



*Rochester Committee
for Scientific Information
Rochester, NY*

*RCSI Bulletin 185
Environmental Management in New York State:
The Governor's Task Force Reports*

*By: George G. Berg
May 1975*

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

Bulletin #185

May 1975

Environmental Management in New York State:
The Governor's Task Force Reports
George Berg, Ph.D.

Summary

Improvements in environmental management in New York State were proposed to Governor Carey in a report submitted by the Transition Task Force on the Environment on March 15, 1975. The report criticized the outgoing administration's choices of commissioners or board members for some key environmental agencies, including the Council of Environmental Advisors, the Adirondack Park Agency, and the Catskill Study Commission; the Governor was urged to choose replacements on the basis of qualifications in environmental management. Many other agencies created by the previous administration, such as the Environmental Facilities Corporation, were listed for elimination or transfer, so as to put environmental problems directly under the care of the Department of Environmental Conservation (DEC). The report contained drafts of proposed State laws that would give the DEC more adequate powers of preserving the State's natural resources, and would allow citizens to seek injunctions against environmental damage. Advice was given on improving the cost-effectiveness of environmental agencies, and on improving administrative efficiency by changing all state agency districts to a uniform pattern. Policies for energy conservation and electric power production were presented in detail. The RCSI was represented in the Task Force, and the report is summarized in this Bulletin.

Background

A Transition Task Force on the Environment was organized on December 18, 1974, to supply information and advice to the Governor-elect of New York State, Mr. Carey. The Governor had to make major environmental decisions on a tight schedule; the legislature of New York State was about to open its 1975 session on January 8, and the new administration had to be ready with a budget proposal, spelling out the environmental activities of the State government for the coming year. Other urgent decisions included choosing new heads for various environmental management agencies and preparing new environmental legislation.

The Task Force on the Environment was a voluntary group of thirty-three people from outside the government, chosen for their practical experience in various environmental activities in New York State (conservation, law, management, health, safety, and education). The chairman, Peter Berle, is an attorney who served as an assemblyman in the New York State legislature, where he was a leading conservationist. Task Force members were drawn from the National Resources Defense Council, Citizens for Clean Air, Environmental Planning Lobby, the Rochester Committee for Scientific Information, the New York City Bar Association, the American League of Anglers, the Sierra Club, labor unions, local environmental councils, the power industry, and university faculties. The group

was divided into committees. While each worked on its assigned problem area, the Task Force provided information and advice to the new administration during the first few months in office. Within four months the work of the committees was finished, a report was presented to Governor Carey, and the group was disbanded. The cost of the entire operation was paid by the members or by the organizations they represented. The RCSI paid for air fare to two committee meetings for its representative.

This Bulletin summarizes the contents of the "Report to the Governor of the Task Force on the Environment", dated March 12, 1975. Each numbered entry is the work of one committee. Copies of the full report may be requested from the secretary of the RCSI.

Environmental Management in New York State

1. Land Use Planning

a) Problem of management of critical resources. The State is losing natural resources to development, although there is ample room for development outside of critical areas. Development should be restricted (1) in areas where property would become inordinately difficult to maintain after it has been developed and sold, because of such problems as flooding and erosion, and (2) more importantly, in areas on which the rest of New York State depends for critical uses, which are destroyed by development. Examples of critical uses are flood management, through preservation of unobstructed floodways, floodplains and wetlands; purification of runoff by marshes and by aquifer recharge areas; food and fodder production on prime agricultural lands; lumber production; wildlife conservation; and outdoor recreation.

Up to the present, some critical areas have been protected by purchase as State lands (see RCSI Bulletin #170 on the use of Environmental Bond Issue funds); in one area, the Adirondack Park, the use of private lands came under the control of a park agency (see Par. 4, below); and there was a small subsidy in the form of decreased taxes and insurance rates for landowners who helped preserve farmlands and floodplains (see RCSI Bulletin #172 on Flood Insurance). Most of the critical areas in the State were not adequately protected.

b) Proposed law. A model law, called the "Critical Resources Management Act", was drafted for consideration by the State Legislature. Under this law, the Department of Environmental Conservation (DEC) would recommend critical areas to the Governor. The Governor would designate the areas, explaining why they had to be protected and what standards had to be followed in managing them. Local government would have six months to adopt appropriate regulations, and to take over their enforcement; otherwise, the management of the critical area would be taken over by the DEC. The draft law provided for public hearings on the proposed regulations, and also for citizen suits, and for stopping unauthorized development by injunction.

c) The coordinator for this report was John H. Adams, Executive Director of the National Resources Defense Council.

