application incomplete for the third time. NYRI complained that opposition groups were providing misinformation – but NYRI itself failed to provide detailed

information, and asked the PSC to keep its information confidential, citing Homeland Security concerns. (This from a Canadian company!)

In October 2008, public hearings were attended by hundreds of people, all of whom were opposed. NYRI's president composed a web letter saying that their comments were based on inaccurate data or false assumptions. He said, "[i]t's the PSC's task to balance the needs of the 40 million people in the entire state with the needs of local communities." (Oops, speaking of inaccurate data, there were only 19,306,000 people in the state in 2006.)

A federal court in Virginia delivered a critical ruling in February 2009. NYRI claimed (and FERC agreed) that the Energy Policy Act of 2005 granted power to FERC to permit the building of a line even if a state permitting agency did not approve the application within one year. The court said that FERC did not have that power under the law.

As of summer 2009, NYRI suspended its participation in the PSC hearings. Is it dead? There has been no more action up to August 2012; so let's hope so.

KINGWOOD MEGA-DEVELOPMENT (2006 – 2009)

On October 11, 2006, the BKAA attended a planning board scoping session for the generic DEIS of Kingwood and Kingboro projects proposed for the Wurtsboro hills area. Kingboro would be 49 homes and Kingwood a 223-acre business park on adjoining land. There would have to be a new road connecting the two tracts. We urged the board to require a more comprehensive habitat assessment as part of the final scope, as the draft version was vague. This assessment would include considering factors such as soils, geology, slope, stormwater, sediment and erosion control, as well as plants and animals. We also recommended the town create its own habitat assessment guidelines which would enable them to better protect the value of natural resources.

Three weeks later, there was a joint public hearing before the town board and the Bloomingburg Village board to decide whether to approve the annexation of several town properties, totaling 200 acres, into the village. We requested that the hearing remain open until we had a complete file to study, and recommended they should analyze the mega-development for its cumulative effect. Of course, both requests were ignored and the whole project was immediately approved.

By the spring of 2007, the project had mushroomed to 1848 acres in Mamakating, Thompson and Fallsburg, included 560 dwelling units, 31 potential business center lots, and no access road into Wurtsboro Hills. By the summer, they wanted 641 dwelling units.

Every day the project got bigger and worse. By fall, the proposal was for approximately 1000 single-family houses and about 1.3 million square feet of commercial development, plus roads, a central sewage treatment system and central water from wells. All the commercial development would be in Mamakating and the houses would be divided between Mamakating and Thompson. The Fallsburg portion would contain only roads. After a brief tussle with the town, the DEC took the role of lead agency, which BKAA applauded.

Early in 2008, the DEC wrote a letter to the developer pointing out discrepancies in its documents, and requiring a new EAF Part I with supporting plans and maps, and further information on the project's impacts. We were granted interested person status by the DEC.

Surprisingly, in November, Kingwood (now called Parkwood), wrote to the planning board withdrawing their pending applications, ". . . due to changing market conditions and other factors. . ." "It further stated that it would make a new application, solely in the Town of Thompson, for 175 lots that would tie into an existing sewage system in that town. They still own the Mamakating property, however; so BKAA will continue to keep an eye on it.

ORDINARY BUSINESS 2007

Spring 2007 *Guardian* – Bill Cutler wrote an article on the Basha Kill as being our "Ecological Hope Diamond," which had a wonderful sentence in it: "Ten million people live within a two-hour drive of this wild place, and a wicked few seek to urbanize it before the vast majority ever knows what could be lost."

March 8, 2007 – Mamakating Supervisor Charles Penna put a three-page anti-BKAA statement on the town website and left similar handouts at various places. Paula Medley spoke and answered questions at a town board meeting on March 30 and handed out a fact sheet on the BKAA. Other residents also commented. The board passed a resolution to prevent personal views or political statements on the site without board approval; and the statement was removed from the site.

October 21, 2007 – The new field guide, 7 years in the making, was finally unveiled at the Annual Meeting.

NEW CITY FOR MAMAKATING (HOMOWACK) (2007 -)

As reported in the Fall 2007 *Guardian*, yet another major development was proposed for Mamakating, at the site of the former Homowack hotel, on about 450 acres in Phillipsport and Spring Glen. A brochure described the owners' vision to build a new city with infrastructure, schools, religious centers, shopping center, health center, etc. -- plus thousands of housing units.

Not only would this huge project be a problem in itself, but there were also other giant developments in the pipeline, and the cumulative impact would be disastrous. Opponents of the plan, including BKAA's Anita Altman, met and organized into a group called the "209 Valley Keepers."

