Black swan are not considered a wild species and are often assumed to be escapees from someone’s collection. However, black swan are beautiful birds. Two made a rare appearance at the Basha Kill on November 30, 2016 and were seen periodically until December 30th. *Photo by Karen Miller*

**WATCHABLE WILDLIFE AT THE BASHA KILL**

- **Black bear takes a swim at the Basha Kill.** *Photo by Eleanor Knie riemen*
- **Bullfrog at Basha Kill.** *Photo by Karen Blakely VanDyk*
- **Muskrats in the algae.** *Photo by Kevin Kreischer*
- **Northern Harrier at the Deli Fields.** *Photo by Kevin Kreischer*
MAILBAG:

Dear Basha Kill Area Association,
Thank you so much for sponsoring Maria Shestakov for Camp DeBruce! We really appreciate your help to our family.

With warmest regards,
The Shestakov Family

Dear BKAA,
Taylor is all set for Camp DeBruce. She will be doing the Bow program, which is perfect, as she has her own bow and has taken target classes. She will not like to kill anything, but I’m sure she will learn a lot!

Thank You!
Tara Vero

Dear BKAA,
Thank you so much for sponsoring Claudia to attend Pack Forest again this year. She is really looking forward to it.

Best Wishes,
Lara Sheikh

Attn: BKAA
Re: A Donation Towards the BKAA’s Environmental Protection Activities
Paula, we at the Phillipsport Community Center very much value the services of the BKAA in your ongoing and productive efforts to protect and maximize the value of our most important environmental resources.

As such, please accept our donation as our thanks for everything you do.

Sincerely,
William Lucas
Treasurer

December 24, 2016

Dear BKAA,
Just got our first BKAA Newsletter…WOW!

Kate and Charles Hyden

January 12, 2017

Dear Ms. Medley,
The Liberty Community Garden Club will be hosting in Sullivan County all the garden clubs from the Tenth District on April 26. We are well aware of the awesome work the Basha Kill Area Association has accomplished in protecting

MAILBAG continued on page 3

CONTACT THE BKAA
Paula Medley 845-754-0743, 10 a.m. to 8 p.m.  email: info@thebashakill.org  website: www.thebashakill.org

CONTACT THE DEC
Environmental Conservation Officers (ECO’s) & Forest Rangers Covering the Bashakill WMA for the NYS DEC (3/17)
ECO’s: Officer Ricky Wood 845-665-5637 (cell)  Officer Matthew Burdick 845-213-7891 (cell)
Officer R.T. McNamara 845-346-6961 (cell)  Officer Thomas Koepf 845-612-6099 (cell)
Forest Rangers: Peter Morehouse 845-239-1651 (cell)  Alexander Virkler 845-905-6000 (cell)
Call 24-hour DEC Law Enforcement Dispatch at 1-877-457-5680 if the Officers are not available.

The Guardian is published quarterly by the Basha Kill Area Association Inc., PO Box 1121, Wurtsboro, NY 12790.
President: Paula Medley  •  Vice-President: Anita Altman  •  Treasurer: Monique Lipton
Corresponding Secretary / Membership: Marcia Briggs Wallace  •  Recording Secretary: Christine Saward
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Water Testing & Facebook Coordinator: Linda Lou Bartle
Nature Watch Co-Leaders: Maryallison Farley, Kevin Keller & Cathy Liljequist
Guardian Editor: Paula Medley

Mission Statement: 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.

We welcome new members who are interested in protecting the environment. Dues are $10 per person per year. BKAA is a not-for-profit corporation and donations are deductible to the extent allowed by law.
website: www.thebashakill.org  •  e-mail: info@thebashakill.org
MAILBAG continued from page 2

the Basha Kill Wetlands and educating the residents of our region of its importance to our environment. We would be so honored if someone from your association could be the main speaker at our luncheon, sharing information about the Basha Kill and the importance of protecting our wetlands. Our committee is so hoping that a member or members from the Basha Kill Association can be a featured part of our upcoming luncheon.

Judy Brennan, Liberty Community Garden Club

February 17, 2017

Dear BKAA,

On behalf of Sullivan Renaissance, I would like to congratulate you on being selected to receive a Renaissance Award. These awards are presented each year in recognition of individuals, businesses, community organizations and youth who contribute to the betterment of Sullivan County. You are joining a distinguished group of volunteers and leaders!

You were chosen to receive the Earth Award for your commitment to environmental stewardship through education and sustainable practices; and for passing this legacy on to the next generations.

Awards will be presented at the Sullivan Renaissance Annual Conference on Saturday, March 11, 2017 at Bethel Woods Center for the Arts. We invite you and your family to join us if you are able. The conference will begin with a light breakfast at 9:00 a.m. followed by the program at 10:00 a.m. Enclosed is a conference brochure with further details.

Again, congratulations on this well-deserved recognition. Thank you for your dedication and efforts in making Sullivan County more beautiful, healthy and welcoming. We look forward to seeing you on March 11.

With warm regards,

Sandra Gerry, Chair

2017 BKAA Calendar of Events

All activities free and open to the public!

Saturday, April 1, 9:30 am – 12 noon

Nature Watch Training

at the Church Hall of the Community Church, 134 Sullivan Street, Wurtsboro. Become a BKAA Volunteer at the Basha Kill! Come to this training to learn about the birds of the Basha Kill including bald eagles and ospreys so that you can volunteer with the Nature Watch Program. If you love the Basha Kill and like to talk with people, this program is for you! Nuts and bolts of the program will also be explained. After training, you sign up for three shifts (three hours each) on Saturdays or Sundays from April 22 through June 25. A quick field trip to the boat launch follows to become familiar with our spotting scopes and the location for our program. For more details and to register, please call Kevin Keller at 845-434-6209 or Maryallison Farley at 845-888-0261.

Saturday, April 8, 8pm

Star Walk with Bob Fiore

Very dependent on weather! Meet at Haven Road DEC parking lot (on left coming from Route 209). Call Bob to register and/or check trip’s status at (845) 498-9001.

Saturday, April 22 (Happy Earth Day!)

36th Annual Basha Kill Clean-up

9:30-10am (Registration and site assignments)

Celebrate Earth Day! Enjoy a walk and fresh spring air while ridding the wetlands of debris. Garbage bags are provided. Wear boots, work gloves, and insect repellent. Bring chairs as lunch, supplied by the BKAA, will be eaten al fresco in the Haven Road DEC parking lot (on left coming from Route 209); also event’s registration site. BKAA merchandise will be on sale and door prizes awarded. Call Paula Medley at (845) 754-0743 for further information.

2017 CALENDAR continued on page 4

Spring 2017 New Members & Donors

Spring 2017 New Members

Apple Pond Farming Center — Maureen & Willie Bowers — Wende Dasteel — David L. Fanger — Paul Hoeffel
Rich Laurenzano — Christopher Krogslund — Steve Porter — Charles E. Stebbins — Eleanor Symer — Kimberly Thompson

Spring 2017 Donors

Donation in Memory of Jakob Franke — Susan L. Green & Lorrence H. Green
Donation in Memory of Mary Alice LeBeau — Kathy A. Vollano
Donation in Memory of Richard Pavlica — Marcia Anne Pavlica
Toby L. Boritz — Arlene D. Borko — Maureen & Willie Bowers — Eileen Anne Carney — Silvia C. Colella
Gloria M. Coruzzi & Douglas C. Daly — David Diness — Kevin Doyle — Berle M. Driscoll & Timothy G. Driscoll
Linda Emanuel & Carl Berkowitz — Susan & Stephen Enry — Jayne & William Fiero — Muriel Patterson Huttenbach
Cliff & Jane Johnson — Alva N. Jones — Michael Kavanaugh — Christopher Krogslund — John L. Kurzejewski
K.W. Labuda & Frank J. Labuda — Monique Lipton — Ronald Masotti — Dan & Holly Meyerhoff — Marcia Anne Pavlica
Phillipsport Community Center — Christine M. Saward — Phyllis L. & Gregory K. Squires — Joseph M. Stifano
Sullivan County Audubon Society — Stephen Vignet
Weekends from Saturday, April 22 through Sunday, June 25

Nature Watch at the South Road Boat Launch
Join trained BKAA Nature Watch Volunteers at the South Road boat launch to learn more about the many residents of this amazing wetland. View the nesting bald eagles and other birds. Equipped with two powerful spotting scopes and lots of information, the Volunteers will help you get to know the Basha Kill a little better. Bring your children, other family members and friends of all ages for some fun in the outdoors! From 10:00 am to 4:00 pm every Saturday and Sunday between April 22 and June 25. Call Kevin Keller at 845-434-6209 or Maryallison Farley at 845-888-0261 for more details.

Saturday, April 29, 8 am
Birding for Beginners with Scott Graber
Experience the variety of birdlife that inhabits the Bashakill with naturalist Scott Graber. This walk will focus on the basic identification of birds by sight and sound. If you’re new to birding or have always wondered what birds exist beyond your backyard, this is the field trip for you! Binoculars are required and wear sturdy walking shoes. Meet at the Haven Road DEC parking lot (on left coming from Rt. 209). Call Scott to register and/or for additional information at 914-799-1313.

Sunday, April 30, 10 am
Hike to Gobbler’s Knob with Mike Medley
Enjoy views of a beautiful 650 acre Shawangunk Ridge property, that was also site of the proposed Basherkill Subdivision. The hike gains 450 vertical feet from the parking area to the Knob, which is almost 1,000 feet high. Wear comfortable, sturdy shoes; bring water and binoculars. Trip takes two hours. Meet at the South Road fishing platform (Westbrookville end). To register or for more information, contact Mike at (845) 754-0743.

Saturday, May 6, 8 am
Spring Migration Warbler Walk with John Haas
Meet at the Stop Sign Parking Area off Haven Road (from Route 209, cross Haven Road bridge and take first left just before Haven Road ends at South Road). Bring binoculars. We should see an array of spring migrants including warblers, orioles, and grosbeaks. We will move to the Nature Trail from there and finish up at the Main Boat Launch. The walk will last at least two hours.

NEW EVENT — Saturday, May 27, 10 am
Walk the O & W / D & H Canal Trail Loop with Gary Keeton
Stroll a 3 mile loop on level terrain with Basha Kill naturalist Gary Keeton as you observe wetlands, headwaters of the Basher Kill, and Gumaer Brook. This 1.4 mile portion of the O & W rail trail was recently gifted to Mamakating by Open Space Institute. At McDonald Road, event participants will return to Wurtsboro via the D & H Canal towpath. Bring binoculars, insect repellent, and wear good walking shoes. Meet at the trailhead adjacent to O’Toole’s Harley-Davidson on Sullivan Street in Wurtsboro. To register and/or for more information, contact Gary at (845) 386-4892.

Sunday, June 4, 10 am
Happy for Herps with Bill Cutler
Join herpetologist Bill Cutler on a search for amphibians and reptiles. Kids as well as adults love learning about them. Meet at the Haven Road DEC parking lot (on left coming from Route 209). Call Bill to register and/or for additional information at (845) 482-5209.

Saturday, June 10, 9 pm
Moonlight Walk with Gary Keeton
Amble along Haven Road and the Railroad Trail. Enjoy moonrise over the ridge as you discuss the area’s natural history. Meet at the Haven Road DEC parking lot (on left coming from Route 209). Contact Gary at (845) 386-4892 for additional facts.

Sunday, June 11, 10 am
History of D&H Canal with Gary Keeton
Join Gary for a walk through time. Ever wonder about local stone walls and foundations? Curious about how people farmed the rocky soils or the relationship between the Basha Kill and Pine Kill? Oh, and learn about the canal, too! Meet at the DEC access road on Route 209 across from the Hometown Deli in Westbrookville. Bring binoculars. Contact Gary at (845) 386-4892 for particulars.

Saturday, June 17, 9am
Natural History Walk with Jack Austin
Stroll 2-3 miles on level terrain with Basha Kill educator Jack Austin as you see and listen to what’s nesting, growing, and maturing. Bring binoculars, insect repellent, and wear good walking shoes. Meet at the Stop sign parking area off Haven Road (From Route 209, cross Haven Road bridge and take first left, just before Haven Road ends at South Road). To register and/or for more information, contact Jack at cell# (845) 649-8720.

Friday, July 7, 8:30 pm
Moonlight Canoe/Kayak Adventure with Scott Graber and Mike Medley
Experience the Basha Kill from a unique perspective! Must bring your own vessel and binoculars. Meet at South Road Boat Launch. Must register and check trip’s status with Mike at (845) 754-0743.
Wildlife Rehabilitation 101

Ellen J. Kalish, Director - Ravensbeard Wildlife Center

I just spent the last 4 hours in a veterinarian’s clinic accompanying the surgeon in his endeavor to pin the wing of a Northern Saw-whet Owl, a rare opportunity for most of us.

The bright lights were pointing exactly where the doctor needed them. The dedicated vet techs mulled around until it was time to take their positions, each at his or her own station. The walls were stark white. There were multiple gray cabinets with drawers upon drawers. The scent of rubbing alcohol and diluted Chlorohexidene was evident; large equipment was bolted to the floors. Electric cords ran up and down the walls; sealed packages of sterile instruments were placed within reach. The floor was of painted concrete. The purpose of this room was seriously functional with no frills.

Six amazing people come together for our animal kingdom, every day sharing compassion and love, not discriminating whether one animal is more deserving than another, resulting in an endless revolving door of needy patients often leading to staff burnout if not careful. These individuals are the healers of our speechless loved ones, our extended furry and feathered family, farm creatures, and wildlife.

Each person wore gloves and scrubs. The mood was quiet and serious; the only one who spoke was the doctor. The technicians responded appropriately in medical terms. A second veterinarian monitored the bird’s heart-rate with a stethoscope, and whispered to a young student for the anesthesia to be dialed up or down until the heart rate was stable, causing just enough sleepiness so the patient didn’t feel any pain during the procedure.

After studying the 1st radiograph of the fracture, another X-ray was taken as a comparison, then another to see which size pin will fit into the bone’s cavity to stabilize the fracture. The pin remains in the bone for the entire healing period, removed only after a follow-up radiograph demonstrates that the knitting of the fibers and bone are solid and strong. All animals heal differently depending on their species, state of health, fitness and age. The mending period is generally shorter in birds than mammals due to their hollow bones.

Surgery was about 45 stress-filled minutes. There is good stress and bad stress. Stress can have a healthy role in creating a preferred outcome. Stress is also subjective for the interpreter, not likely stressful for those professionals who operate every day.