2. Government Operations

a) Funds for environmental management. The committee went over the 1975 DEC budget item by item, and found that the agency could justify every proposed expense, but had no overall cost-benefit assessment that would compare one kind

of expense with another (the work of the DEC and its budget for 1975 was clearly presented in the official report, "*Department of Environmental Conservation Overview*, November, 1974" which is available on loan from the Secretary of the RCSI). Overall, there was not enough money to pay in full even for those services that the Department is supposed to deliver under existing state laws. The committee recommended that the DEC use cost-benefit analysis to compare the effectiveness of different Departmental programs. Other recommendations asked for the DEC to prepare a review of existing environmental laws and regulations; to report on the way the Department carries out each responsibility assigned to it by law; and to recommend changes in laws that would make for more efficient environmental management in the State.

b) Elimination of special governmental agencies. Over the years, the Legislature has created some three dozen special agencies (corporations, councils, commissions, authorities) in addition to the established Departments of the State government. The Committee recommended a general policy of putting environmental management jobs under the authority of the Commissioner of the DEC, and of eliminating separate budgets for special agencies. Specifically listed for elimination were the Environmental Board, the Committee on Energy Policy, and the Atomic and Space Development Authority. The Environmental Facilities Corporation (EFC) was recommended for transfer to the DEC, where it would continue its job of getting public works built; but other DEC bureaus would decide on the location of landfills and supervise their clean operation.

c) Strengthening key environmental organizations. The Committee saw a need for a small, expert group that would evaluate the environmental activities of all government agencies, and draft long-range environmental policies for the Governor. This group could be put in place of the present Council of Environmental Advisors.

State laws will probably be passed to require environmental impact statements (EIS) for land development. The Committee recommended upgrading the Office of Environmental Analysis of the DEC and putting it in charge of EIS for the State.

Recommendations were made for strengthening the County Environmental Management Councils, and for establishing similar councils within New York City.

Environmental management would become more effective with no added expense, if all branches of the State government used the same district or regional boundaries for the administration of their environmental activities. The Committee recommended uniform districting specifically for the DEC, the Health Department, Health Systems Agencies, and regional planning agencies.

d) Urban environment. The need for environmental improvement is presently greatest in the cities. The Committee listed three areas where the DEC should be enabled to intervene more strongly: waste disposal, preservation of urban open space and wetlands, and transportation. The DEC was advised, however, that some environmental problems were handled better by other agencies. Examples were rat control, prevention of lead poisoning, and outdoor cultural activities. The report discussed ways of getting different government bodies to work together on such problems.

e) The coordinator for this report was John French III, secretary of the Law Committee of the Association of the Bar of New York City.

3. Energy Conservation

a) Stopping the waste of energy. The report listed ways in which energy is wasted in transportation, residential heating and cooling, lighting, manufacturing and agriculture. Corrective measures were proposed in each case: transportation controls; changes in taxes and subsidies (such as a higher registration fee for passenger cars not capable of delivering 20 miles to the gallon); new building codes (calling for information on the energy cost of buildings); financing and technical assistance for energy conservation by industry; and revised electrical rates (with discounts for off-peak consumption and no discount for bulk use).

b) New sources of electric power. Solid wastes and waste oil should be put to use as fuels. A program of energy recovery was outlined, starting in New York City and Syracuse.

Another advisory group (the Task Force on Coastal Zone Management) was making a study of offshore drilling for oil. That committee did not engage the problem of environmental hazards, except to recommend that no exploratory drilling should be allowed until an environmental impact study is done at the site.

There were two reports on nuclear power. The majority report was greatly concerned with future hazards. It advised the Governor to get trustworthy and impartial advice on the safety and reliability of nuclear power plants, and to stop new construction until he is satisfied that the plants will not put many lives in danger. This advice should not come from State agencies that already regulate and promote atomic power.