In the meantime, the existing buildings were in horrible disrepair, and there were serious arrears in property, hotel, and sales taxes. The owners applied for a renewal of their SPEDES permit, and BKAA plus others took full advantage of the DEC written comment period on this issue. On August 1, 2008, the DEC renewed the permit, but specified it was only for existing water discharge, with no permission for future change or expansion.

In the summer of 2009, the owners opened a residential camp, without a health permit or special building permit. There were some 300 girls and families with small children. After a neighbor spotted an oil leak and called the DEC, various authorities converged on the site and were horrified at the dangerous conditions they found – including electric system violations,

mold, and fire hazards. The campers were ordered to leave, but they delayed until mid-August when the state Attorney General's office finally had to step in.

In the summer of 2010, the owners made some overtures to the ZBA and DOH, hoping to have a girls' camp that year. There were so many problems with the hotel building that the DOH suggested it would be cheaper to tear it down and start over. They decided not to open that summer.

The buildings were not secured, and during the winter, a great deal of vandalism occurred; Mamakating ignored the problem in spite of a law that covers unsafe buildings. Finally, after years of complaints, the town board ordered the owners to tear down and remove the dangerous structures within 60 days of notification, which occurred on September 21, 2010. It took far longer than 60 days, but as of spring 2012, the outbuildings were demolished and the sites cleared. The old hotel still stands, but it is still in major disrepair. There has been no more activity to date.

ORDINARY BUSINESS 2008

March 2, 2008 – Opening Reception at OCCC for “The Basha Kill – A Quiet Treasure,” the first large-scale art exhibit featuring only works relating to the Basha Kill.

June 7, 2008 – With other groups, BCAA celebrated National Trails Day at the 150-acre LaFarge parcel in Summitville, which was scheduled to be transferred from the NY/NJ Trail Conference to the DEC to incorporate into the Wurtsboro Ridge State Forest.

August 2008 – Toni Garrett received the third Great Blue Heron Award. She died on September 2.

August 11, 2008 – At the Sullivan Renaissance award ceremony, Wurtsboro Renaissance received an Environmental Stewardship Award of \$1000.

COME CLEAN (2008 -)

2008 Shopping Bags. An exciting new project spearheaded by Patricia Diness and Cathy Dawkins (both of whom are Nature Watch volunteers) had its kick-off event on April 16, 2008 at the Red Eft Gallery in Wurtsboro. Inspired by a similar project in a town in England, the idea was to give out a free reusable shopping bag to each household in Wurtsboro, and sell others in village stores. They hoped to discourage the use of plastic bags, which blow all over the countryside, injure wildlife, and are practically immortal.

With donations from BCAA, Wurtsboro Board of Trade, Sullivan and Wurtsboro Renaissances, O&R, and an anonymous donor, the funding goal was met in only two months. Ten thousand burgundy, custom-designed bags were ordered, and the project “went live” on July 12 at the Founder's Day celebration. They won third place in the parade float competition, had a “fashion show” of bags, and gave door prizes of bags with themed contents – such as a “tea” bag, gardening bag, etc.

By the fall, they had already given out 8000 bags. On September 8, the Sullivan County Legislature issued a proclamation for a “Bring Your Own Bag” day for the whole county.

It was excellent project, not just for the bags themselves, but for the widespread community involvement of so many – Boy Scouts, neighborhood kids, local business owners, activist environmentalists and those favoring development – in a project beneficial to all.

2009 Light bulbs. In 2009, the focus was on light bulbs, specifically compact fluorescent lights bulbs (CFL) which reduce our carbon footprint and save on electricity. They again got donations and grants, and again involved children in the project. Students at the Emma Chase School who signed a pledge to use them were give four free bulbs. Business owners and services such as the ambulance corps were also given bulbs. Over 2000 bulbs were given out in the Wurtsboro community. Over the next four years, they should save almost a billion watts of energy, and over \$160,000 in electric costs for the community.

2011 Garden. In a new focus in its goal of environmental beautification, the project selected a business property in the heart of Wurtsboro (the building housing the Catskill Soap Company, the Laundry Center, and the Custom Tailor Shop) for a custom garden makeover. They planned the garden, dug the area, planted new herbs, shrubs, grasses and annuals, and put in a bench. A neighbor, Gary Dodd, became actively involved. He started out by helping to install a rain barrel, but by the end of the project, Mr. Dodd had installed two rain barrels, rerouted an existing gutter, and provided a custom black iron trellis for the clematis!

GAS DRILLING (FRACKING) (2008 -)

This is one of the hottest topics for debate, and one of the most potentially disastrous proposals for the environment now on the horizon. As much of the country's natural gas has already been extracted with conventional methods, the industry is looking at other options. Newer technology allows gas buried in layers of rock to be reached through a process called "hydraulic fracturing" or "fracking." The process involves injecting water, sand, and a mixture of chemicals into the rock layers which cracks the rocks and frees the trapped gas to flow back to the drilling hole.