I stood quietly trying to mentally record each snapshot as I watched the surgeon’s hands softly pushing and manipulating the small rod into the humerus (the bone between the shoulder and the elbow), reconnecting two pieces of broken bone back into one. The technique was

2017 CALENDAR continued from page 4

Saturday, August 5, 10 am
Reprise of History of the D&H Canal with Gary Keeton
Join Gary for a walk through time. Ever wonder about local stone walls and foundations? Curious about how people farmed the rocky soils or the relationship between the Basha Kill and Pine Kill? Oh, and learn about the canal, too! Meet at the DEC access road on Route 209 across from the Hometown Deli in Westbrookville. Bring binoculars. Contact Gary at (845) 386-4892 for particulars.

Saturday, August 12, 5:30 am
Sunrise Walk with Gary Keeton
Rise and shine! Enjoy the Basha Kill’s wonders from a different view. Bring binoculars. Meet at Haven Road DEC parking lot (on left coming from Route 209). Call Gary at (845) 386-4892 for information.

Saturday, September 23, 10am
Canoe/Kayak the Basha Kill with Scott Graber and Mike Medley
Join naturalists Scott and Mike for a late season venture on this first day of autumn. Bring your own vessel and binoculars. Meet at the South Road Boat Launch. Call Mike at (845) 754-0743 to register and for more details.

Sunday, October 15, 9:30 am
Hike the Shawangunk Ridge with Mike Medley
Moderately difficult hike, lasting 4-5 hours. Wear comfortable sturdy shoes and bring water, lunch and binoculars. Meet at the D&H Canal Kiosk at the Pat Moore Memorial Picnic Grove on Sullivan Street in Wurtsboro. Must register by calling Mike at (845) 754-0743.

Sunday, October 29, 9 am
Hike the Minisink Trail at Huckleberry State Forest in the Town of Greenville with Mike Medley
Join Mike on a beautiful 5 mile loop hike on the Shawangunk Ridge. Wear comfortable sturdy shoes and bring water and lunch. Bring binoculars. Carpool or travel in a caravan led by Mike. Meet at South Road fishing platform (Westbrookville end) at 9:00am. Absolutely must register for this trip by calling Mike at (845) 754-0743.
This beautiful little owl came in last week with a broken wing. The key to the bird's success was determined by her concentration being piercing. No one sneezed or coughed. The time flew by and yet every action and request felt like slow motion. Breaths held at times produced sighs and a muffled underwater experience. All focused on the body language of the surgeon. We unconsciously squinted when a pin drop and at times I could feel my own pulse like a muffled underwater experience. All focused on the body language of the surgeon. We unconsciously squinted when he did; we smiled when he grinned, all of us sharing in the moment. Our united goal was to see this little owl wake up.

Every eye was on the little owl watching every movement, motion and muscle. It wasn't an empty silence; it was more like a meditation of positive energy-sharing. You could hear a pin drop and at times I could feel my own pulse like a muffled underwater experience. All focused on the body language of the surgeon. We unconsciously squinted when he did; we smiled when he grinned, all of us sharing in the moment. Our united goal was to see this little owl wake up.

The anesthesia was dialed down to oxygen only. The wing was carefully wrapped and secured in place. The process of waking up was to begin.

We waited, watching for an eye blink, twitch or stretch, something to assure us that she had pulled through. The other doctor began rubbing her feathers to cause a reaction, more waiting….and praying. The techs began cleaning up; the surgeon's job was done. No one left the room until we saw the limp, 2 ounce bundle of feathers open her eyes. She had survived and everyone was elated! A long recovery period lay ahead but she had persevered through the roughest part.

In and out of consciousness, the owl struggled to shake off the anesthesia. With the help of a blow dryer, we increased her heart rate and watched her become aware of her surroundings. It took a little more than an hour to feel comfortable enough to let her leave the surgery. Permission was granted to take the little owl back to my clinic for rehab.

I put her under my sweatshirt to keep warm for the short ride home and was assured when I felt her move to get comfortable. I was thrilled to have another happy ending what she needed.

I pulled into my driveway, eager to get this little one set up in her new short term home. Once in the clinic I gingerly removed her from my shirt. She had her eyes closed and didn't move. I puffed in her face but she still didn't stir. Terror rushed through my veins! Was this really happening? We were so confident she would be okay. I tried some feeble CPR. I tried reviving her with stimulation, nothing, more stimulation, nothing. My tears could no longer be contained! I took my stethoscope and held it to her tiny chest. She was gone…

Failure stared me in the face…shock…unbearable sadness. I crumpled into a chair and wept with her lifeless body in my hands. My mind was wild, racing with what had just happened. Immediately, I went into "Did I do something wrong?"…Maybe if I had kept her on my lap I would have noticed her failing. Maybe we should have stayed longer. We could have triple checked her vitals…could have, should have." I couldn't make sense of it. My brain was vacant. I couldn't process the unexpected loss. "Should I

This beautiful little owl came in last week with a broken wing and head trauma. Found in a parking lot, a woman witnessed 2 cars each straddle what looked like a clump of leaves in the lane. She didn't think much of it until she slowly approached the brownish-grey mass. It blinked and looked up at her. Kyla Heart called Ravensbeard and the owl was admitted first-thing in the morning. A trip to the vet for an X-ray revealed a broken humerus. Back at the clinic we gave her fluids, a heating pad, and some meds to help begin recovery. Surprisingly, she had a good appetite and didn't require a "food captivity introduction." Many new birds introduced to clinic-life need assistance with recognizing what is edible.

The tricks of the trade in every vocation and getting birds who normally eat live, warm blooded moving creatures to ingest something still can be challenging. Birds' instinct is naturally aroused by quick irregular movements, which "whets" the appetite, secreting enzymes triggering the brain to focus on "capture and crush." Together, with agile precision and fine motor skills, this equals a full belly!

The time came when the surgeon picked up his head, slid down his mask and said the operation was successful. I can think of many settings where there would have been an uproar of cheering, applause, and congratulations but this surgery was just the beginning of many future hurdles.

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go back? What could I do? She already had a shot of epinephrine, I couldn’t give her more. What else…what ELSE??"

It’s hard to remember life is not on my terms. The birds I think may make it many times don’t. The surprises offset the times I peek under the towel, preparing myself for the worst but see that the birds continue to survive. These outcomes are not for me to predict or decide; there is a much greater force. We can strive to do no harm, and in the process have some successes but our goal is to do our BEST as individuals, bringing the most competent team of medical professionals together.

We practice the same oath as veterinarians and strive for the same excellence. It’s not an easy job. In fact some days it’s downright dangerous. For me, it’s walking the walk and following my heart. My life has been blessed to be of service to the mysterious world of birds. I sleep well at night knowing I’ve worked hard to cheat death. But, death is a reality and 50% of the birds that arrive at rehab don’t make it.

Birds encompass approximately 10,500 known species and are found on every continent in the world. They are our barometers to the environmental health of the earth. Birds are our links to the past, as scientists and archaeologists unearth and reveal the direct connection between dinosaurs and birds. The ugly truth, however, is that at the current rate, our colorful backyard birds are rapidly declining. We homo sapiens feel we are superior to the natural world because of our large, complicated brains. We feel our sense of “consciousness” justifies our need for “progress,” but we no longer have the luxury to ignore critical facts!

New alarming statistics have been announced, 30 PERCENT of North America’s bird populations risk extinction!

For stories and more information, please visit these internet resources:


The report found that 432 species or about 37 percent are “most at risk of extinction without significant conservation actions to reverse declines and reduce threats.”

www.stateofthebirds.org

American Bird Conservancy info@abcbirds.org

Cornell Lab of Ornithology http://www.birds.cornell.edu

Audubon Society http://www.audubon.org

The Peregrine Fund https://www.peregrinefund.org

Works to conserve wild populations of birds of prey.

John Burroughs Natural History Society http://jbnhs.org

TRUMP’S Interior Secretary reverses ban on lead ammo on national wildlife refuges as his first official act.


Ravensbeard Wildlife Center, Inc. is a wildlife rehabilitation and education facility working hard to educate our community and save one bird at a time. We are a 501c3, and rely solely on donations from generous folks like you. These are hard times for all of us. And as each day passes, our sensitive bird populations will become less tolerant of environmental changes and perish unless we take immediate action and gain governmental support.

If you agree with our mission, please donate to our goal of providing nursing and medical attention to injured and orphaned birds so that they can be returned to the wild.

Ravensbeard is dedicated to compassion, mindfulness and unbounded love toward all beings. “Ho mitake oyasin.” In the Lakota language, these words mean “all my relations,” a simple yet profound perspective that honors the connection of all life.

Contact Info: Ellen J. Kalish, Director
c/o Ravensbeard Wildlife Center
4 Highwoods Road
Saugerties, NY 12477
(845)901-0633

ravensbeard@gmail.com info@ravensbeard.org

Find us on Facebook
Donate online with PayPal or credit cards
Great Horned Owl shows us a big wing stretch.

A beautiful Saw Whet Owl has bright eyes!

RAVENSBEARD LIVE BIRD SHOW

Screech Owl

American Kestrel gets his close up.

Photos by Anita Altman & Linda Lou Bartle
Remembering Jakob Franke

Lorry Green

December 2016

On June 1, 1978, I started my first day as a Post Doctoral Fellow at Harvard University. The lab that I worked in was on the first floor of the Biology Laboratory Building. After greeting me and showing me where my lab bench was, the professor I was going to work for introduced me to the people in the three other labs in our wing of the first floor. One of the first people that I met was the Research Associate in the lab next door. His name was Jakob Franke. Over the course of the next three years, Jakob and I became good friends. We saw each other almost every day, and our families frequently got together at the various social functions that the people in the Bio Labs had.

In 1981, I left Harvard to pursue a career in the Diagnostic and Pharmaceutical Industry. Since Jakob and I were both in the field of Microbiology we would often run into each other at meetings of the American Society of Microbiology as well as the New York Academy of Sciences, where we were both members. Over the years we managed to stay in touch; a task that was made easier by the advent of e-mail.

In 2002, I purchased a home in Mamakating where at least three generations of my family had lived. Shortly thereafter, my wife Sue and I attended our first Wurtsboro Founders Day. We stopped at the BKAA tent and Wurtsboro Founders Day. We had lived. Shortly thereafter, my three generations of my family from my family.

Several weeks ago Paula called and told me that she had just heard that Jakob had passed away, suddenly. It was missed. We know it isn’t much, but we are happy to make this donation in memory of our friend Jakob Franke.

My Spiritual Connection To The Basha Kill

By a friend of the Basha Kill

I had lost a significant loved one in my life; we had been together for 60 years, and his absence had left a huge emotional void in me. I had experienced losses before in my life, but the persons involved had been quite elderly, their demise expected.

Family, friends and other loved ones had been there for me through the weeks following my loss, but eventually, I was left alone each day with my grief. It was a time of extreme sadness and disorientation; my life was literally upended. How was I to go on and heal?

The answer for me was to immerse myself in nature. Gifted by the nearby presence of the Basha Kill, I found solace in following its trails, most of which we had walked together. At times it was difficult; memories of old shared experiences underscored my present state of aloneness. Solitary, I cried as I walked, free to express my grief.

I felt the warm breezes on my skin, smelled the sweet aroma of the waving grasses, watched the ripples on the Kill, and heard the songs of our indigenous birds. Each trail I followed revealed the richness of our preserve; the old railbed walk led to glimpses of a sandy shoreline, lush ferns, a variety of trees and mushrooms, the occasional frog crossing my path, truly a treasure box of nature’s gifts.

This connection with our area’s incredible loveliness, its unspoiled beauty and diversity, brought a feeling of awe and peace; with time, I saw that my loved one and I were part of this world’s amazing cycle of life. Healing, acceptance and closure followed.
NEWS BRIEFS

Paula Medley

Organizational Checks Must Be Made Out To The Basha Kill Area Association NOT BKAA Or Anything Else

As we are officially named the Basha Kill Area Association in our Constitution, Jeffersonville Bank no longer accepts checks having the BKAA abbreviation. So, when writing checks, please include our entire name to avoid extra work.

Catherine Abate Memorial BKAA Scholarships Honor Local Environmentalist

In 2016, Michael Abate established three $350.00 scholarships to be awarded annually in memory of his late wife Catherine, a valued BKAA member and passionate environmental advocate.

Scholarship requirements entail being a graduating senior from one of six school districts serving Mamakating students including: Ellenville, Fallsburg, Minisink, Monticello, Pine Bush, and Port Jervis. The major criterion involves writing a 250 - 500 word essay that identifies and then resolves/mitigates an area’s environmental challenge.

Scholarship details will be available to school district guidance counselors by April 1. Application deadline is April 30, with winners determined by mid-May. The BKAA will select recipients and oversee all scholarship processes.

The BKAA Receives Sullivan Renaissance’s Earth Award

On March 11, at its 2017 Annual Conference, Sullivan Renaissance honored the BKAA with the Earth Award “for commitment to environmental stewardship through education and sustainable practices and for passing this legacy on to the next generations.”

BKAA recognition was one of several, which encompassed: The Spirit Award - Isaac Green Diebboll, Community Volunteer, The Transformation Award - Salt and Pepper the Kitchen, and Rosehaven Alpacas Boutique and Mill, The Collaboration Award - Sullivan Agencies Leading Together, and the Spark Award - Iris Fen Gillingham.

Each winner’s presentation incorporated a brief description of accomplishments, along with pertinent photos. Thanks to Maryallison Farley for providing the latter.

And kudos to Sullivan Renaissance, whose commendation encourages the BKAA to work even harder on behalf of a critical Sullivan County natural resource.

2017 BKAA CAMPERS

(President’s Note: This year the BKAA is sponsoring eight students to DEC Environmental Camps at DeBruce [Catskills] and Pack Forest [Southern Adirondacks]. The following responses address our application question, why are you interested in the environment?)

Claudia Beltran

I am excited to be applying to attend the NYS DEC summer camp through the Bashakill scholarship. My experience last summer at Pack Forest was so wonderful. I learned so much about the outdoors. I am still in high school in NYC attending Beacon High School, a public high school in the Times Square area. I am 15 years old and in my sophomore year. My family comes to Westbrookville most weekends where I enjoy being surrounded by nature. This year I have been focusing on conservation and reducing waste. We compost and are working with City Harvest to reduce food waste through distributing surplus food from farms, groceries and restaurants to the poor in NYC. We are volunteering with this project 2 days per month. I learned about reducing food waste at Pack Forest and was encouraged to continue this work with City Harvest in NYC. Thank you for considering me again this year for a scholarship. I am very grateful.

