



Mountain Watch

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Breaking News:

Judge Calls for Adjudication of 12 Resort-Related Issues

Resounding Victory for Mega-Resort Opponents

"It is the preservation of this unique experience of the primeval, untrammelled earth and its community of life, and the opportunity for solitude which it affords, that must be the touchstone for the present environmental impact analysis." As well as anything, these words by Administrative Law Judge Richard R. Wissler surely explain why the judge ruled, point by point, that a dozen issues raised by opponents of the proposed mega-resort at Belleayre must be adjudicated in a trial-like proceeding as the next step in the

environmental review of the resort project.

The judge's ruling—and his eloquent words—stand as a ringing endorsement of the proposition that the Catskill State Park and Forest Preserve and the villages and hamlets that are part of it constitute a special place that must be protected. And they assert that a careful, deliberate, detailed, and accurate environmental review is necessary to ensure that protection. Moreover, according to lawyers involved in the case, the ruling articulates arguments that go beyond this specific case and strike a blow for wilderness protection everywhere.

Kudos to the Catskill Preservation Coalition (CPC), representing 11 member

organizations—including the Catskill Heritage Alliance—for undertaking the legal challenge, to the Coalition's Albany-based legal team of Marc Gerstman and Cheryl Roberts—with of-counsel assistance from Eric Goldstein of the Natural Resources Defense Council, and to all of you whose financial help has brought us this far. We're now in a position of strength to take this fight to a resolution we can all live with. Give us your help to finish the job. Please use the coupon on the back of this newsletter to send us your contribution.

You can see the complete ruling by Judge Wissler at our website: www.CatskillHeritage.org.



Cleaner Water

At the Pepacton Reservoir August 21, volunteers in the fourth CHA-sponsored waterway clean-up of 2005 collected 33 bags of trash plus assorted other items, some of which are shown here. We still have to go back for the 100-pound tank we couldn't budge on our own.

CHA's Role into the Future

by Chris Hutson

In 2005, on what was effectively its fifth birthday, CHA undertook an effort to help determine the group's long-term role in the community. A group of 10 volunteers formed an exploratory group that met throughout the winter. Speakers with expertise in many areas of community planning spoke with the group. Opposing visions for the future of the Central Catskills were developed and discussed. After identifying the qualities that make this area an attractive place to live and visit, the group developed a set of five-year goals for CHA which could best help fortify the positive qualities of our community. Out of these long-term goals, the group compiled a set of focused projects for 2005 to begin to build a strong base for CHA's future work.

The group identified two main attributes of the Central Catskills that make this area both unique and precious. It is one of the last intact ecosystems in the Northeast where people, animals, and other nature live in relative balance. The other attribute is the vitality, mixture and friendliness of the people who call this area their home or choose to visit. The rampant development that is at this area's border threatens both **unless** (a very important "unless") certain

basic tenets respecting balance, scale, and a respect for our last refuge of nature are defined and promoted.

At the heart of the long-term goals is to raise the community's awareness of the special issues and needs of life within the boundary of the Catskills Park—that is, "within the Blue Line." Many issues are different within the Blue Line from the way they are outside the Line. Within the park, we have the responsibility to preserve a balance for the benefit of all who come here to enjoy and reconnect to Nature. We are the stewards of that balance.

The needs of local businesses were of central concern to the group. Protecting the unique balance of our area is both beneficial to local businesses and an important issue for a majority of local business owners. There are businesses of a scale and nature that may be appropriate for other areas that are not appropriate within the Blue Line of the Catskill Park.

Many of our first-year goals have already been accomplished. We have sponsored several very successful clean-ups of the areas reservoirs. We have participated in many local events to spread our central message. We have formed a cross-section of business owners to write a "Business Blueprint" describing how busi-

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Below The Salt: Animals, Plants Take a Beating From Road De-Icers

Thoughts of winter may be an unwelcome intrusion on these warm, late-summer days, but the truth is that the first snowfall isn't that far away. Just behind it, of course, will be the snowplow, spewing forth its load of road salt to melt the snow and ice and make the roads passable and safe.

Scientists are now learning, however, that what may be safe for humans is harmful and in some cases downright deadly for other living things—like plants and animals large and small. Road salt has been blamed for the death of trees that run alongside plowed roads—white pines are a typical victim—and very often, the native species of these trees then yield to an invasive intruder that spreads out of control. Deer are attracted by the salt—often to the point of colliding with vehicles. Runoff road salt can change the chemistry of waterways downstream as far as the ocean, draining minerals out of soils as it flows. Yet with few exceptions, there has been scant research on exactly how and to what extent all this road salt may be affecting our environment.

Amphibians Affected-Adversely

One exception that is particularly pertinent to our area is the research being done on the impact of road salt on amphibians, a class of animal already in decline globally. *MountainWatch* talked recently to a key researcher in the area, Nancy E. Karraker of the SUNY College of Environmental Science and Forestry, about the wood frogs and spotted salamanders that are the special focus of her studies—and that are important denizens of Catskills woods and wetlands. The spotted salamander in fact, which boasts a regionally significant population within the Catskill state park and forest preserve, is on the state list of “special concern animals”—defined by the state's environmental law as “any native species for which a welfare concern or risk of endangerment has been documented in New York State.”

