

ULSTER COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Dave Haldeman, Chair
Margot Becker, Vice-Chair
Kenneth Panza, Secretary

Minutes for the EMC Meeting of December 9, 2020

A quorum present, the regular meeting of the Ulster County Environmental Council was convened by Zoom video conferencing at 6:35 PM by David Haldeman, Chair. Meetings of the EMC are open to the public. Please notify the secretary or the chair to obtain Zoom login instructions and passwords.

Municipal Members Present

Mark Ellison, Town of Esopus
Dave Haldeman, Town of Shawangunk
Emilie Hauser, City of Kingston
Jim Mays, Town of Olive
Mary O'Donnell, Town of Saugerties
Kristen Schara, Town of Hurley
Simon Strauss, Town of Olive

At Large Members Present

Kenneth Panza

Department of the Environment

Amanda LaValle, Coordinator
Nick Hvozda, Deputy Coordinator

Guests

Dr. Linda Rohleder, Director of Land Stewardship and Coordinator of the Lower Hudson Partnership for Regional Invasive Species Management (PRISM)

Announcements

The New York State Association of Conservation Commissions (NYSACC) will hold its annual "Conference on the Environment" via Zoom on Tuesday, December 15th, from 9 AM to 1 PM. The NYSACC annual meeting will begin at 1:30 PM to 3:00 PM and run independent of the DEC meeting.

Approval of Minutes

Minutes of **October 28, 2020** meeting of the EMC were presented, discussed, and approved by unanimous consent.

Speaker/Presentation

Dr. Linda Rohleder is coordinator of the New York State Partnership for Regional Invasive Species Management (PRISM) in the Lower Hudson Valley, a partnership of more than 50 organizations and agencies that plans and conducts a regional strategy for invasive species management in the Lower Hudson.



Dr. Rohleder is also Director of Land Stewardship at the NY/NJ Trail Conference. She built the Trail Conference's Invasives Strike Force volunteer program starting in 2011. The program currently has trained over 400 invasives-mapping volunteers that have collectively surveyed more than 1,300 miles of hiking trails for invasive plants. She has organized dozens of invasives-removal workdays and runs a seasonal conservation corps crew that removes invasive plants in parks across southern New York and northern New Jersey.

(Slides from Dr. Rohleder presentation will be included when they become available.)

Yale Environment 360

The impact of introduced plants on biodiversity has emerged as a hot-button issue in ecology. At Yale Environment 360, science writer Janet Marinelli reports on how recent research provides new evidence that the displacement of native plant communities is a key cause of the collapse of insect populations and is affecting birds as well. Nearly half of the planet's land is now in some form of agriculture; 44 percent of planted forests contain non-native trees; and urban and suburban landscaping is rife with introduced species. As Marinelli writes, many insects depend on a limited number of plants for survival, so when native species are replaced it can have profound impacts on the insects that rely on them.¹

For years, Doug Tallamy sounded the alarm about the grave threat that plants introduced from abroad pose to native insects. By transforming native plant communities into so-called novel landscapes increasingly dominated by exotic species on which many insects cannot feed, the University of Delaware entomologist speculated, they imperil not only insects but also the birds and other animals that depend on insects for survival.

Doug Tallamy was the featured presenter at a Woodstock Pollinator Pathway event.²

Report from Department of the Environment

Amanda LaValle, Coordinator

Culvert Assessment Completed

Completed the inventory and assessment of culverts within the lower Esopus watershed and developed town-wide, municipal road-stream crossing management plans for the towns of Woodstock, Kingston, and Saugerties. The work was performed by the Ulster County Department of the Environment in partnership with Cornell Cooperative Extension of Ulster County. The management plans allow municipalities to identify priority culvert replacement projects that will

¹ Janet Marinelli, "How Non-Native Plants Are Contributing to a Global Insect Decline," Yale Environment 360, December 8, 2020, Available at <https://e360.yale.edu/features/how-non-native-plants-are-contributing-to-a-global-insect-decline>

² "Nature's Best Hope with Doug Tallamy," Woodstock Pollinator Pathway, YouTube video, October 8, 2020, Available at <https://www.youtube.com/watch?v=IH3g1du847g&feature=youtu.be>

improve flood resiliency, road infrastructure condition, and remove barriers to fish and wildlife passage.

UC Water Quality Coordinating Committee (UCWQCC)

The water quality committee will meet next week. On the agenda is a discussion about stormwater management and job creation for stormwater and waste water management

Ulster County Climate Smart Municipal Task Force

The Department of the Environment is proposing to create a task force consisting of individuals, municipal officials, and other stakeholders involved or interested in climate protection at the local level. The Task Force will engage with municipalities to advance climate adaptation and mitigation actions related to the CSC Program. A short write up on the proposal is attached to minutes.