Colleen Crosby

I live in West Milford, New Jersey and attend Macopin Middle School, where I am in the seventh grade. I am interested in the environment because I love to watch how trees sway. It can be peaceful. I feel like the more I know about the outdoors, the more I can try to help it grow. I love to draw nature so this would be an amazing experience for me.

Thank you.

Elizabeth Lopez

I live in Middletown and attend Circleville Middle School, where I am in the seventh grade. I could list hundreds of reasons why I am interested in the environment, but for the sake of your time, I will list the ones that are most important to me. For starters, I would like to say that I became a vegetarian, so I could have less of a negative impact on the environment and the animals in it. Thousands of trees are being cut down each year to make room for slaughterhouses and factories where an insane amount of animals are killed for human consumption. According to research, 52 percent of greenhouse gases come from animal agriculture. So much land that we could be using to

BKAA CAMPERS continued on page 11
grow food and plants is used for animals that are to be murdered. Large amounts of water are also used for all animals, but especially main milk producers. One cow drinks over fifty gallons of water in just one day. Animal waste products also pollute numerous rivers. I am very passionate about the topic of vegetarianism and what positive impacts it has on the environment.

Secondly, I LOVE THE OUTDOORS! Although I'm not the most athletic, I am an active, healthy person who loves nature and everything in it. I help my mom raise praying mantises so that we don’t have to use insecticides that would not only kill the bad bugs, but the bees that pollinate key plants. In summer, I take walks, observing the life in my local environment. I identify plants that are familiar to me and think about their benefits to the environment. Every once in a while, construction workers come to a road near my house and chop down reeds so that cars can see better around the corner. I can’t help but think about how many birds that have made their homes in the reeds have died, and how the red-winged blackbird population is declining and many of those birds make their homes there. I would like to one day maybe protest to stop this deadly chopping or at least reduce the amount cut. In winter, though I am out less, I still keep in touch with nature by reading about the well-being of the environment. For example, currently I am reading a book called, “Love For Animals, Large And Small” written by Ingrid Newkirk. This book brings up topics that are normally kept on the down low, such as things like making homemade slime and giving the money to my local animal shelter. My concern for the environment and love for animals go hand in hand because I know the fate of our animals depends on the well-being of our environment.

Finally, I would like to learn more about the environment and species in it so that I can pass my knowledge on to others. Hope to be hearing from you soon!

**Kaitlyn Ponte**

I live in Middletown and attend Circleville Middle School, where I am in the seventh grade. I am interested in the environment because I love helping wild animals (and all other animals) and I want everyone to be aware of the environmental troubles in the universe and to be able to help them to want to tell others about the issues as well.

**Lukas Redzimski**

I am in 7th grade and attend RJK Middle School in Monticello. I live close to Wurtsboro, NY and the Basha Kill. I would like to go to camp again this summer because I had a great time last year, and so I could take another course to be able to hunt. At Camp DeBruce I was able to enjoy the outdoors by hiking, camping, and being with my friends. I, surprisingly, liked being without electronics like TV’s, phones, and gaming consoles, eating the great food, making new friends, and having peace and quiet. I recently watched a tv show with the topic of global warming and its devastating effects, and what people are doing about it. I believe that global warming could be stopped if people just opened their eyes, because if we don’t do anything to stop this, future generations might not have many things we take for granted. If we could be less wasteful, less energy consuming, and use clean and renewable energy sources we could help save our planet.

**Skyler Redzimski**

I am 11 years old, and I attend 5th grade at Emma C. Chase Elementary School in Wurtsboro, NY.

For my whole life, I have had a craving for adventure. Me and my family go on a lot of hikes, and one of my favorites is the Basha Kill. I love the Basha Kill so much because I admire its beauty and I love it’s awesome destinations, like the watchtowers and kayaking trails. I just like nature in total because of all the amazing things it has to offer. Whenever I hear about people damaging the environment in ways such as littering, cutting down trees, and killing innocent animals, I get angry and ask “why are these people doing these horrible things?” I get upset because I want all our generations to learn and grow in nature as we once did.

**Maria Shestakov**

Dear Basha Kill Association,

I am a fifth-grade student in New York City applying for a scholarship to attend DeBruce Camp. I want to go to DeBruce camp because I love nature, want to learn more about it and find out how we can better protect it. As a city kid, I don’t get to experience nature as much, and I feel that going to DeBruce would be very special for me and teach me a lot.

One reason why I love nature is because nature is beautiful and interesting. For three years, I have been going to a summer farm camp. There I learn how to take care of farm animals and plants. We also work in a shop where we make useful things from nature’s materials. One summer, while at camp, I made a green bird feeder that looked like a small house. I brought it with me home, and my parents hung it in Central Park. We usually go to the park on weekends to see what birds come to the birdfeeder. Today we saw a new bird that we have never seen before - a beautiful
Stories from Yankee Lake

Muriel Patterson Huttenbach

Editor's note: I read Laura Lee's squirrel story because her mother, Muriel Patterson Huttenbach, included the tale as an excerpt in her annual Christmas card. In Muriel's letter, she wrote the two anecdotes below, which I imagine will get a chuckle from those who know Yankee Lake well. I just had to share:

. . . We had heard of some bear sightings around Yankee Lake this summer but didn’t think to mention it to Christina, my son Eric’s girlfriend who was visiting the lake for the first time. Well, one afternoon, Christina and Eric kayaked out to some springs in a deeply-wooded area for a picnic. They heard some rustling behind a stand of trees which turned out to be a very large bear, not the deer they expected. Despite reassurances that black bear are not usually aggressive unless you get close to their cubs, Christina won’t be revisiting that picnic spot soon. I have seen bear through the years, but none of the other family members ever have. Eric’s siblings were more jealous than sympathetic, and I worry that Christina may be getting some bear paraphernalia this holiday. Eventually it will make a great campfire story.

. . . Each year my son Pat and I always try to row out on Yankee Lake with our fishing poles as an excuse for an hour or two of uninterrupted conversation. The fish weren’t biting for a long time, but then I hooked a 5-lb. large-mouth bass—the largest catch by our family all summer. Poor Pat had to settle for a pickerel. My good fortune reminded me of an event from last summer, when we were casting near the Big Island. I wasn’t having much luck, but all of a sudden Pat had a big strike. He worked the huge bass in close to the boat, but that’s when the bass jumped and snapped Pat’s line in two, taking off with Pat’s favorite lure. Pat was in shock because the bass weighed at least five pounds. I commiserated with him as he put on a new lure. About five minutes later there was a huge splash in the lily pads about 20 feet in front of us. The very same bass leaped out of the water, spit out the lure, and retreated below the surface. It was like the fish was sticking out his tongue at Pat. I’d never seen anything like it. I couldn’t stop laughing at the look on Pat’s face of disbelief and frustration. We rowed over and picked up the lure, so it turned out to be a happy ending, kind of.

BKA A GUARDIAN Spring 2017

brown-headed cowbird.

Another reason why I love nature is because you can do a lot outdoors in the wild. For example, you can be adventurous - you can go hiking, camping, swimming and so much more. Out in the forest, you can learn a lot about it: how you can make natural remedies out of plants and how you can find where you are using stars, without technology. In other words nature is like a game since you can do so many fun things with it. As a city kid, I have to make an extra effort to learn about nature. My favorite magazine is Ranger Rick. I keep all past issues and browse through them, but I’d like to go to DeBruce to see more of our environment myself.

Lastly, I love nature because it is helpful to people. For example, if you are worried about something you can just go to a forest or another wild place, close your eyes, and you will hear lots of birds and water rushing down a stream, and your worries will vanish. Because of nature we have clean air to breathe, water to drink, wood to make fire and paper to write on. To add on, if it wasn’t for nature we would have all been dead.

In conclusion nature is like gold. It is beautiful; you can do a lot outdoors and nature is helpful to us. I hope you see why I love nature so much and why I want to go to DeBruce camp.

Taylor Vero

I live in Pine Bush and attend EJR Elementary School, where I am in the 5th grade.

The reason the environment is important to me is because it is something I have always loved, before I ever knew what the word for it was. As far as I can remember, my grandma and grandpa used to tell me to listen to the sounds when I was outside. We would be silent and, all of a sudden, you would hear a bird, or the wind though the trees, and other noises. My mom would always make us do the same thing as we waited for the bus in the morning. Beautiful birds would be out and my mom would whistle to them and they would whistle back! They taught us to love being in nature. I really love when my parents take us on a hike. We call it an adventure! I love the beautiful views we get to see and all the exploring along the way. This year my mom took me to a honey bee festival and I learned a lot about how bees are dying off and how important they are to us. My mom said I should raise awareness because a lot of people don’t put enough care into the environment until it’s too late. When she told me about the environmental camp, I thought it would be a great thing! I will get to learn more about the environment.

Thank you for this opportunity!
New handicapped accessible hunting blind at the Basha Kill. See article page 14. Photo by Maryallison Farley.

Five-Lined Skink. See article page 14.

Hook Billed Kite (above) and King Vulture (below). See article page 16.

Hike on Gobbler’s Knob. See article page 17.
Update on DEC Management of the Bashakill

Nathan Ermer, DEC Wildlife Biologist

NYS DEC has several main priorities for the upcoming year at the Bashakill Wildlife Management Area. Basic infrastructure maintenance, including regrading parking lots and driveways, filling potholes, cutting back encroaching vegetation along trail edges, and picking up trash, remains a focus of staff resources. Additionally, work on the wheelchair accessible trail from Haven Road to the newly-constructed waterfowl hunting and wildlife viewing blind will be completed as the weather improves. Lastly, management of invasive plant infestations, specifically the growing patch of Phragmites along Haven Road and the pockets of Japanese knotweed scattered along the Pine Kill and several other locations, will occur in late summer of 2017.

The construction of an accessible waterfowl hunting and wildlife viewing blind north of Haven Road was one of DEC's most visible projects at the Bashakill during 2016 (see photo on page 13). This structure was finished in December; however, the 600-foot trail leading from the parking area to the blind still requires significant improvement before it is ready to accommodate substantial foot traffic or wheelchairs. Next steps include resurfacing much of the trail, which is an old road bed and has been used by the public for decades, with stone dust and possibly installing a small bridge to span an especially wet trail section that is frequently flooded. Following the trail’s completion, DEC will install native and site appropriate plantings to help incorporate the blind into the natural landscape. Overall, the project should be completed by late summer.

Regarding routine maintenance, one area that DEC hopes to address this spring is the long driveway into the “Stop Sign” parking area. As any frequent visitor to the Bashakill can attest, this stretch of road is almost always filled with potholes, some of which are large enough to be classified as craters. DEC is well aware of the problem, although devising a long term solution has proven elusive. The work this spring, as in years past, will likely consist of a patch job where holes are filled and the road is regraded. While this will be a temporary fix, visitors should enjoy several months of better driving at this location.

As always, DEC welcomes input from members of the BKAA and the general public on management and maintenance needs. Please feel free to contact me at 845-256-3047 or nathan.ermer@dec.ny.gov with comments or concerns.

Herps on the Gunks, Part III: Our Lizard

Bill Cutler and Susan Erny

Did you know that New York State has lizards? In the Shawangunks, the five-lined skink is the native lizard. These are found in the more western parts of the Gunks on outcrops of rocks where there are talus slopes, the piles of rocks which were left behind thousands of years ago by glaciers as they melted. Talus provides perfect hiding places for the skinks. Where there's pitch pine cover, you might also find skinks under pieces of bark. They grow to about five inches long. Juvenile skinks have a fluorescent bluish or purplish tail and five yellow lines on their backs. Adult male skinks have ruby-red throats. These bright colors diminish over time until they are a dull brown, providing them perfect camouflage. They are very fast and make jerky movements. You might hear them before you see them as they dart about. Unlike other lizards, skinks' skin is smooth and soft to the touch.

The diet of skinks includes ants, cockroaches, beetles, and larvae. They breed every year or every other year. Females lay up to six eggs in a protected, moist location in leaf litter in June. By August, the hatchlings are about one to one-and-a-half inches long. Predators of the five-lined skink include rodents, birds and large beetles. Skinks, like snakes, retreat underground in winter to avoid freezing. They move to dens below the frost line and group together with other skinks.

This article was previously published in the Friends of the Shawangunks newsletter ‘The Watch.’

Bill Cutler has a degree in biology from Binghamton University with concentrations in environmental science and geology. He has worked as the Sullivan County Recycling Coordinator for 25 years. Bill leads “herp” walks for the Bashakill Area Association as well as the Sullivan County Audubon Society. Susan Erny is a Friends board member.
I could tell the man regretted his original comment that had opened the door for me, but he was extremely professional. “You just want to spread some peanut butter in there,” he said, pointing to a picture on the box, “and by the morning, you should have your squirrel.”

“On peanut butter,” I said, “Do they have a preference between smooth or crunchy?”

“Smooth,” he said, “with a touch of strawberry jam.”

“Not raspberry?” I said, as he scanned the store for other customers to assist. “Okay,” I concluded, “I’ll stop by the grocery store on the way home.” At Mom’s house, I molded the peanut butter into the shape of a Christmas tree and decorated it with honey roasted peanuts that Mom and I had bought in Plains, Georgia, when we attended President Jimmy Carter’s Sunday School class. The bait was so effective I nearly broke my nose trying to get at it. I set up the trap next to the fireplace, where the squirrel had gained entry. That night I slept at my apartment in Midtown Atlanta. The next morning, I received a text message from Mom’s neighbor, Patrick, who checked on the house. “You did good,” he wrote. “We got the squirrel. Taking it away now.”

I might’ve been more proud of myself for catching this squirrel than finishing either of my books. In fact, when I called my mother to report the good news, I said, “Do you think this is a sign that I should reconsider journalism school? My future may lie in pest control. People are probably willing to pay far more to have a rodent removed from their home than a well-crafted essay.” After a long pause, my mother replied, “Go to NYU, honey. Pest control will always be there, plus think of the cockroaches.” (I have an absolutely irrational, uncontrollable fear of cockroaches.)

To make sure a squirrel can’t find its way back, you have to take it at least five miles away, preferably crossing a body of water en route. Patrick crossed the Chattahoochee, and the squirrel hasn’t found its way back. My mother, as you can imagine, was distraught over the whole thing but grateful that the squirrel was no longer ranging freely through her home. Sympathy is hard to come by in my family. As Granddad used to say, “The only place you can find sympathy around here is in the dictionary.”