Shale is the rock that holds much gas in its layers, and shale is found in numerous areas in the country. A huge bed (called the Marcellus Shale) underlies much of northern Appalachia and all of the Catskills (some of it quite close to the Basha Kill and the Shawangunk Ridge), 6000 to 8000 feet below the surface. It is believed to contain large quantities of natural gas which can be tapped to provide lower-cost energy.

Many people think it's a great idea: it would help to decrease our dependence on foreign oil, provide much-needed revenue for farmers and others who are land-rich and cash-poor, provide jobs for local people, and the resulting boom would benefit local businesses and governments.

There are, of course, many problems with the implementation of the idea, and BKAA has gone on record opposing it.

1. The process uses millions of gallons of water from area lakes and rivers. One well might use three to six million gallons, and hundreds or thousands of wells are predicted across the state, if allowed. There is a very small amount of fresh water on the planet, and we are using and polluting it faster than it can regenerate. The coming wars will be over water, not energy.

2. The water is laced with chemicals, and the mix is a trade secret of the drilling companies which they are not required to disclose. It is believed that some of the chemicals are hazardous or carcinogenic. 40,000 pounds of chemicals are added to every million gallons of water used. The polluted water is trucked to a wastewater facility, except for the 20% to 40% of the fracking fluids that remain underground.

3. The fracking fluids have great potential to pollute groundwater, from which we get our drinking water. There are reports of drinking water pollution in Alabama, Colorado, New Mexico, Virginia, West Virginia, and Wyoming, as well as neighboring Pennsylvania. Fracking is exempt from basic environmental laws such as the Safe Drinking Water Act.

4. The fracking sites are serious industrial undertakings, with well pads, pumps, drilling rigs, hoists, generators, equipment, chemicals, and a large holding pond for the wastewater. They run day and night without stop, producing exhaust fumes, and noise comparable to that of a jet engine. There is greatly increased truck traffic. Additional roads and pipelines may need to be constructed. Trees and other vegetation will be removed, increasing the risk of erosion and flooding.

5. Tourism is our number-two source of income (with agriculture first). Our beautiful peaceful rural landscape is what draws visitors. When that landscape is cluttered with industrial junk, pollution, and noise, who will come? When the fracking boom is over, what will be left of our region? Will the industry clean up everything and put it back the way it was before fracking? Will tourists return? Unfortunately, extractive industry is "boom and bust." As usual, many wish only to look at the immediate dollars and not think about the effect over time.

The latest on the legal front (as reported by Dave Colavito in the Summer 2012 *Guardian*) is that the Delaware River Basin Commission (DRBC) postponed its vote, originally scheduled for November, on regulations for gas drilling in the Basin. It was postponed ". . . to allow additional time for review by the five commission members." There was a DEC public hearing on November 29, 2011 of the Supplemental Generic Environmental Impact Statement (SGEIS); the DEC is still going through the thousands of comments from that hearing, including those from the BKAA.

SEVEN PEAKS (2008 -)

This is yet another major proposal for 650 acres of the Shawangunks, over the ridge top and going down parts of the eastern and western slopes. Phase I is a gated community with forty-nine 8500-square-foot houses costing \$8 million each on five-acre or large lots. Phase II is a 200-room hotel, conference center, spa and restaurants. Phase III is more residential development.

Though the DEC dropped out of the running as lead agency, it made an agreement with the planning board to have a higher level of review participation than usual.

The planning board had a public hearing on February 24, 2009 on the draft scope. The usual suspects spoke out, including BKAA, which presented testimony by Spider Barbour. Many attending the session were in favor of the project, as they expected increase tax revenues.

On March 17, 2010, there was a public hearing on the DEIS. This time, only a quarter of the attendees were in favor, and most of them had business interests. Our consultants spoke about numerous deficiencies in the DEIS: failure to consider the impacts of full development; a hydrogeological study said the water supply was uncertain at best; insufficient assessment of special concern species, invasive species, open space, stormwater, grading, wetland impacts, sewage, etc., etc. It was the typical short-sighted view of ridge development. The board was asked to require a supplemental DEIS, but it did not, and allowed the developer to go ahead with the FEIS. The time to finish the FEIS was extended in April 2010, but there is currently no activity as of August 2012.

ORDINARY BUSINESS 2009

Spring 2009 – BKAA joined with other Sullivan County groups to form the Conservation Education Network (CEN) which held a series of “how-to” workshops for individuals who wanted to take practical steps to live more sustainably.

Summer 2009 – The Bush administration rejected proposals for Indian casinos here, but the NYS congress has introduced legislation to amend the state constitution to allow non-Indian casinos in the state.

