



*Rochester Committee
for Scientific Information
Rochester, NY*

*RCSI Bulletin 162
The New York State Environmental Plan*

*By: Herman S. Forest
August 1973*

THE ROCHESTER COMMITTEE FOR SCIENTIFIC INFORMATION
P. O. Box 5236, River Campus Station
Rochester, New York 14627

Bulletin #162 (S)
Environmental Legislation

August 1973

The New York State
Environmental Plan
by
Herman S. Forest.

Background

Drs. George Berg and Herman S. Forest submitted statements during the hearings held by the New York State Department of Environmental Conservation (DEC) in preparation for drafting the New York State Environmental Plan. The hearing took place in Rochester on February 1, 1972 and their statements were reported subsequently in the Rochester Times-Union. The preliminary version of the Plan has now been prepared, and commentary sought toward its revision through public hearings and written statements. RCSI Director, Graham Cox, delivered the official statement of the Monroe County Environmental Management Council at the Rochester hearings on July 9, 1973, including specific portions prepared by two other directors and an additional member of RCSI.

This writing together with RCSI Bulletin #135(S) was submitted by the RCSI to the DEC as commentary on the Environmental Plan. Bulletin #135 was an adaptation of Dr. Berg's statement of Feb. 1, 1972. Dr. Forest's statement has been revised somewhat for this writing. Except where reinforcement is sought, the present statement avoids repetition of similar positions taken by others during the current hearings.

Summary of Statement

Dynamic Environmental Planning can be undertaken only with an adequate administrative organization. Written plans are of secondary consequence, since the State must continually revise them with the feed-back information from experience. The Department of Environmental Conservation is commended on its three-year record; however, it is not capable of effective environmental planning. The first limitation is simply budget and staff which are judged to be only half adequate for present undertakings. The more complex limitation is that the widely dispersed functions of environmental management remain notably in regional planning boards. The functions of information gathering and advisement are not integrated and are scarcely utilized; e.g. the State University, the Cooperative Extension Service, County management councils and local commissions, and citizens' groups. A full scale ecological inventory and universal environmental impact statement requirements are necessary mechanisms for formulating, revising, and executing plans.

Detailed Elements

1. The best of plans are sterile without adequate social machinery to carry them out. Good social machinery constantly makes and revises plans through response to feed-back information as experience is gained.

2. The environmental management machinery of New York is still seriously inadequate to achieve the level of environmental quality which the ecosystem could afford its citizens. The consolidation of environmental functions into the DEC has indeed resulted in notable achievements, but the present DEC has no control over major aspects of environmental management. This fact should be recognized in the realistic appraisal of any State Environmental Plan.
3. Even for its limited present functions the DEC is seriously understaffed and insufficiently funded. A doubling of its budget would be needed to accomplish its present undertakings satisfactorily.
4. There is a serious lack of continuity in the management agencies. On one hand, the county environmental management councils and local advisory commissions have little real place in State decisions. In contrast, the regional planning boards have some astonishingly sweeping powers and these are increasing. The regional boards are not responsible to DEC. Indeed, the planning and DEC regional boundaries are independent. Ironically, the staff skills of the two agencies could supplement each other to good advantage and economy.
5. Rational environmental decisions cannot be made without scientific information, but the need is not officially recognized. Ideally, every level of government should have skilled manpower at its call. Three principal sources in the State are the Extension Service, the State University, and citizens' groups. The pool is largely untapped for the lack of a serious effort to catalogue, organize, and use it. The State pays for its lack of imaginative organization every day. One example will suffice: The Environmental Facilities Corporation hired a Texas firm for monitoring when the laboratories of the State University were less than 20 miles away.
6. No rational plan can be made without a thorough knowledge of the State's natural environment. Yet, not only plans, but enormous changes (new towns, impoundments, highways, water lines) are being undertaken at a rapid rate, without an ecological survey. The type of survey needed occurred to some extent in 1920-1940 under the Conservation Department. Serious, extensive field work is desperately needed since aerial photographs and the derived computerized information are NOT adequate.
7. The environmental impact assessment and review procedure created for the National Environmental Policy Act of 1969 (NEPA) must be adapted to state and local jurisdictions. NEPA is probably the most significant environmental law of this era, and should be taken seriously. Successful application would be aided immeasurably by utilizing the pool of scientific manpower (see 5) and field survey information (see 6). However, the pitfall to be avoided first is the addition of one more administrative barrier to the present mound which a proposed action must face. Environmental impact procedures would be quite acceptable if a one-step approval procedure were developed for all local, state and federal jurisdictions. Relatively simple multiple office form and punch card procedures are adequate to industrial procedures which are at least as complex.
8. Public hearing procedures should be restructured somewhat. The volunteer professional is squeezed out by the citizen with time and the lobbyist with money. A special opportunity to be heard, even token support, would place highly regarded skills at the service of the State.

Two specific opinions are registered in regard to the preliminary Plan which has been issued:

a) State-wide zoning must be taken seriously to have significant effect. The present agricultural district legislation will not save necessary farmlands. Any major developer can afford to buy both land and environmental consultants to defend him.

b) RCSI agrees with other statements that no environmental plan worth the name can ignore the regulation of human population. Too many people do congregate from time to time in the wrong places.

Reference

- (1) George Berg. Statement to the New York State Department of Environmental Conservation. Feb. 1, 1972. RCSI Bulletin #135, March, 1972