It wasn’t long before emails were circulating between the siblings about squirrel-themed Christmas gift ideas for Mom. (Marisa found a gem of a book online titled, “Outwitting Squirrel: 101 Cunning Stratagems to Reduce Dramatically the Egregious Misappropriation of Seed from your Birdfeeder.”) Two weeks later, when we gathered at Mom’s cabin at Yankee Lake, my brother Eric brought a life-sized squirrel stuffed animal and set it up in the hallway outside Mom’s room once she’d gone to bed. In the
Update on Eric Hortsman’s Work at Cerro Blanco, Ecuador

Jane Johnson

Eric Horstman, Executive Director of the Pro Forest Foundation in Ecuador which administers the Cerro Blanco Protected Forest, recently returned to this area to make presentations on his work. He again spoke at the annual meeting of the Yale Chapter of the International Society of Tropical Foresters and also lectured at the Daniel Pierce Library in Grahamsville and the Ethelbert B. Crawford Public Library in Monticello.

At Daniel Pierce, Eric updated his work to protect more than 40 square miles of globally endangered Ecuadorian Dry Tropical Forest in Cerro Blanco and adjacent forest remnants. This year the Cerro Blanco staff planted 650,000 seeds of twenty native tree species in areas of Cerro Blanco that had been cut over before being protected. It is part of a two-year planting campaign of a million seeds, funded by The Body Shop, under the auspices of the World Land Trust. The Body Shop is a green company that makes cosmetics and health products from natural ingredients. With a rainy season that is shaping up to be near historical levels, the seeds are germinating well and the staff hopes to complete the restoration of more than 1,000 acres of deforested lands this year.

In his talks, including one in Spanish at the Crawford Library, Eric also explained a project funded by the World Land Trust in conjunction with the Rainforest Connection. This entails installing receivers of used smart phones, linked via satellite, to monitor sounds in remote areas of the forest that are not regularly visited by park guards. The receivers monitor movement of the Great Green Macaws (*Ara ambiguus guayaquilensis*), as well as the Ecuadorian Amazon Parrot (*Amazona lillacina*), both endangered bird species.

The parrot monitoring is part of a study and environmental education program carried out in conjunction with the Chester Zoo of the United Kingdom. The sounds of chain saws and gun shots are also registered and relayed to the Pro Forest Foundation dispatcher, who contacts park guards and police of the Environmental Crimes Unit of the National Police to perform any needed actions.

In December, the Pro Forest Foundation produced the Bird Fest, which featured a day of presentations, displays, and cultural events, with more than 300 participants and a wide variety of activities ranging from Argentine tango dancing to a group of Amazon Basin young people sharing their culture. Demonstrations of rappelling, hose lay, etc., by the forestry unit of the Guayaquil Fire Department occurred. The second day highlighted the annual Audubon Society Christmas Bird Count, which has been conducted in Cerro Blanco for the last twenty-five years. A total of 53 birders registered 1,966 individuals from 150 bird species, including three Great Green Macaws (see photos on page 13).

Five globally endangered Great Green Macaws have been soft released with food and shelter provided to the released birds when needed in an area of Cerro Blanco that has been restored through tree planting from former pasture lands of exotic African grass. Two of the macaws have moved on and have not been sighted recently and may have died, while three remain in the area, coming to feed in the morning and afternoons at feeding trays in nearby trees.

As the natural world increasingly comes under siege, it is important that alliances are established on a global scale and as the motto goes, “think globally, act locally.” Eric was happy with the opportunity to share and summarize his recent work with some very enthusiastic people, and thanks to the Basha Kill Area Association for all their support.

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CAPTURING A SQUIRREL continued from page 15

morning, Mom screamed first at the squirrel and then at my brother, and I was worried she might poison our blueberry pancakes.

There’s a lot more to say, but I forfeited most of this update’s word count to the squirrel. I think it was the right decision—like a Southern rite of passage before I headed north.

So for now, I send hugs from the Big Apple,

Laura Lee
New York - New Jersey Trail Conference Sponsors Long Path Informational Meeting and Social, Followed by a Hike on Gobbler’s Knob

Sona Mason, West Hudson Program Coordinator

On a fine, cold Saturday morning in February, a group of trail-minded folks gathered at Mason’s Marketplace in New Hampton, Orange County. Volunteer trail maintainers and supervisors of the Trail Conference, along with members of the public, met for a hot brunch and update on the Long Path (LP), which runs past the lovely historic store and restaurant on its 358 mile course from the George Washington Bridge to Albany County (see maps of partial LP trail, which passes through the Basha Kill, on pages 18-20). LP supporters at the meeting included Mike and Paula Medley of the Basha Kill Area Association, an important Trail Conference partner. While photographer Steve Aaron’s scenic images demonstrated the trail’s beauty, volunteer LP chair Andy Garrison introduced attendees to the many faces, challenges, and upcoming plans for the Long Path.

Much like the Appalachian Trail (AT) in its early days, the LP is creating greenway corridors between the state parks and forests it traverses that will ultimately be transferred to state park authorities for preservation. As with the AT, many miles of the LP are located on public roads, making the trail’s land conservation an urgent, dynamic and celebrated goal, facilitated by energetic volunteers. Highlighting the LP’s diversity is the Long Path Race Series, created by volunteer leaders Ken Posner and Todd Jennings, which annually features challenging races from Schunnemunk Mountain to the Catskills.

Following the social, several participants hiked a short LP section at Gobbler’s Knob State Forest near the Basha Kill, admiring recent installation of two sets of rock stairs built by the long distance trail crew.

There are many opportunities for volunteering with the LP, from conservation efforts to trail building, restoration, and clearing. To work on this extraordinary trail, contact (201) 512-9348 or email volunteers@nynjtc.org.

POETRY CORNER:

September — Silvia DiGiulio

Colella

Reaping the golden years,
Doing what pleases now
For time will not be discreet . . .
It will challenge
With all its vicissitudes;
It will uproot and tear
The sculpted promises...
And the hopes of new days
Will stay and stay, unrealized,
Imbedded in memory, forever . . .
And, if the imponderable is let loose
Like a hailstorm,
Take refuge in friendship’s fractured dreams.
There is no clasp for true friendship,
It is there, an appendage,
Like a musician
Fashioned around its instrument
Letting out melodic sounds,
Like hounds, in a chase
To appease...
Wurtsboro Art Alliance to Host Bashakill Art Exhibit

Brent Lyons, President
845-888-0184
rbrentlyons@yahoo.com

The Wurtsboro Art Alliance (WAA) announces their 2017 season opening on Saturday, April 1st at the John Nielson Gallery located at 73 Sullivan Street in Wurtsboro. Our opening show theme will be “April Fool” with a reception from noon until 4:00 PM.

The WAA will be celebrating the Bashakill with a show during the month of June, as “The Kill” is a recurring theme among our artist members. We invite the BKAA to participate during the opening weekend, June 3-4. Our regular hours are 12PM until 4PM Saturdays and Sundays. There will be an artists reception on the 3rd from 2PM-4PM.

It is the mission of the WAA, comprised of artists and art patrons, to promote the visual arts in the area and to be stewards of the John Nielson Gallery located at 73 Sullivan St. in Wurtsboro. While the main purpose of the gallery is to offer a venue for local artists to display their artwork, we also sponsor art classes and other events there and are open to suggestions in making “The Nielson” a focal point in the community. We also install local art in the Mamakating Town Hall and other sites.

This season’s events include “BOTANICAL and NATURE ART WORKSHOP” instructed by Roberta Rosenthal on Wednesdays 10AM-1PM April through August. Roberta is an accomplished fine artist and WAA founding member. For more information, contact Roberta at rozenart@aol.com or 845-733-1848. Additionally, there will be an Art Lecture series hosted by Patricio Robayo on Saturday evenings, particulars and dates to be announced. Please visit our website waagallery.org for updates.

We hope to see many BKAA members in the gallery this season as we preach to the same congregation with many artists being birders, kayakers and generally environmentally concerned individuals.

The show theme schedule for the remainder of the year will be:

April 1 - 29    April Fool
May 6 - 27    Doors and Windows
June 3 - 24    Bashakill
July 1 - 29    Building and Structures
August 5 -26    The Blues
September 2 - 30    Lakes and Streams
October 7 - 28    Mystical Forest
November 4 - 25    Off Kilter
December 2 - 23    Holiday Show

Membership is open to all and includes hanging opportunities in the gallery for the year. We also encourage our artist members to conduct art classes or suggest other activities in keeping with our mission.

Artist members may become “Featured Artists” during a show for a small fee. The John Nielson Gallery is available for outside art groups to demonstrate their members’ works during the year.

For more information contact us at WAAgallery.org.

Tell a friend about the Bashakill Area Association!
Have your friends fill out this coupon for membership or more information:
P.O. Box 1121, Wurtsboro, NY 12790

Yes, I’m interested in the environment and wish to become a member of BKAA. Enclosed is:

____ $10.00 for individual membership    ____ Other Donation    ____ Please send more information

Name __________________________________________________ Phone ____________________________
Address ________________________________________________ Email _____________________________
(for action alerts)
Bringing a Good Idea from Albany
The Sullivan County Bimonthly Sustainability Advocates’ Lunch Meeting

Evadne Giannini

In June of 2016 the NY Attorney General’s Sustainability Director, Nancy Goody asked Evadne Giannini, founder of HospitalityGreen in Mountaindale, NY to speak about the hospitality industry at her bimonthly luncheon for Sustainability Coordinators of the Capital Region and Their Allies. It is an informal luncheon where everybody receives an email, sends confirmation if they are coming and buys their own sandwich at the designated sandwich shop. A guest speaker is scheduled and the collegial atmosphere allows for learning of new project updates, the meeting of new people, a vehicle for good conversation and sometimes group problem solving.

Evadne accepted Nancy’s invite and realized that a good idea from Albany needed to be brought to Sullivan County. On September 22, 2016, Evadne assembled the first Sullivan County Bimonthly Sustainability Advocates’ Lunch Meeting.

At the luncheon each person has a chance to share current activities they are working on, voice problems and issues or provide follow up information on the progress of initiatives since the previous lunch. Following the “round robin” table conversation, Pat Pomeroy of the Hudson Valley Regional Council was the first guest speaker. She spoke of funding opportunities for the Hudson Valley. Issues of water and updates on Community Choice Aggregation were discussed.

The second meeting commenced on November 30th with an even fuller table of 14+ attendees. The Salt and Pepper Cafe Restaurant, 455 Broadway, Monticello, NY has been hosting the luncheon. “Now that the luncheon has become popular and the email has been shared by many, people tend to reserve early. We have had for each of our luncheons a lively informative discussion. It is so nice to meet with your peers and stay connected with green initiatives throughout the county,” says Evadne Giannini, sponsor and coordinator of the luncheon.

Paula Medley, President of the Basha Kill Area Association (BKAA) was the guest speaker for the November 30th luncheon. Paula informed luncheon attendees of the wonderful work that the BKAA is currently undertaking and their accomplishments in 2016.

Paula spoke on the available education programs sponsored through the BKAA, their protection of the Basha Kill wetlands and their work on the review process to the Mamakating Comprehensive Plan. It was an inspiring presentation, For an added bonus, one of the luncheon guests became a new member to the BKAA. Paula will be back and will continue to keep us up to date and share the great work that is being done by the Association.

The next Sullivan County Bimonthly Sustainability Advocates’ Lunch Meeting will take place on Thursday, March 23 at 1:00. If you would like to attend and receive information regarding the lunch, please send an email to Evadne at e.giannini@hospitalitygreen.com. We will be sure to add your name to the list.

UPDATES:

Paula Medley

7 Peaks, Hopper Hill LLC Sand and Gravel Mine, Deerpark Commons

There is nothing new to report.

Mamakating Zoning Code and Comprehensive (Master) Plan - Phase II

Currently, the Committee, convening twice a month, continues to review the draft Comprehensive Plan (Plan), which reflects Mamakating citizens’ desire to retain their municipality’s rural residential character by limiting high density residential development. Protecting the town’s valuable natural and cultural resources to promote economic sustainability is likewise emphasized.

Once the draft Plan is carefully examined by the Committee and Town Board, at least one public hearing will be held on this document. At this juncture, the BKAA will highlight the Plan’s primary issues, indicating which are favorable and which may necessitate mitigation, requiring members’ subsequent intervention.

As always, we will closely monitor this “fluid” process.

Thompson Education Center (TEC)

In mid-February, a Fallsburg homeowner reported seeing a very large pile of newly felled trees in the driveway of TEC’s 5 acre Renner Road lot that provides applicant’s ingress and egress to its 568 acre project site in Thompson. Remember, last August, Thompson authorized its Building Department (Department) to issue TEC permits to drill 3 test wells and construct temporary access roads near wetland buffers (last delineated in 2006). Recently, the Department confirmed a pre-existing well located on site and indicated that TEC drilled 3 test wells. However, as the 3 test well yields were too low for the proposed 4-1/2 million square foot development, TEC, on March 1, applied to the Department for a permit to drill 3 additional wells and extend their access road. Several weeks later they received permit approvals.
Beautiful Earth (BE) Development Proposed for the Former Yukiguni Maitake Mushroom Plant Site

Paula Medley

See the last Guardian for background details. Since then, there has been one significant change. Now, this project embodies 3 phases rather than 2: IA - 12 greenhouses, 3,000 sq. ft. apiece; IB - 44,100 sq. ft. pilot plant, and II - one-story 214,445 sq. ft. main building.

Notably, although a State Environmental Quality Review (SEQR) has been conducted on BE’s entire endeavor to full buildout, pending Town approvals, encompass only Phases IA and IB. This is because DEC will not authorize Phase II construction until reviewing a daily maintenance log kept for a year on the pilot plant’s operation, followed by an evaluation and public comment. The Delaware River Basin Commission (DRBC) permits are just for the pilot plant. BE needs to reapply to DRBC for Phase II clearance.

Prior to the public hearing before Mamakating’s Planning Board on January 24, 2017, the BKAA hired engineer Andy Willingham and Hudsonia ecologist Erik Kiviat to examine BE’s plans, identifying impacts to the site, contiguous Basher Kill, and surroundings, while likewise recommending mitigations. Each consultant highlighted numerous concerns, consisting of stormwater problems, improper wetland/floodplain delineations, possible soil contamination, shagbark hickory preservation and others (See Willingham letter, dated January 24, 2017 and Kiviat’s Hudsonia report). BKAA President Paula Medley summarized those documents during her January 24 testimony. Soon afterwards, the BKAA commissioned Hudsonia to survey and tag BE’s shagbark hickories as the latter provide critical habitat for the endangered Indiana Bat. Ultimately, 119 were marked.