August 10, 2009 – At the end of the Renaissance season, Wurtsboro Renaissance won \$50,000 the top prize in Class C (Multi-year) projects. Other local prizes: \$2500 for Come Clean’s CFL light bulb project, and \$1000 to the Phillipsport Community Center for its Gateway Project.

Autumn 2009 -- We had a winner for the Jack Orth Scholarship – Lori Jaeger of Pine Bush. Her essay is printed in the Autumn 2009 Guardian.

October 17, 2009 -- At the 37th Annual Meeting, I received the fourth Great Blue Heron award.

ORDINARY BUSINESS 2010

March 8, 2010 – A rare visitor to the Basha Kill was seen – a golden eagle!

April 15, 2010 – Our consultant Dr. Katherine Beinkafner sent a long letter to DEC’s Region 3 Director, William Janeway about the problems with getting the SEQRA process to work well. Some of her points were: developers provide poor, misleading or no environmental reports; DEIS writers do not have the required technical know-how, or provide misleading information; some planning board consultants are so pro-development that they disregard SEQRA; citizens have to raise money to hire consultants to get justice; outside consultants should have access to the site and if they can’t get access, the board should stop its review; the FEIS often disregards the problems with the DEIS; and planning boards have insufficient knowledge, training or resources to review the applications.

ORDINARY BUSINESS 2011

Every year there is more networking with other groups, and BKAA is attending more and more lectures, focus groups, and workshops for different ideas, contact with non-local groups, and learning more about important topics. In 2011, for example, BKAA representatives attended a Cornell Coop Not-for-Profit Leadership Summit in March; a presentation at Mohonk called “Communities in Transition—Local Strengths, Local Resilience” (which looked at reducing

energy use and doing more with new renewable energies and infrastructure) in April; a focus group in September on the theme “What Inspires You About Sullivan County?” hosted by Sullivan Renaissance and the Division of Planning & Economic Development; and, also in September, a community workshop at Bethel Woods sponsored by the Mid-Hudson NY Regional Economic Development Council.

April 29, 2011 – The Monticello High School Eco Club hosted its first annual Arbor Day/Earth Day festival with tree-planting near the school’s new wind turbine, and eleven exhibitors including BKAA and Bill Streeter’s raptors.

Spring 2011 – The Guardian reported that member John Winkler, who died in 2007, left a very generous bequest to BKAA, which would be used to pay back some loans, buy updated water testing equipment, and help out the legal fund.

Summer 2011 – Thanks to Linda Lou Bartle, BKAA is now on Facebook!

Summer 2011 – Two more parcels on Shawangunk Ridge have been transferred to the DEC for permanent protection.

July 2011 – BKAA members observed a young eagle at the wetlands that crash-landed on an early test flight, and seemed injured. They managed to catch her and took her to the Delaware Valley Raptor Center (Bill Streeter’s group), which found she had a broken wrist bone. She was treated and released back into the wild on August 12.

July 28, 2011 – A White Ibis was seen at the Kill.

October 15, 2011 – Annual Meeting. The fifth Great Blue Heron award was given posthumously to Lorraine Haring.

ORDINARY BUSINESS 2012 – OUR 40th YEAR!

February 11, 2012 – Wurtsboro’s Winterfest. We sponsored a live bird presentation at the Community Church of Wurtsboro by Ravensbeard Wildlife Center in Saugerties. Member Truth Muller had a booth on bats.

February 11, 2012 – BKAA, the Delaware Highlands Conservancy and the Eagle Institute sponsored two guided eagle tours. The Eagle Institute is becoming a project of the Conservancy and will share its office space in PA and NY.

Spring 2012 Guardian – Dave Colavito reported that Gov. Cuomo has gotten behind the push to legalize commercial non-Indian casinos in New York State.

April 7, 2012 – Artists’ Field Trip to the Kill, hosted by the Wurtsboro Art Alliance, for some chilly plein air painting to show at the August “Celebrating the Basha Kill” art exhibit.

Spring 2012 – A record seven campers have been picked to go to the DEC summer camps this year.

Spring 2012 – Pat Vissering, from the DEC, came to the Basha Kill to band baby screech owls hatched in a wood duck box. Lucky Paula and Mike Medley got to help!

HOORAY FOR 40 YEARS

It has been forty years of serious purpose and an enormous amount of hard work by wonderful, strong, resourceful people who understand that we have to win every battle to protect the Basha Kill. These years have been filled with anxiety and tension and frustration at fighting the same battles again and again. But they have also been filled with friendship, camaraderie and support from like-minded people; the pleasure of seeing children catch the environmental “bug;” and the magic of this extraordinary place in nature. Here’s to the next 40!

Buff McAllister