The minority report was concerned with past performance. It advised the Governor that atomic power plants have a record of generating electricity with far less environmental pollution and far less damage to human health than the plants that burn oil or coal. Nuclear fuel was seen as a better choice than fossil fuel for any new power plants, at least until fossil fuel technology catches up with the cleanliness and health safety of atomic fuel.

New ways of using coal for fuel were listed for support by state agencies. They ranged from putting scrubbers on smokestacks of existing plants, to conversion of coal into cleaner fuels.

c) The coordinator of this Committee was Fred C. Hart, former Commissioner of Air Resources of New York City.

4. Adirondacks and Catskills

a) Adirondack Park. The report presented a program for improving the management of the Adirondack Park area. The Park is a great and irreplaceable resource for wildlife preservation, game management, forestry, and outdoor recreation. The Private and State Land Plans managed by the Adirondack Agency are recognized worldwide as a new and excellent way of preserving a natural area for public benefit. The program is, however, still in a development stage, and can fail. The greatest pressures are coming from land subdividers who would degrade most of the park into a "second home" resort area. These interests are lobbying for the appointment of commissioners who favor development. The greatest weakness of the Adirondack Park Agency is the quality and competence of its commissioners. According to the Committee, the last person to be appointed

Commissioner was not qualified for the job, and four vacancies remain to be filled. The Governor was asked to select new commissioners from persons of stature, committed to work for the Park. The Legislature was advised to strengthen some of the management powers of the Park Agency.

b) The Catskill region. There is still time to save the Catskill region as a major outdoor recreational area and nature preserve for downstate New York. This was recognized by the State Legislature which created a Catskill Study Commission. The work of the Commission was criticized in the report. The Committee recommended replacing four of the members (including the chairman), and giving the new Commission a deadline to come up with a plan for land use and land management for the Catskill region.

c) The coordinator of this committee was Alfred S. Forsyth, attorney and member of the Board of Directors of Environmental Lobby.

5. State Parks and Land Acquisition.

a) Open inventories of State properties. Each government department should publish a list of its share of State-owned lands. The Committee was concerned with the best use of numerous parcels outside of the State Park System, State University lands, and highway rights-of-way. It recommended a program of converting surplus State lands to local uses for recreation and conservation, especially in or near cities.

b) Access to waterways and State lands. The report dealt with the problem of letting people get into recreational areas while keeping out cars and off-the-road vehicles.

c) Acquisition of land. Some of the State rules for buying land should be changed. The report urged the State to use the current recession period as an opportunity to buy and improve recreational lands, especially in areas nearest to cities.

The Committee supported the creation of an Erie Canal State Park by State law. This would be a system of local parks, trails and campsites extending the full length of the Barge Canal, with provisions to make canal waters clean enough for swimming. A model law was included (Assembly No. 9529, Feb. 11, 1974).

d) The coordinator of this Committee was Marian S. Heiskell, co-chairman of the Council on the Environment of New York City.

6. Other Committees

The covering letter by Chairman Berle summarized other problems considered by the Task Force.

a) Environmental legislation. The Committee on Legislation recommended the passage of two new environmental laws which are now being drafted by the DEC. One allows citizens to sue for injunction to stop environmental degradation. The second one extends Environmental Impact Statement procedures to all major projects in the State.

Other environmental areas in need of action by the Legislature were: (1) protecting fresh water wetlands; (2) placing Adirondack Park rivers in the Wild River system; and (3) giving the DEC powers to take violators to court, without depending on the Attorney General.

b) Siting of power plants and transmission lines. This is now in the hands of three different State agencies (the State Board on Electric Generation and the Environment, the Public Service Commission, and the DEC) and is subject to three different laws. The confusion should be straightened out by placing the entire siting procedure under one set of regulations.

c) Winter Olympics. The coming Olympic games in the Adirondacks may be of great economic benefit to the Lake Placid area, but they can turn into an economic and ecologic disaster. The report recommended putting all Olympic development under the control of an Olympic Coordinator, retained by the DEC. The job would call for an architect with recognized expertise in winter sports and in conservation.