Although no further public hearings were sanctioned, written remarks were accepted until February 21. Subsequently, BE unsatisfactorily argued BKAA experts’ arguments (See BE’s replies to Kiviat and Willingham’s second letter, dated February 17, which includes BE’s responses to Willingham’s January 24 letter as well as our engineer’s final rebuttals to BE).

Shortly thereafter, the BKAA initiated a letter writing campaign to reinforce our organization’s unresolved issues with BE. 22 groups and individuals participated, like valuable partners Friends of the Shawangunks, NY-NJ Trail Conference, Orange County Audubon Society, and Sullivan County Audubon Society. Thanks to all!!!

Finally, on March 17, BE submitted their response to public comments as part of an amended Findings Statement (See attached document). Here, BE stated that they will eliminate debris associated with “convenience dumping.” Also, though at least 12 shagbark hickories will be eradicated during initial clearing, ones removed later will be replaced by hickories planted in locations of no disturbance.

Regarding engineering concerns, Town Engineer Larry Paggi requested BE to actually document reasons why they contended there were no stormwater problems as well as furnish evidence in other matters. Additionally, Paggi asked that the flood plain be accurately drawn on relevant maps. In other words, the Town said, BE, substantiate your claims, since just because you say it is so, does not make it so. The Planning Board followed Sullivan County Planning Commissioner Freda Eisenberg’s recommendation that the board “work with the applicant on such mitigations as are reasonable and feasible...” (See Eisenberg 239 review).

It is likely that BE will receive conditional amended site plan and special use permit approvals for Phases IA and B at the board’s March 28 session.

As always, the BKAA will apprise members of pertinent benchmarks.

UPDATES continued from page 22

The Department understands that TEC’s 10 year DEC wetlands evaluation expired on 12/29/16. Rock Hill Neighborhood Coalition (RHNC) informed Thompson, Fallsburg, Mamakating, DEC, and Sullivan County’s Division of Planning and Environmental Management of this termination. RHNC likewise requested Thompson’s planning board not to sanction further project activity until DEC wetland revalidation is conducted and TEC appears before them. Unfortunately, too many of TEC’s “wheelings and dealings” transpire in closed meetings between the town’s and applicant’s consultants, which is extremely problematic considering public interest engendered by this “off the wall” undertaking.

Stay tuned for future “breaking” news.
Consulting Engineer Willingham’s Initial Examination of Beautiful Earth

January 24, 2017

Mr. Stanley Zamonsky, Chairman and Board Members
Town of Mamakating Planning Board
2948 Route 209
Wurtsboro, NY 12790

Re: Beautiful Earth Agricultural Complex (BE) / Yukiguni Maitake (YM)
MacDonald Road
Town of Mamakating, New York

Dear Chairman Zamonsky and Planning Board Members:

Our firm has been engaged by the Basha Kill Area Association (BKAA) to provide engineering consultation and representation regarding the BE Agricultural Complex / YM project. As you know, the BKAA serves as a watchdog, monitoring developments that threaten the valuable natural resources located in the Bashakill Wetland System. The BKAA and their Consultants supplied extensive comments during Site Plan/SEQR review of the YM project (2006-2008). Subsequently, during our examination of the current BE Site Plan Amendment application, we likewise encountered several substantive issues.

We have reviewed the following documents:

- Site Plan Set prepared by Cornerstone Engineering, dated last revised 01/07/17
- Larry Paggi, P.E. Memorandum to the Planning Board dated 12/13/16
- Responses to Town of Mamakating Planning Board Questions
- Zoning Law Compliance and SEQRA History

On behalf of the BKAA, the following remarks are to be included in the project’s public comment/review record:

Stormwater & Grading

In 2006 and 2008, on behalf of the BKAA, I furnished extensive comments (under my former employer David Clouser & Associates) to the Planning Board documenting the substantial deficiencies of the YM’s stormwater management design. For instance, the proposed stormwater system provides almost no stormwater detention for the 12+/- acres of proposed impervious surface, which will likely result in extensive downstream flooding and property damage. This design uses an earthen berm located on neighboring property to detain the site’s stormwater. This berm has already breached, a condition that will be greatly worsened by the site’s proposed mismanagement of stormwater. The downstream flooding and property damage could be eliminated if the project simply met applicable stormwater requirements.

Please find attached correspondence from David Clouser & Associates to the Planning Board dated August 27, 2008 and October 3, 2008. The letters provide significant detail on the extensive stormwater issues. Specifically, the 8/27/08 Letter contains stormwater comments on pages 8 and 9 and the three page 10/03/08 Letter is wholly dedicated to stormwater. We strongly urge the Board to review these remarks and have their Engineer do the same. Those deficiencies were not addressed or even acknowledged by the Applicant during the previous YM Site Plan review. Yet they remain entirely valid for the current BE review.

The following points also relate to stormwater and grading:

1. Phase 1 of the YM project originally included the pilot plant which utilized Stormwater Management Basin #1 for stormwater treatment/attenuation. The revised BE Phases 1A/1B now encompass the greenhouses and access road to the greenhouses along with the pilot plant. It must be verified that Stormwater Management Basin #1 can provide attenuation and water quality treatment for the additional impervious surfaces.

2. The grading plan for Phase 1A (Sheet 10A) indicates a high point along the center of the greenhouse access road. This results in the western greenhouses draining westward toward the wetland and therefore bypassing Stormwater Management Basin #1. All runoff from impervious surfaces must be captured and treated in the Basin in accordance with NYSDEC regulations. The stormwater management plan must be revised.

3. The grading plan for Phase 1A calls for an approximate 4 acre area south and west of the greenhouses to be filled with approximately 18-24 inch depth of fill. The purpose of disturbing and filling in this large area is unclear, as no improvements are proposed in that area for either Phase 1A or Phase 1B.

4. Per our review of the grading plan, it appears that large volumes of soil material will need to be trucked (our rough calculations indicated several hundred truck trips to the site). Cut/fill volume calculations for Phase 1A should be provided to estimate truck trips and impacts to the surrounding road system.

WILLINGHAM’S EXAMINATION continued on page 25
100 Year Floodplain

The improper delineation of the 100 year floodplain was documented in my 08/27/08 Letter to the Planning Board (pages 7-8). This issue remains unaddressed with the current Site Plans. FEMA mapping was revised in 2011 for the project area (after YM Site Plan approval was granted), further justifying the update/modification.

BE’s Engineer has simply traced the floodplain from FEMA mapping to the Site Plan, which is not the correct method to determine floodplain location. The applicant’s engineer should refer to the 2011 Flood Insurance Study for the Town of Mamakating to determine the actual 100-year flood elevations at this site. The floodplain is then translated to the plan using the site’s topography. The floodplain on the Site Plan should match the floodplain elevation according to FEMA mapping and studies. The project design may need to be altered based on the results of an accurate floodplain delineation.

Revised Building Elevations

As the Board knows, the proposed BE main plant – Phase 2 will be large and visible from various viewpoints. As part of the Planning Board and public comment/review process (in hearings related to the 2006 and 2008 approvals), this structure’s exterior design was presented, discussed and negotiated, with mitigation provided by the Applicant during both the SEQR and Site Plan Approval processes. We understand that BE’s main plant has been lowered in height. However, its design has been altered. Therefore, revised building elevation drawings must be furnished for the Board’s review. The exterior design must also conform with the Town’s Design Guidelines.

It should be noted that YM submitted Building Plans for the Pilot plant in 2012 to the Building Department that were not consistent with the approved Elevation drawings nor the Town’s Design Guidelines. The building appearance was an issue of great importance during the project’s initial review and requires attention during this amended Site Plan approval.

NYSDEC Wetland Boundary

The Site Plan notes indicate that the NYSDEC wetland boundary was flagged by Michael Clancy of the NYSDEC in July of 2003 and was “validated” by the NYSDEC in October 2016. However, it does not appear that the wetland was reflagged and resurveyed in 2016. The original wetland flags almost certainly did not survive the 13 year period between delineations. It is unclear how the NYSDEC could validate flags that were not present on the site. The wetlands should be reflagged by the NYSDEC or by an independent consultant and resurveyed by the Applicant to properly verify whether the wetland boundary has changed over the last 13+ years.

MacDonald Road Improvements

Required improvements to MacDonald Road were discussed in YM’s SEQR Findings Statement, earlier Site Plan Resolutions and my previous letter to the Board dated 08/27/08. MacDonald Road is in poor condition and incapable of managing the additional traffic generated by the BE project. Despite the above, no road improvement plans or schedule have been supplied for MacDonald Road. Sheet 5 of the Site Plan contains a vague description of the required improvements with no phasing schedule, plans or construction details. A note on Sheet 6 indicates “Detailed grading associated with road widening not shown. This information shall be shown on road widening construction plan and shall be reviewed and approved by the Town Engineer and Town Highway Supervisor.” To prevent segmentation and allow full review of the proposed improvements by the Board, public and other agencies, the Road Widening Construction Plan should be included in the BE Site Plan Set. The phasing of the improvements is also not clear. The required improvements to MacDonald Road are significant and should not be described with a few notes on the plan.

Conclusion

Finally, we urge the Board to conduct a detailed review of the Amended Site Plan and all outstanding issues. We understand that the YM project, proposed for this site, was previously approved by the Board. However, we affirm that substantial concerns, brought to the previous Planning Board’s attention in 2006 and 2008, were never addressed. Consequently, many of these same issues and project impacts remain. Especially with stormwater and floodplain matters, we urge the Board to refer these to their Consulting Engineer to verify validity and possible implementation.

We thank the Board for the opportunity to comment and participate in this project’s review. Feel free to contact me with any questions.

Sincerely,
Willingham Engineering, PLLC
Andrew Willingham,
NYS Professional Engineer No. 083984
cc: John Cappello, Consulting Attorney
Larry Paggi, P.E., Consulting Engineer
Stuart Turner, Consulting Planner
Freda Eisenberg,
Sullivan County Planning Commissioner
Tracey O’Malley, NYSDEC Permits
Bill Herrmann, Town Supervisor
Paula Medley / Basha Kill Area Association
At the request of the Basha Kill Area Association, Hudsonia assessed the proposed Beautiful Earth development project located on 48 acres south of McDonald Road and east of Route 209 in the Town of Mamakating, Sullivan County, New York. Our review focused on the potential impacts of the project on biodiversity (flora, fauna, habitats), and the opportunities for reducing those impacts. Hudsonia does not take positions for or against development projects; rather we study environmental documents and field conditions, and make recommendations, as appropriate, for avoiding or reducing impacts to those habitats and species of conservation concern onsite or offsite.

Hudsonia is a nonprofit institute founded in 1981 (hudsonia.org) for research in the environmental sciences and producing information for use in planning, conservation, and environmental management. I am a co-founder and Executive Director of Hudsonia, and have been studying nature and land use in the Hudson Valley and neighboring regions for forty-five years. My résumé is appended to this report.

I reviewed relevant portions of the DEIS for the Yukiguni Maitake (YM) proposal (Chazen Companies 2004) which predated the current Beautiful Earth (BE) proposal (BE-ECO LLC no date). I also reviewed the 9 January 2017 plan sheets for the BE proposal (Cornerstone 2017), as well as selected earlier comments on the YM proposal and additional information on soils, wildlife, and the Basha Kill Wildlife Management Area downstream from the BE site, and satellite imagery on Google Earth. On 9 December 2016 from approximately 1100 to 1600 hours EST I reconnoitered the periphery of the site; it was partly sunny, the air temperature ca 36F, wind Beaufort 2-4, with occasional snow flurries and very limited extent of snow and ice on the ground and water surfaces.

The extensive central area of the site is nearly flat and dominated by tall forbs and locally shorter grasses. Woody vegetation occupies much of the periphery of the site ranging from a 1-2 meter wide belt along McDonald Road to substantial patches elsewhere. A wetland with herbaceous, shrubby, and sapling vegetation is in the southwestern area of the site; it connects to a much larger area of wetland south of the site. I did not see flags from the 2016 wetland boundary delineation reported in Cornerstone (2017).

There is extensive evidence of earthmoving on the site including scraped areas, ridges of earth, an excavated basin, a large soil pile, an old filter fabric siltation barrier, hummocky areas, and stone piles. A large area in the central and eastern portions is dominated by mugwort (Artemisia vulgaris), indicative of relatively recent topsoil removal. If topsoil or underlying gravel was removed from the site, a mining permit might have been needed. If material was used to fill wet areas of the Raynham soil in the center or western area of the site, or pushed into the state-regulated wetland in the southwest, there might have been a wetland law violation. Tailings from old lead mines nearby could have been disposed onsite. Any lead in the soil could be mobilized into the Basha Kill by further earthmoving.

There is a small dump containing concrete, sheet metal, metal mesh fencing, rusted cans, and possibly other materials, in the southeast portion of the site. An excavated pit just southeast of the dump appears to be empty. This dump and pit should be examined for possible hazardous materials and the soil tested for contaminants. Contaminants in the soil could be mobilized during development activities.

Golden-winged warbler, a state-listed Special Concern species, was reported to breed at wetland edges on the D&H Canal Park bordering the southern edge of the site (Freer 2004) but the exact locations were not provided. This was stated to be the only regular breeding site of this species in Sullivan County. More recent and detailed information is needed to determine if onsite and offsite impacts would impinge on breeding and nonbreeding home ranges of this species.

Shagbark hickory (Carya ovata) trees are fairly common around the edges of the site. All sizes of shagbarks from saplings to trees almost 1 meter (39 inches) in diameter-
at-breast-height (dbh) are present, including an especially large tree at McDonald Road halfway across the site, and another in the northeastern corner area. Shagbarks have many habitat functions, particularly as summer roosting and nursery sites for the Endangered Indiana bat. It is not known if this bat occurs onsite. The site is about 28 miles southwest of the well-studied Indiana bat overwintering area near Rosendale, well within the potential seasonal migration distance of this species.

There is a shrub thicket of hazel (Corylus sp.) along part of the south side of McDonald Road. Both hazel species are uncommon in our region.

Timber rattlesnake (State Threatened) was reported within 1.5 miles of the site by the New York Natural Heritage Program (NYNHP; letter in Chazen Companies 2004 Part II, Appendix A). This probably refers to a winter den site, although no details are available. Timber rattlesnakes, especially adult males, often migrate considerable distances (sometimes much farther than 1.5 miles) from winter dens during the active season. Without knowing the behavior of the snakes in this particular den population (or populations), it is impossible to predict the likelihood of rattlesnakes entering the site. The DEIS suggests that Route 209 would be a barrier to rattlesnake movement; however, depending on which direction the den is in, and whether there are potentially useable passages beneath the highway, this may or may not be relevant.