The risk to the spotted salamander, says Karraker, is one of survival. In field and lab tests using ecologically relevant doses—a way of mimicking the concentrations of road salt that might actually find their way into the seasonal wetlands, called vernal pools, in which the salamander breeds—she found that an “average level of concentration” of road salt lowered the salamander's survival rate by 30 percent. At the highest level of concentration—and Karraker says she has seen such

concentrations in the wild—the survival rate is reduced by 80 percent. “Not every vernal pool receives the highest concentration of road salt,” says Karraker, “but a lot receive the average.” It doesn't bode well for the salamander.

For wood frogs, the numbers are a bit less disastrous. Karraker found a survival reduction only in pools with the highest level of concentration of road salt, although the reduction she clocked was a substantial 45 percent, and it affected both eggs and tadpoles. The impact on wood frogs is therefore “consistent,” says Karraker: “decreasing survival in the eggs and a bit more so in the larvae.”

Only green frogs, which breed in beaver ponds and bigger wetlands, escape the danger altogether, showing “no effect” of road salt. “These are hardy creatures,” Karraker explains. “Like most animals that cover a broad range, they tend to be able to tolerate well. They live in the pond full-time, and as tadpoles they have to make it through a tough winter living in the muck at the bottom. So they are really pretty sturdy.”

What's the Harm?

That is small consolation, however, to the less robust orders of amphibians, the most primitive of the vertebrates, with their extraordinary ability to inhabit both water and land. As to why the not-as-hardy amphibians are so dramatically affected by road salt, there are only theories so far. Amphibian skin, through which the animals both breathe and drink, is “highly permeable,” in Karraker's phrase; the tiniest molecule can go through it. She suggests the possibility of an osmotic imbalance—pure water within the animal and salty water outside. Particularly at the tadpole stage, she posits, this imbalance may be causing the pure water may “to be lost at a faster rate than normal.”

Whatever the process, it's not hard to see where the harm may come from. Road salt isn't just the sodium chloride we sprinkle on eggs and popcorn. To keep it from caking up, it also contains sodium ferrocyanide, which, among other things, is the main component used in manufacturing inks, paints, and laundry blueing; is used in photography, tanning, explosives, and metal treatments; and serves as a fire suppressant and anti-corrosive. It certainly doesn't *sound* good for the environment—not to mention the fact that the cyanide portion of ferrocyanide is “definitely detrimental to amphibians and fish,” in

Karraker's words.

Dueling Public Interests

The dilemma, of course, is the duel between competing public interests: the very real need for safety on the roads during the long winters we experience here in the Northeast, and the equally compelling need to protect our ecosystem's biodiversity, the best hedge humans can have against a range of natural disasters. Karraker, who is based in long-wintered Syracuse, New York, certainly understands the dilemma and pronounces herself “sympathetic” to the Department of Transportation, which has few alternatives to fall back on. The two other most commonly cited road safety options are compounds of magnesium chloride or calcium chloride. But where sodium-chloride road salt costs about \$40 per ton, these and other alternatives run anywhere from \$400 per ton to \$700 per ton—not a good choice for already strapped taxpayers. Moreover, none of the alternatives have been tested in ecologically relevant environments, Karraker claims; they could be just as harmful as sodium-chloride road salt and therefore not viable options for environmental protection at all.

In short, in Karraker's view, there is simply “no good alternative” at this time to the de-icing capabilities of common road salt. Some drivers, to be sure, would actually prefer the frictional force of sand on snow pack to cleared roads with patches of snow and obscured spots of black ice, but most highway departments don't seem to see things that way.

Canada, however, which uses nearly five million tons of road salt per year, recently declared the stuff “toxic” and harmful to the environment; the nation has undertaken a huge program of salt management planning to reduce the adverse impacts even as it reforms its practices of salt application and storage and of snow disposal.

On a farther horizon, Karraker reports on a researcher in upstate New York who is working on materials that may simply make road surfaces more “meltable;” while such surfaces would probably not be practicable nationwide, says Karraker, they might work “around sensitive wetlands—for example, on bridge surfaces.”

Individual Actions

What can individuals do right now to lessen the adverse impact of a commodity that is a common household item during

Below The Salt (from page 2)

the Catskill winter? Offers Karraker: "Concerned citizens need to think about what is essential use and what isn't. It's true that the amount of salt one person spreads on a driveway is just a little bit, but if we all apply 'just a little bit,' it adds up." Her own contribution to the welfare of the amphibians she adores is to get through the Syracusean winters without using any road salt at all. "I just shovel," Karraker says.

How Much Road Salt?

The state of New York uses an average of 750,000 tons of road salt per year to keep state highways ice- and snow-free. That average splits the difference between the occasional unseasonably warm winter that lowers the curve, and a winter like 2004-2005, when 1.1 million tons of road salt were used, taking the curve way up.