No herpetofaunal (amphibian and reptile) survey has been conducted at or near the site, as far as I know. The streams on and along the southern border of the site could provide core habitat for the wood turtle, a Special Concern species. Wood turtles overwinter in streams and range onto upland areas to forage and nest during the active season. The spotted turtle could occur in the wetland onsite and range onto the proposed development area; this is also a Special Concern species. Eastern box turtle, another Special Concern species, could occur on the site in the open field areas, wetlands, or woodland edges.

The ironcolor shiner (Special Concern), a small fish of varied flowing water habitats, is known in New York State from a single population in the Basha Kill area. It is not known if this population extends upstream to the site. However, pollution of the stream system by silt or nutrients from earthmoving, stormwater, or wastewater disposal, or mobilization of nutrients, residual agricultural chemicals, or other possible pollutants from soil disturbance, could have offsite-downstream effects on this species. Many bird species of conservation concern (e.g., pied-billed grebe and certain duck species) breed or forage in the Basha Kill wetland complex and may also be at risk of pollution from the site, as may the ironcolor shiner.

The proposed BE facilities and infrastructure (parking areas, wastewater and stormwater treatment facilities) would occupy much of the flat field area of the site. Because, excepting golden-winged warbler, and a long list of other bird species, as well as a list of common plants in the DEIS, little is known about the habitat functions of the site, I am unable to analyze how the proposed development might affect the biota through habitat loss or fragmentation, or the loss of future shrubland habitat if the site were to be left undeveloped. I echo the concerns of Barbour (2005) that there has been too little biological study of the site to properly analyze its habitat functions, biodiversity, and conservation role.

Stormwater basins 1 and 2 are proposed to discharge into the wetland or the wetland buffer zone. Stormwater discharges have the potential to alter water quality, quantity, distribution, and timing in the wetland. These characteristics are critical to habitat functions and other ecosystem services (such as carbon sequestration and flood modulation) provided by wetlands. Stormwater management could alter habitat for spotted turtle, golden-winged warbler, and other species of conservation concern.

The Raynham soil, which underlies approximately the western half of the flat field area (including part of the development footprint), is rated as hydric and floodprone (Chazen Companies 2004). There may be unrecognized pockets or extensions of wet meadow into this area. Potential flooding of the Raynham soil is relevant to both habitat functions (e.g., the potential occurrence of rare sedge species, see Barbour [2005]) as well as the integrity of structures and infrastructure.

Both the Raynham soil and the Chenango soil (on the eastern portion of the development area) are considered prime farmland soils (Chazen Companies 2004).

The wind turbines proposed for the roof of the main building are a recently commercialized (about three years old) design. Have they been studied to determine if they are relatively safe for birds and bats? Mortality and morbidity effects of this turbine type. Solar panel arrays are a possible hazard to flying organisms such as bats, birds, and insects (Horváth et al. 2009, 2010). One way this occurs is due to the light-polarizing effect of the reflective, dark-colored panels. It may be possible to install panels of a type that minimize this impact. Given the proximity of wetlands and streams to the development footprint, effects of wind turbines is very important, and varies according to landscape and site characteristics and turbine type. Three years may have been too short a period to determine the mortality and morbidity effects of this turbine type.

The former applicant’s inquiries to the New York Natural Heritage Program (NYNHP) and the U.S. Fish and Wildlife
Hudsonia Assessment continued from page 27

Service (FWS), and the limited biological survey work performed at the site by YM, are now a dozen years old. NYNHP, for example, recommends updating inquiries annually prior to the permitting of a development project.

Recommendations

• Conduct a comprehensive survey of the vascular flora of the entire 48 acre site. Conduct surveys of birds, bats, herpetofauna, dragonflies, and butterflies of the site. Survey work should be performed by qualified independent field biologists during appropriate seasons for at least one full year prior to construction.

• Study the golden-winged warblers and determine individual home ranges during breeding and nonbreeding seasons. This is important to understand and minimize development impacts on this Special Concern species.

• Mark and map shagbark hickories of all sizes from saplings to large trees and protect them from cutting or damage. Protect the hazel shrubs along MacDonald Road.

• Test soils for potential contaminants (e.g., heavy metals, pesticides) around the dump and remove the dumped refuse for proper disposal. Test soils across the development area for lead.

• Arrange for an independent verification of the entire onsite wetland boundary. This will be helpful to the project as well as to biodiversity. Also take auger borings outside the current wetland boundary on the field side, to determine if filling took place during episode(s) of earthmoving that occurred subsequent to the enactment of federal and state wetland protection.

• Have a fulltime independent construction monitor onsite during all site preparation and construction activities to help ensure that proper measures are maintained to minimize soil erosion, siltation, equipment impingement on wetlands, damage to shagbark hickories and hazels, spills and leaks of potential pollutants, and other preventable environmental damage. An appropriately trained and licensed monitor can also safely remove any snakes and turtles that may wander onto the construction area, as well as coaching construction workers to see and avoid those reptiles.

• Examine the current site plan and determine if stormwater basins and the main building can be pulled back from the wetland buffer zone. Also, determine if the whole project can be laid out more compactly to reduce habitat loss.

• The stormwater basins should be built prior to site preparation and construction and should be designed to act as settling ponds for soil materials (suspended sediment). Silt and clay particles commonly are not fully blocked by siltation barriers from entering wetlands and streams.

• Remaining (undeveloped) field habitat should be managed as shrubland. This might be as simple as a targeted mowing regime. Shrubland with native plants can possibly be developed over the SSDS (sewage disposal system) and process wastewater infiltration area without interfering with the operation and future maintenance of these facilities.

• BE should consider mitigating for the loss and fragmentation of the field habitat for birds and other wildlife. This could take the form of funding the preservation and management for grassland or shrubland of a large parcel adjoining one of the existing managed natural areas in Mamakating.

• BE should also consider mitigating for the loss of prime farmland soils by protecting prime farmland soils for agriculture elsewhere in the region, perhaps in association with one of several organizations that have established training centers or “incubators” for new farmers.

• Update the NYNHP and FWS inquiries, because there may be new data and new policies. Update the Sullivan County Audubon Society inquiry.

• Investigate options for types of wind turbines and solar panels that would minimize mortality and morbidity of flying animals, and monitor mortality for several years following installation.

Beautiful Earth’s Responses to Erik Kiviat’s Recommendations

KIVIAT’S RESPONSES

1&2. Conduct a comprehensive survey of the vascular flora of the entire 48 acre site. Conduct surveys of birds, bats, herpetofauna, dragonflies, and butterflies of the site. Survey work should be performed by qualified independent field biologists during appropriate seasons for at least one full year prior to construction.

Study the golden-winged warblers and determine individual home ranges during breeding and nonbreeding seasons. This is important to understand and minimize development impacts on this Special Concern species.

BE RESPONSE

The flora and fauna were studied as part of the DEIS and no endangered were identified on the Site. That being said, less than 23% of the total 47.8 acre lot will be covered by buildings or other impervious surfaces, the wetland and upland areas in the western portion of the property will remain undisturbed, the wooded areas along the D&H Canal and the Basha Kill Creek will remain undisturbed.
the wooded area at the eastern end of the property will remain undisturbed, and the tree line along McDonald Road east of the Phase 1 entrance will remain. As such significant habitat opportunities will remain on the property, including that for the Golden-winged Warbler which occur in wetland habitats more and move into mature forests immediately after fledging.

3. Mark and map shagbark hickories of all sizes from saplings to large trees and protect them from cutting or damage. Protect the hazel shrubs along MacDonald Road.

RESPONSE
As stated above, the majority of the trees on the property will remain even after full build out. Two small stands of trees in the footprint of the Phase I Pilot Plant building and the Phase I parking lot will be removed during construction, as will some of the trees in the western portion of a stand of trees that extend out from the eastern end of the property into the area around the infiltration basins. As such, the trees identified for removal are limited and unavoidable for construction. Removal of these trees will take place during the winter months in compliance with the applicable NYSDEC requirements for protection of potential bat summer habitat. As such there is no need to perform a survey of the trees on the property.

4. Test soils for potential contaminants (e.g., heavy metals, pesticides) around the dump and remove the dumped refuse for proper disposal. Test soils across the development area for lead.

RESPONSE
There has been some “convenience dumping” of some refuse, appliances, metal, etc. There has been extensive soil borings and test pits excavated around the property over the years with no evidence of large-scale dumping or contamination. Water tests have shown no evidence of any impacts to groundwater on the property. No additional testing is warranted.

5. Arrange for an independent verification of the entire onsite wetland boundary. This will be helpful to the project as well as to biodiversity. Also take auger borings outside the current wetland boundary on the field side, to determine if filling took place during episode(s) of earthmoving that occurred subsequent to the enactment of federal and state wetland protection.

RESPONSE
The wetlands on the property have been verified to the satisfaction of the NYSDEC by a NYSDEC Biologist and the Map validated in 2016. No filling has taken place on the property anywhere near the wetlands or the 100 foot buffer.

6. Have a fulltime independent construction monitor onsite during all site preparation and construction activities to help ensure that proper measures are maintained to minimize soil erosion, siltation, equipment impingement on wetlands, damage to shagbark hickories and hazels, spills and leaks of potential pollutants, and other preventable environmental damage. An appropriately trained and licensed monitor can also safely remove any snakes and turtles that may wander onto the construction area, as well as coaching construction workers to see and avoid those reptiles.

RESPONSE
A competent contractor will be retained for all phases of construction. As required by NYSDEC, the contractor will have a Trained Contractor onsite at all times and weekly inspections (twice a week if more than 5 acres are being disturbed) will be performed by a New York State Professional Engineer or Qualified Inspector working under the direct supervision of the Professional Engineer to ensure that all erosion control requirements and measures are being followed and the wetlands are not impacted.

7. Examine the current site plan and determine if stormwater basins and the main building can be pulled back from the wetland buffer zone. Also, determine if the whole project can be laid out more compactly to reduce habitat loss.

RESPONSE
The construction impacts to the 100-foot wetland buffer related to the construction of the stormwater basins is limited to a small area of Basin #1 and the outfall from Basin #2. These disturbances have been permitted and will be restored upon completion. The project is laid out over as small a portion of the property as is possible.

8. The stormwater basins should be built prior to site preparation and construction and should be designed to act as settling ponds for soil materials (suspended sediment). Silt and clay particles commonly are not fully blocked by siltation barriers from entering wetlands and streams.

RESPONSE
Stormwater Basins #1 and #2 will be constructed as the initial tasks of Phase 1A and Phase 2, respectively.

9. Remaining (undeveloped) field habitat should be managed as shrubland. This might be as simple as a targeted mowing regime. Shrubland with native plants can possibly be developed over the SSDS and infiltration array without interfering with the operation and future maintenance of these facilities.

RESPONSE
Undeveloped portions of the property are planned to be left undisturbed. These areas could be managed as shrubland with targeted mowing to keep them from being re-forested. The Landscaping Plan was specified by a Landscape Architect retained by the Planning Board. The Applicant
Andy Willingham’s 2nd Set of Comments on Beautiful Earth (BE), Including BE’s Replies to Willingham’s 1/24/17 Letter Followed by Willingham’s Responses to Each BE Point

February 17, 2017

Mr. Stanley Zamonsky, Chairman and Board Members
Town of Mamakating Planning Board
2948 Route 209
Wurtsboro, NY 12790

Re: Beautiful Earth Agricultural Complex (BE) / Yukiguni
Maitake (YM)
McDonald Road
Town of Mamakating, New York

Dear Chairman Zamonsky and Planning Board Members:

As you know, on behalf of the Basha Kill Area Association (BKAA), we prepared comments to the Board dated January 24, 2017 concerning the BE Agricultural Complex / YM project. Subsequently, the Applicant responded point by point to our remarks and ones from other consultants.

We have reviewed the following documents:
• Memorandum from Rich Calogero and Charles Bazydlo, Esq. to the Planning Board dated 02/03/17

The following offers additional retorts to each of the Applicant’s responses relating to our January 24, 2017 letter:

Stormwater & Grading

Applicant’s Response: The D&H Canal Berm is not a component of the stormwater design. The stormwater management system has been approved by NYSDEC and remains valid per correspondence from NYSDEC dated 12/19/2016.

The Applicant’s engineer should review the project’s Stormwater Pollution Prevention Plan (“SWPPP”) dated August 2008. The proposed stormwater management ponds detain only a small fraction of the runoff volume created by the 12 +/- acres of impervious surface. The vast majority of the stormwater is detained within the NYSDEC wetland. The NYSDEC wetland is contained on the south side by the D&H Canal berm. The berm is modeled into the stormwater calculations (see “Pond 3P: Wetland Pond”) within the Applicant’s SWPPP. Further, the model predicts a large increase in runoff for the 100 year storm as a result of the project (increase from 161 cubic feet per second (“cfs”) to 199 cfs). The already breached, damaged berm will not be able to convey this additional flow generated by BE.

1. Applicant’s Response: Stormwater Basin #1 handles stormwater from the south side of Phase 2 following its construction which includes 24,000 sq. ft. of impervious surface. Runoff from this area flows directly into Basin #1. The Phase 1A gravel drive and greenhouses result in approximately 50,660 sq. ft. of impervious surface. Runoff from these areas is directed to Basin #1 via a grass

WILLINGHAM continued on page 31

BE RESPONSE continued from page 29

would be open to using different seed mixes and managing areas as shrubland as long as it is acceptable to the Planning Board and the plants and/or their root systems do not impact the functioning of the installations.

10. BE should consider mitigating for the loss and fragmentation of the field habitat for birds and other wildlife. This could take the form of funding the preservation and management for grassland or shrubland of a large parcel adjoining one of the existing managed natural areas in Mamakating.

RESPONSE
Comment noted.

11. BE should also consider mitigating for the loss of prime farmland soils by protecting prime farmland soils for agriculture elsewhere in the region, perhaps in association with one of several organizations that have established training centers or “incubators” for new farmers.

RESPONSE
Comment noted.

12. Update the NYNHP and FWS inquiries, because there may be new data and new policies. Update the Sullivan County Audubon Society inquiry.

RESPONSE

The Ironcolor Shiner, a species of special concern, is the only animal species identified within the area of the project using the NYSDEC New York Nature Explorer online mapping tool. The Eastern Rattlesnake is no longer identified as being a Threatened Species in the Town of Mamakating. No plant species were listed as being endangered, threatened or of special concern on the subject property.

13. Investigate options for types of wind turbines and solar panels that would minimize mortality and morbidity of flying animals, and monitor mortality for several years following installation.

RESPONSE
Comment noted.
channel and via vegetated overland flow over 320 feet from elevation 529 to elevation 528.

It is not clear how the Applicant’s response in any way demonstrates that Basin #1 can provide attenuation and water quality treatment for the additional impervious surfaces in accordance with NYSDEC regulations. If anything, the response indicates that more impervious surface will discharge into the basin than originally planned.

2. Applicant’s Response: While it is not likely that water from the western portion of the greenhouse area would reach the wetlands more than 400 feet away, the grading has been changed on Sheet 10A to direct any flow toward Basin #1.

The attached drawings we received included Sheets 1, 4 and 6 only, and were at a scale that was not legible. I did not receive Sheet 10A and therefore could not verify whether this issue was addressed.

3. Applicant’s Response: This area was disturbed in 2010 when the initial grading took place prior to the cessation of work by YMCA. The area will be raised to elevation 528 or more to facilitate proper drainage and in preparation for the future construction of Phase 2. Additionally, the southern portion of the area will be disturbed during the construction of Basin #1. The area will be seeded following grading.

The grading of this area will actually cause poor drainage by creating a large, flat area. The Board should note that this 4 acre area is being filled in as part of Phase 1A in preparation for Phase 2.

4. Applicant’s Response: The traffic analysis included in the DEIS found no significant traffic impacts using 50 to 60 trucks to the facility per day. No impacts are anticipated.

Phase 1A was not assessed as part of the DEIS. At that time only Phases 1 and 2 were considered. For Phase 1A the Applicant proposes several hundred truck trips down McDonald Road with each truck weighing up to 40 tons. No improvements are planned to McDonald Road for Phase 1A. Given the poor condition of McDonald Road, this impact to the Town’s Road infrastructure must be considered and mitigated appropriately.

100 Year Floodplain

Applicant’s Response: The site was graded in 2010 prior to the FEMA mapping in 2011. The floodplain limit was not traced from the FEMA map. FEMA used the YMMCA survey data following the re-grading to prepare the revised flood map. The floodplain elevations at the project site are 525 and 526 feet. The area proposed for development are above these elevations.

We compared the current existing topography to the topography shown on plans prior to the grading in 2010. The floodplain is at an elevation of 526. In 2010, the Applicant filled in areas of the site that were within the development footprint and were under the elevation of 526. The Applicant filled in the floodplain in 2010, which reduces the flood storage available for the Bash KILL. This action also required a floodplain development permit from the Town of Mamakating. Curiously, the limits of the fill in 2010 were almost exactly the limits of the proposed project and the filled was placed to an elevation just above the 100 year floodplain. Per the Applicant’s response, YM supplied the revised topo to FEMA, presumably to ensure that the new FEMA Map did not include the portion of the site to be developed. It must be determined whether FEMA knew that the revised topo map they received involved improper filling in of the floodplain area. Additionally, the mapping still inaccurately depicts the FEMA floodplain. The floodplain should follow the 526 contour, including within the interior of the site along the NYSDEC wetland.

Revised Building Elevations

Applicant’s Response: Building Elevations have been provided to the Board.

We have not received or reviewed the Building Elevations to determine conformance with the DEIS, FEIS, Findings Statement and Town’s Design Guidelines. We recommend that the Board’s Planner review these Building Plans.

NYSDEC Wetland Boundary

Applicant’s Response: Michael Fraatz of the NYSDEC walked the Site on October 13, 2016 with the previous Wetland Map and concluded that conditions had not changed and that a re-flagging was not needed.

This response does not explain how Mr. Fraatz could verify wetland flags that do not exist in the field. We maintain that the wetland should be reflagged in the field since it has been 13 years since the last flagging.

McDonald Road Improvements

Applicant’s Response: Please see the response to Mr. Paggi’s Comment No. 1 regarding the planned road improvements.

Applicant’s Response to Paggi’s Comment No. 1: The Applicant will prepare plans for the proposed improvements to the southern shoulder of McDonald Road prior to the submittal of the Building Permit Application for the construction of Phase 1B for approval by the Town. The construction and operation of the greenhouses proposed for Phase 1A will not significantly alter the current usage of McDonald Road and as such no modifications to the existing roadway are needed at this stage of the project. Plans for the upgrade of McDonald Road will be prepared and submitted to the Town for approval prior to the submittal of the Building Permit Application for the construction of McDonald Road Improvements.
Beautiful Earth’s Response to Public Comments

Wetlands delineation

On October 13, 2016, Michael Fraatz of the NYSDEC walked the site with the previous Wetland Map and concluded that conditions had not changed and that a re-flagging was not needed. Following this site visit, the NYSDEC re-validated and signed the Wetland Map.

Floodplain delineation

The Site was graded in 2010 prior to the FEMA mapping that was done in 2011. The floodplain limit was not traced from the FEMA map, YMMCA survey data following the 2010 re-grading project was provided to FEMA and their consultant. The updated ground elevations that resulting from the grading work was used to prepare the revised flood map. The Floodplain elevations at the project site are 525 and 526 feet. The area proposed for development are above these elevations.

Stormwater Management

The stormwater management design was developed in partner with both the NYSDEC and the DRBC and has been approved by both the NYSDEC and the DRBC. The NYSDEC has, in a December 2016 email, confirmed that the approval is still valid. At the request of Town Engineer, the stormwater system was reevaluated to demonstrate that the system would not flood in a 100 year storm event. Calculations were also completed for Phase 1A and 1B, to determine if proposed Stormwater Basin #1 is adequate to handle the additional impervious cover from the proposed greenhouses. The calculations show that Stormwater Basin #1 is adequate to adequately handle stormwater from Phase 1A and 1B.

On-site Debris and Soil Testing

In the past, there has been some “convenience dumping” as evidenced by the presence of refuse, appliances, metal, etc. These debris will be removed as part of the project. With regards to the comments on contaminated material and the potential for lead mine tailings having been put on the property, there has been extensive soil borings and test pits excavated around the property over the years with no other evidence of dumping, contamination, or non-native soils encountered. Water tests have shown no evidence of any impacts to groundwater on the property. There is no reason to suspect that mine tailings would have been transported away from the mine. When the Lead Mine, almost a mile from the project site, was operating, tailings were disposed of as close to the mine as possible as evidenced by the material left behind as there were no regulatory requirements to dispose of these types of materials. No additional testing is warranted.

Shagbark Hickory Trees

It is important to note that the majority of the trees on the property will remain even after full build out. Two small stands of trees that are situated within the footprint of the Phase 1 Pilot Plant building and the Phase 1 parking lot will need to be removed, as will some of the trees in the western portion of a stand of trees that extend out from the eastern end of the property into the area around the infiltration basins. Removal of these trees will take place during the winter months in compliance with the applicable NYSDEC requirements for protection of potential bat summer habitat.

It should be noted that the septic system was moved out of the tree line along McDonald Road, so that those trees could remain. Trees along McDonald Road will be removed due to the Town’s request that the Road be widened and improved.

Habitat Impact

As previously stated, the flora and fauna were studied as part of the DEIS and, it was reconfirmed in 2017 that no BEAUTIFUL EARTH continued on page 33

WILLINGHAM continued from page 31

Phase 2. Prior to the Preparation of either Plans, the Applicant will meet with the Town Highway Superintendent and the Planning Board regarding the requirements for both upgrade projects.

As the Board knows, the Applicant cannot and should not dictate the process by which road improvement plans will be provided or reviewed. The Board is approving the full project, including Phase II, which involves substantial improvements to McDonald Road. Modifications to McDonald Road are an integral part of the Site Plan and SEQR process, so it is not appropriate to include them in a Building Permit review process. As Mr. Paggi asserted, the road improvement plans should be submitted and reviewed prior to the start of Phase 1A.

As demonstrated above, the issues contained in our January 24, 2016 letter to the Board remain largely unaddressed. In fact, a new concern arose when discovering that the Applicant filled in the floodplain in 2010.

We thank the Board for the opportunity to comment and participate in this project’s review. Feel free to contact me with any questions.

Sincerely,

Willingham Engineering, PLLC
Andrew Willingham, PE
NYS Professional Engineer No. 083984
endangered are located on the Site. Less than 23% of the total 47.8 acre lot will be covered by buildings or other impervious surfaces, the wetland and upland areas in the western portion of the property will remain undisturbed, the wooded areas along the D&H Canal and the Basha Kill Creek will remain undisturbed, the wooded area at the eastern end of the property will remain undisturbed, and the tree line along McDonald Road east of the Phase 1 entrance will remain. Significant habitat opportunities will remain on the property following construction. The development of any parcel will result in changes in habitat opportunities, but the proposed project leaves much of the property in a natural state and the majority will continue to provide wildlife habitat, including the stormwater basin and landscaped areas. The small footprint of this project does not result in the fragmentation of any critical habitat.

**Landscaping (Noise and Light Pollution)**

A robust landscaping plan has been prepared for the project. The Main Building is now only one story which will be approximately 33 feet high, with an additional 12 foot for accessory utilities, for a total of 45 feet tall. The site is approximately 15 to 20 feet lower than Route 209 and the existing vegetation will screen the facility from the roadway. The building will be constructed in neutral tones which will enable the buildings to blend in with the surrounding areas. As stated above, the tree line along Route 209 will remain, as well as the tree line along the D&H Canal and the eastern portion of the property along McDonald Road.

**Water Usage**

Upon full build-out, the facility will pump a maximum of 410,000 gallons of water per day, of which, 368,000 gallons per day will be discharged back to the ground, resulting a maximum net water usage of up to 42,000 gallons per day. This is a reduction in the net water use of 18,000 gallons per day.

**Roof-top Acreage/Building Height**

The solar panels and wind turbines will be no higher than the 12 foot high utility structures associated with the buildings. The roof-top acreage of the Pilot Plan is 1.0 acres and the Main Building is 4.9 acres. The building will be visible from the surrounding ridge, as is every building in the valley. The building will be earth toned so it will blend in and not stand out when observed from above.

**Excess Nutrient in Agricultural Discharges**

No excessive nutrients will be discharged from the facility. Much of the agricultural cultivation will be what is known as “vertical farming”. The water used in vertical farm facilities is enriched with nutrients to enable the crops to grow, in combination with proper lighting, at an optimal rate. Water not used by the plants is then recirculated with additional water and nutrients added to make up for what is used by the growing crops. Very little nutrient rich water will actually be discharged and process water discharged to the infiltration basin located more than 400 feet from the Basha Kill will be diluted with the geothermal system water at a ratio of greater than 13:1. No BE-ECO nutrient rich agricultural discharges will impact the Basha Kill.

**Full-Time Independent On-Site Construction Monitor**

As previously stated, a competent contractor will be retained for all phases of construction. As required during construction by NYSDEC, the contractor will have a Trained Contractor onsite at all times and weekly inspections (twice a week if more than 5 acres are being disturbed) will be performed by a New York State Professional Engineer or Qualified Inspector working under the direct supervision of the Professional Engineer to ensure that all erosion control requirements and measures are being followed and the wetlands are not impacted.

The Town is welcome to make site visits during construction to confirm that all erosion control and stormwater measures are being followed.

**Wind Turbines and Solar Panels and Mortality Flying Animals**

The type of wind turbine being proposed for this facility does not have a reputation for bird impacts. The mechanism are relatively compact and can been seen in its entirety. Wind turbines that have garnered negative press associated with damage to birds are the large 3-blade wind turbines that birds fly past without seeing the turbine blade coming out of nowhere. No flying animal issues are expected with the systems proposed.
Sullivan County Planning Commissioner Freda Eisenberg’s 239 Review of Beautiful Earth

January 24, 2017

Mr. Stanley Zamanski III, Chair
Town of Mamakating Planning Board
2948 Route 209, Wurtsboro, NY 12790

RE: MAM17-01: BE-ECO, LLC (YMMCA Agricultural Facility) (S.B.L. 26.-1-25)
GML-239 County Review

Dear Mr. Zamanski:

In accordance with Sections 239-1, m & n of the General Municipal Law, the Sullivan County Division of Planning and Environmental Management (DPEM) has reviewed the material submitted to our division for site plan review of the BE-ECO, LLC Agricultural Complex (formerly the proposed Yukiguni Maitake Mushroom Production Facility) located on McDonald Road in the Town of Mamakating (SBL #26-1-25).

The Town of Mamakating, after multiple reviews and amendments, had approved the formerly proposed development of the Yukiguni Maitake Mushroom Production Facility. In the GML-239 reviews of that project, the County also issued an approval. Given that the new owners of the property, BE-ECO, LLC, have proposed a similar development plan, retaining the former site plan compliances while decreasing impacts from water use and building height, as well as committing to continued communication and cooperation with the Town, DPEM considers the proposed site plan amendments a matter for local determination.

Yesterday afternoon DPEM received material from Willingham Engineering, consultants to the Basha Kill Area Association, with detailed comments on the amended site plan submission and a preliminary biodiversity assessment of the site prepared by the environmental research organization Hudsonia. The Hudsonia report raised the potential for adverse impacts to a number of species of conservation concern present in the area. Wildlife diversity in the Basha Kill is important both ecologically and economically, as the resource is a major regional attraction for hikers, birders and other outdoor enthusiasts, and impacts to this resource rise to the level of countywide and intermunicipal concern. Consequently, we recommend that the Planning Board work with the applicant on such mitigations as are reasonable and feasible, particularly those suggestions made concerning correcting the floodplain boundary, reflagging the wetland boundary, and revising the stormwater management plan to ensure adequate runoff attenuation and water quality treatment, and to avoid pollution of the stream system. Special consideration should be given to the comment made by Andrew Willingham, PE regarding the potential for the western greenhouses to bypass the stormwater management system and drain into the wetland. Additionally, the recommendation from Hudsonia to manage the undeveloped field habitat as shrubland through a targeted mowing regime would not impose a burden on the applicant.

If you have any questions or concerns, please contact me at 845-807-0527.

Sincerely,
Freda C. Eisenberg, AICP
Commissioner
cc: Catherine Owens, Legislator

Dragon Springs (DS) Still Has Not Received Area Variances from Deerpark’s Zoning Board of Appeals (ZBA)

Paula Medley

On March 16, Deerpark’s ZBA postponed voting on DS variances, citing need for additional technical data from the town’s consulting engineer and highway superintendent. However, this elusive vote may ensue at the ZBA’s April 20 meeting.