Ulster County, at the heart of the central Catskills, uses an average of some 9600 tons of road salt in the course of a winter season. The content of the county's supply, however, according to a spokesman for Ulster's Highways & Bridges Dept., is only about one part sodium chloride to some three parts "screenings"—in Ulster's case, mostly sand.

What We Pay for the So-Called 'Benefits' of Development

Commercial developers pretty consistently recite a mantra of benefits their developments will bring to the public. Specifically, they promise a "multiplier effect"—i.e., that all nearby businesses will grow, thanks to the new development, and that the development will create new jobs. Above all, they promise tax relief through a sharing of the property tax burden.

The only thing wrong with these promises is that they rarely come true. Here's what the mayor of a town in New Jersey had to say recently about the escalating development he and his borough council have been unable to stop:

"The developers promise you everything," said Randy George, mayor of North Haledon, according to the *New York Times*, "but you must remember, they are there to make money. And as soon as they are gone, you're left holding the bag.

"Though they pay taxes," George went on, "they cost us money for services." George then ticked off a list of examples:

- The new, bigger fire truck that was needed
- The renovation of the existing firehouse to accommodate the new, bigger fire truck
- Additions to the police force
- Additions to the public works department

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- A new Jet-Vac machine to scour the sewer lines
- Most probably, a new elementary school—at an estimated cost of \$30 million, to be funded out of rising property taxes.

The bottom line, according to the mayor, has been a net loss to North Haledon—and a substantial spike in taxes for residents.

But there's even more to it than that, as New Jersey's experience demonstrates. It is the nation's most densely populated state, and although in recent years it has tried, probably too late, to slow development sprawl, the high cost of development has gotten even higher because there's virtually no open space left. The state has long been an object-lesson in what can happen when development is out of step with the environment. Now it is showing the rest of us that the costs of such thoughtless, inappropriate development are not just in the loss of our sense of place but are also a direct hit on our pocketbooks.

The *New York Times* article on North Haledon's development woes appeared August 17. <http://www.gsenet.org/library/11gsn/2005/gso50818.php>

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CHA's Role (from page 1)

ness and nature can both thrive within the Blue Line. We have had and are planning wonderful fundraising parties that have attracted new people to our ranks and will help finance the legal opposition to the Belleayre Resort project.

We have done much, but much yet remains to be done. The fun that occurs when we come together as a community to do important work is one of the best discoveries of this process. Any volunteers are welcome to join any of our efforts. A key goal is to involve as many people as possible in the fun of building a bright future with both a booming economy and a protected and respected natural world. We are modern pioneers.

If you are interested in volunteering to help CHA set its course for the future, please contact Chris Hutson at 845-254-4123 or chrishutson@mail.com.

What Goes Around...

In 1990, the town of Shandaken was presented with a proposal to create a "cultural arts zone" on 300 acres adjacent to Route 28 and Lasher Road in Big Indian. The project was to include a 250-room hotel, 900-seat theater, a conference center, restaurants, retail shops, and other facilities. The developer, who referred to the enterprise as "a small, little project," claimed that peak usage of the complex could reach 5,000, but he assured Town Board members that public activity would be limited to Route 28.

Local residents, however, rose up in protest, according to a June 7, 1990 report in the *Catskill Mountain News*. Among them were nearby property owners Dean Gitter and his wife, who presented a petition to the planning board claiming that the development would "adversely affect

the peace, tranquility, and environment of the valley." That is the same Dean Gitter who now proposes to dynamite and clear-cut Belleayre Mountain to build a megaresort including two 18-hole golf courses, two large resort hotel complexes, 351 time-share units, luxury homes, clubhouses, restaurants, bar, ballroom, conference facilities, retail stores, recreational facilities, activity centers, access roads, parking lots, maintenance buildings, waste treatment facilities, provisional stone-crushing mills, and temporary cement and asphalt plants to be used during the eight-year construction phase—after which Gitter has said he'll sell the whole thing to the highest bidder.

Talk about adversely affecting the peace, tranquility, and environment: we couldn't have put it better, Mr. Gitter...



**Catskill
Heritage
Alliance**

P.O. Box 88 Shandaken, NY 12480

www.CatskillHeritage.org

info@catskillheritage.org

“It is the preservation of this unique experience of the primeval, untrammelled earth and its community of life, and the opportunity for solitude which it affords, that must be the touchstone for the present environmental impact analysis.”

Administrative Law Judge Richard R. Wissler, ruling on issues for adjudication in the matter of the proposed mega-resort at Belleayre Mountain

The **Catskill Heritage Alliance** is a grassroots organization dedicated to preserving the harmony between the villages of the central Catskills and the surrounding

wilderness through community revitalization and open space conservation. We advocate a thorough environmental impact analysis of the mega-resort project in

accordance with state law, and we invite and would welcome your help in continuing the legal challenge against this development as now proposed.

We welcome your (continued) support!

Please find enclosed my donation to the Catskill Heritage Alliance.

- \$20 \$75 \$500
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 \$60 \$250 Other

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