As background..., see DEC’s variance remarks in the accompanying 12/30 letter, entitled Response on DEC’s Jurisdiction. In February, DS temporarily withdrew its requested variance to build an 8 ft. high fence around applicant’s entire 392-acre property. Additionally, DS “modified” its driveway width and grade variances. These modifications generated a written public comment period, during which the BKAA engaged engineer Andy Willingham, while Deerpark Rural Alliance commissioned attorney John Lyons (see Willingham’s 2/14 correspondence).

Lyons echoed many of Willingham’s points, but also emphasized that the ZBA cannot approve these variances yet as Deerpark’s planning board (board) has not made an environmental determination on DS’ site plan, which is currently before the board. Since the board has already declared itself lead agency for site plan review, only it can make the environmental determination and the ZBA, as an involved agency having no environmental determination authority in this instance, must first await the board’s decision before acting on the variances.

We’ll keep members informed of this ever-evolving scenario.
Response on DEC Jurisdiction of Dragon Springs Relating to Variance Request

New York State Dept. of Environmental Conservation
Region 3 Main Office
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3033 | F: (845) 255-3042
www.dec.ny.gov

December 30, 2016

Alfred A. Fusco, Jr., P.E.
Fusco Engineering & Land Surveying P.C.
233 East Main Street
Middletown, NY 10940

Re: Dragon Springs Monastery
DEC Facility ID: 3-3328-00150
Town of Deerpark, Orange County

Response on DEC Jurisdiction

Dear Mr. Fusco:

I apologize for the delay in the response. The Department of Environmental Conservation has reviewed the information provided on behalf of the Town of Deerpark regarding a number of variances being requested by Dragon Springs Monastery, received August 12, 2016. While the Department does not have jurisdiction over the four variance requests, Department permits may be required for associated actions proposed.

The four area variances which Dragon Springs has requested are:

1. A variance regarding the driveway grade. The variance is stated to be associated with the bridge for the driveway.
2. A variance to allow a driveway width.
3. A variance to allow a boundary fence of greater height.
4. A variance to allow an internal fence of greater height.

DEC jurisdiction and comments are as follows. By copy of this letter, the applicant is also made aware of these jurisdictions.

Protection of Waters - Stream Disturbance

With regard to the first variance request, the referenced bridge was constructed following issuance of DEC permit 3-3328-00150/00017 but was not constructed in compliance with that permit. DEC is currently engaged in an enforcement action regarding this matter, through the DEC Office of General Counsel. DEC Bureau of Habitat staff have concerns that the steel beams which were installed under the bridge significantly reduce the clearance. Dragon Springs has asserted the bridge will pass more water than the previous structure, however their assessment does not appear to include the potential for debris building up and blocking flow. In the experience of DEC Habitat staff, debris blockage is a significant issue during and after major storm events which can cause damage to the stream bed and banks as well as potential flooding of adjacent roadways and properties.

With regard to the third variance request, as previously stated in the DEC’s June 27, 2016 response on jurisdiction, the proposed boundary fence may include disturbance to the bed or banks of seven streams, four of which are protected. DEC staff have determined that it is unlikely that fence installation in the bed or banks of the streams would meet permit issuance standards. Where the fence is proposed parallel to a stream, particularly in areas of steep slopes such as the banks of the Neversink, the fence should be proposed off of the bank, beyond the first break in slope. Where the fence is proposed perpendicular to the stream, it will need to be constructed in a manner such that it does impede flow or become a trap for debris, effectively damming the stream.

Threatened and Endangered Species

As previously stated in the June response, the Dragon Springs site contains or is near known occurrences of the five state- and federally-listed species. The proposed fence associated with variance three would be in close proximity to two known nests for bald eagle. Details will be needed for a determination on the need for an Environmental Conservation Law Article 11, Title 5 permit for Incidental Taking of an Endangered or Threatened Species.

At a minimum, all projects on this property will need a time-of-year restriction on treecutting to avoid a taking of northern long-eared bat. The required restriction on treecutting for bat species allows tree removal only from October 31st to March 31st.

Other Issues

As previously stated in the June response, consideration should be given to the potential impact of either fence on the natural movements of small mammals on, near, or through the property. Impacts on natural resources of the state will be an element of meeting permit issuance standard for Protection of Waters.

State Environmental Qualify Review (SEQR)

As previously noted in the June response as well as the May 25, 2016 Notice of Incomplete Application, DEC requests clarification from the Town and applicant as to whether the proposed security fence is part of this overall project described in the SEQR Environmental Assessment Form. Neither was listed in the project description on the revised EAF but are shown on the plans and this appears

DEC JURISDICTION continued on page 39
Aerial View of the Dragon Springs Complex Sited on the Shawangunk Ridge
Andy Willingham’s Rebuttal of Dragon Springs’ Revised Variance Application

February 14, 2017

Mr. Daniel Witt, Chair & Zoning Board Members
Town of Deerpark Zoning Board of Appeals
420 Route 209
PO Box 621
Huguenot, NY 12746

Re: Dragon Springs Buddhist Monastery
Galley Hill Road
Town of Deerpark, New York

ZBA Application - Multiple Area Variances Requested

Dear Chairman Witt & Members of the Zoning Board:

We appreciate the Board’s consideration of our prior comments dated August 5, 2016, submitted on behalf of the Basha Kill Area Association (BKAA). As you know, the BKAA and many residents of Deerpark continue to be concerned with Dragon Spring’s well documented history of noncompliance with rules and regulations.

We have reviewed the following supplemental/revised information provided by the Applicant:

• Burke, Miele & Golden Letter to the ZBA dated 02/01/17 (mistyped as 02/01/16)
• Exhibit No. 5 - North Entrance Resizing Plan prepared by Kajjin Liang dated 01/31/17
• Exhibit No. 6 - Proposed Profile For North Entrance prepared by Kajjin Liang dated 01/31/17
• Exhibit No. 6A - Alternative Profile for North Entrance prepared by Kajjin Liang dated 01/31/17

On behalf of the BKAA, the following comments relate to the area variances sought:

Driveway Grade Variance - Raise Galley Hill Road

The Town of Deerpark Zoning Code §230-16(E)(7)(c) requires all driveways to have a negative 2% grade within 50’ of the centerline of the traveled way of the street, or within 25’ of the property line, whichever distance is greater. The Applicant requests a variance to allow a negative grade of 2% for the first 20 feet off driveway, then increasing to positive 5%.

The Applicant proposes to raise Galley Hill Road approximately 1.8’ feet to allow a negative grade off Galley Hill Road. Raising a roadway nearly 2 feet in height is a substantial improvement and it is not clear whether the Applicant or Board has considered the full scope of that proposal. Although this improvement may alleviate some of the grade variance concerns in the immediate vicinity of the Dragon Springs entrance, it creates several other issues. First, an abrupt bump in the road can be dangerous if not transitioned a sufficient distance in either direction. It is estimated that a minimum of 200 feet in either direction both east and west along Galley Hill Road is needed to transition the “bump” in a safe manner. The increase in road height also raises shoulder heights, ditch heights, and will likely result in tree clearing, relocation of utilities, modified road embankments, resetting drainage culverts, etc. The Applicant essentially proposes to reconstruct 400 +/- feet of Town Road.

To properly assess the impacts of this proposal, road improvement plans must be provided including road profiles, grading, drainage, utilities and other features affected by the work. These must demonstrate conformance with town highway specifications. A note on Exhibit 6 simply states “overlay pavement transitions to the existing pavement on Galley Hill Road shall be designed to meet Town Codes.” The design information furnished is far from adequate.

Furthermore, a detailed construction cost estimate must be supplied. In the event that the Applicant does not complete the improvements for any reason, the amount must cover the Town’s cost to prepare construction plans, bid documents, procure a contractor in accordance with State requirements and conduct construction inspections. The funds should be provided via a Letter of Credit to allow the Town to draw the funds without legal action. This improvement to Galley Hill Road, proposed by the Applicant as a result of their own errors, must not place any financial burden on Town of Deerpark residents.

Also of concern, the Applicant is requesting “that the variance be granted with a condition that such variance is only effective if the Town agrees to raise the roadway ...” We disagree with this proposed sequence of events. The Applicant should prepare the Road improvement plans and obtain approval from the Town Board and Highway Department prior to the granting of the variance.

As detailed above, the proposed variance will have an adverse impact on the physical and environmental conditions in the neighborhood by creating a dangerous bump in the road for vehicles traveling along Galley Hill Road. Significant additional information must be produced to demonstrate this impact has been mitigated. Financial safeguards must also be put in place to prevent the Town from incurring any improvement costs.

Driveway Grade Variance - Alternative Plan

The Town of Deerpark Zoning Code §230-16(E)(7)(c) mandates that all driveways have a negative 2% grade within 50’ of the centerline of the traveled way of the street, or within 25’ of the property line, whichever distance is

DRAGON SPRINGS RESPONSE continued on page 38
greater. For the Alternative Plan, the Applicant requests a variance to allow a negative grade of 2% for the first 20 feet off driveway, then increasing to positive 10%.

As an alternative to the Proposed Plan, the Applicant intends to generate a negative 2% pitch off Galley Hill Road, then abruptly change to a 10% positive grade, then abruptly change to a flat grade at the bridge - all within a distance of 60 feet. Two dramatic grade alterations changes in this short distance has the potential to cause vehicles to "bottom out", particularly larger vehicles with low ground clearance such as fire trucks and ambulances. Our preliminary investigation indicates that a standard pumper fire truck will in fact bottom out with the proposed configuration. Not only can bottoming out cause damage to the fire truck, the latter can also get lodged on the driveway surface and become immobile, preventing access to the site.

For the Board’s information, vertical curves are used along roadways and driveways to gradually transition from one grade to another. The Applicant proposes an instantaneous change from negative 2% to positive 10% (14% change in grade) with no vertical transition curve. Similarly, the transition at the bridge from positive 10% grade to the flat bridge deck occurs over only 20 feet with a vertical curve “k” value of 2.0. We consider that change in grade to be extremely abrupt as well. The Applicant must demonstrate that emergency vehicles can safely navigate the “Alternate Driveway” as designed. This verification must be provided in the form of vehicle sketches on the driveway profile showing vehicle size, wheel base, ground clearance, etc.

As detailed above, the proposed variance will have an adverse impact on the physical and environmental conditions in the neighborhood by creating a driveway access that is impassable for emergency vehicles.

**Driveway Width Variance**

Local Law 2-96 requires a maximum driveway width of 50’ for a single combined entrance or exit for commercial uses. The Applicant requests a variance to allow a width of 83.25’.

The Applicant has revised the design to include a 50 foot wide paved entrance with an additional 16-17 foot wide area of grass pavers on either side of the entrance (total width remains at 83.25’). A mountable curb is provided to enable vehicles to utilize the paver area. It is not clear how this proposal differs materially from the previous one since the full 83.25 foot width remains accessible by vehicles.

The Applicant continues to claim the increased driveway width is needed for safety purposes - to accommodate fire truck movement. However, as demonstrated in our previous 08/05/16 letter to the Board, the Applicant’s own Exhibits proved just the opposite. Exhibits 1 and 2 indicated that a substantially reduced driveway entrance width would be sufficient. The Applicant still has not shown that the enhanced driveway width is needed to accommodate fire truck access.

Also, maintenance and ownership of the grass paver areas is a concern. Although the Town right of way boundary is not shown on Applicant’s Exhibits, the road, shoulder and area proposed for grass pavers are likely located on Town owned property. Grass paver areas are known to be heavy on maintenance and difficult to snow plow. The Town should not be held responsible for the ownership and maintenance of the unnecessarily wide driveway. The Applicant must either reconstruct an entrance that meets Town code or justify that the additional width is needed.

This variance request is substantial and was self-created by the Applicant. The benefit sought by this area variance can be obtained by a feasible method other than the variance, since the driveway entrance size can be reduced to 50 feet. That width is ample to allow fire truck access.

**Bridge Width Variance**

The Applicant requests a variance to allow a 15'-6” wide bridge where a 13'-4” one was permitted by the Town. The arguments stated in our previous 08/05/16 letter to the Board remain valid. A 13'-4” wide bridge is in fact capable of accommodating emergency vehicles. This variance is simply another example of the Applicant constructing improvements that do not coincide with the approved documents and/or legal requirements.

**Conclusion**

We recognize that the Applicant has revised their area variances in an effort to alleviate Board and public concerns. Unfortunately, the proposed modifications trigger substantial issues and adverse impacts of their own. Based on the above, the proposed Dragon Springs variances do not meet the legal criteria for area variances and therefore should be denied by the Zoning Board of Appeals.

Please don’t hesitate to call with any questions.

Sincerely,

Andrew Willingham, PE
Willingham Engineering, PLLC
NYS Professional Engineer No. 083984

cc: Gary Spears, Town Supervisor, Town of Deerpark
    Daniel Whitehead, Region 3 Permit Administrator, NVSDEC
    Rebecca Crist, Region 3 Deputy Permit Administrator, NVSDEC
    Glen Plotsky, Attorney, Town of Deerpark
    Al Fusco Jr., Consulting Engineer, Town of Deerpark
    Paula Medley / Basha Kill Area Association
    Deerpark Rural Alliance
    Friends of the Shawangunks
40 YEARS: HISTORY OF THE BKAA

By Buff McAllister

Continued from the Winter 2016 -17 Guardian

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 amounts 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!

DEC JURISDICTION

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to be a separate coordination for the variances. If they are all part of the same project, then application for any required permits must be made in conjunction with the application for State Pollutant Discharge Elimination System (SPDES) and, if required, Incidental Taking Permit.

If there are any questions, please feel free to contact me at (845) 256-3014 or by email at rebecca.crist@dec.ny.gov.

Respectfully,

Rebecca S. Grist
Deputy Regional Permit Administrator

Ecc: Kaijin Lin, Dragon Springs
Jennifer MacLeod, Orange County Dept. of Planning
Town of Deerpark Planning Board
Brian Drumm, NYSDEC Bureau of Habitat
Lisa Masi, NYSDEC Bureau of Wildlife, Region 3
Lara Quintiliani Olivieri, NYSDEC Office of General Counsel

TELL A FRIEND ABOUT THE BASHA KILL AREA ASSOCIATION!

Have your friends fill out this coupon for membership or more information:

P.O. Box 1121, Wurtsboro, NY 12790

Yes, I’m interested in the environment and wish to become a member of BKAA. Enclosed is:

_____ $10.00 for individual membership  _____ Other Donation  _____ Please send more information

Name __________________________________________________ Phone ____________________________

Address ________________________________________________ Email _____________________________

(for action alerts)
The redesigned BKAA website is here!

Check it out:

www.thebashakill.org

for our wonderful new design that is user friendly, packed with content and filled with beautiful photos.