Old Business

A8349 vetoed by Gov. Andrew M. Cuomo

Gov. Andrew Cuomo cited fiscal constraints in his veto of a bill to expand permitting protections to more streams in New York. The bill, NY A8349 (19R), would have required the Department of Environmental Conservation to review and permit disturbances on streams designated as “Class C” that support fisheries and non-contact recreation. Cuomo’s veto message states this would more than double the miles of streams subject to oversight by the DEC. “The workload on DEC alone, associated with reviewing, issuing and enforcing permits associated with disturbance of these resources, cannot be accomplished without adding significant numbers of full-time staff,” Cuomo wrote. “Moving forward... would lead to lengthy permitting delays, and jeopardizing the thorough and necessary review of all projects.”

Cuomo cites the existing of Soil and Water Conservation Districts as one avenue the state uses to address impacts on Class C streams from agricultural runoff and flooding. Riverkeeper, which heavily backed the measure, called the decision a mistake. “Half of New York’s streams are vulnerable to degradation and are not protected by DEC’s Protection of Waters Program, leaving them vulnerable to disturbance and destruction,” said Jeremy Cherson, the group’s legislative advocacy manager. “This veto was a mistake, since it is cheaper to protect streams proactively than spend far more later to restore them once the damage is done.” The measure faced opposition from farm and business groups. — Marie J. French, POLITICO, Weekly New York & New Jersey Energy

“Gov. Cuomo vetoes stream protection bill, siding with Republican legislators over 41 environmental groups”³

850 Route 28 LLC Site Plan / Special Use Permit Application

Nothing new to report. The project was not on the agenda for the October 19, 2020, Town of Kingston Planning Board meeting, and the November meeting was canceled with no agenda items. The next Planning Board meeting is scheduled for December 21, 2020.

³ Peter Mantius , “Gov. Cuomo vetoes stream protection bill, siding with Republican legislators over 41 environmental groups,” FingerLakes1.com, December 1m 2020, Available at <https://fingerlakes1.com/2020/11/28/gov-cuomo-vetoes-stream-protection-bill-siding-with-sen-omara-and-gop-legislators-over-41-environmental-groups/>

In March 2019, the Planning Board issued a Negative Declaration determination for Environmental Impacts, but after considering new information submitted during the summer of 2019, the Planning Board rescinded its determination in late August 2019. In December 2019, the applicant submitted a revised Environmental Assessment Form, which is currently under review by the Town Planning Board and interested public.

The Woodstock Land Conservancy and Catskill Mountainkeeper submitted consultant reports on noise impact, historical/cultural significance, and hydrological issues to the Town of Kingston Planning Board and continue to call for a Positive Declaration and a proper SEQR.

EMC has filed two letters with the Town of Kingston Planning Board encouraging a full SEQR review of the project.

Danskammer Energy Center

On November 17, 2020, Danskammer filed a fourth supplement to its Article 10 application in response to the September 8, 2020 deficiency letter issued by the chair of the Siting Board. A letter from Danskammer provides the dates and a brief explanation of the filed supplements. A copy of this letter is attached

Siting Board Chair Rhodes requested: “Please provide additional information to fully detail the Applicant’s proposal regarding the use of RNG(Renewable Natural Gas) and/or hydrogen, including: information demonstrating that the use of RNG and/or hydrogen is feasible at the Danskammer Facility; what if any reconfiguration and/or additional infrastructure would be needed to convert the Facility to RNG and/or hydrogen; whether the Applicant intends to commit to the use of RNG and/or hydrogen; and an explanation of how either RNG or hydrogen would qualify as a renewable energy resource and/or a zero emissions carbon resource within the meaning of the CLCPA and PSL §66-p.”

The Danskammer bi-monthly public involvement tracking report shows that Danskammer met with Town of Lloyd Supervisor Fred Pizzuto on September 2, 2020 and Ulster County Executive Patrick Ryan on August 25, 2020.

New Business

None

Legislature Report – Energy & Environment Committee

A special meeting of the legislature’s Energy & Environment Committee was held to discuss a \$50,000 contract to engineer the installation of new gas fired boilers at the Ulster County Jail. New York law requires engineering design and actual construction and installation be performed by separate, independent contractors.

Simon Strauss was approved by the Energy & Environment Committee as Olive’s representative on the Environmental Management Council.

Council Member Roundabout

Town of Gardiner

It was reported that the Gardiner Town Board dissolved its ECC with the expectation of reorganizing it at the beginning of next year. That action was rescinded. The Town of Gardiner zoning law requires an ECC review of applications before the Planning Board. Instead, the Town of Gardiner is considering establishing a Conservation Advisory Board .

Shawangunk, Dave Haldeman

The Shawangunk Environmental Council is involved in review of large parcel developments, but has no role with smaller developments and is looking to establish a process for small developments.

Saugerties, Mary O'Donnell

Correction to the minutes of the October 28, 2020 meeting of the EMC. The following sentence, "Submitted a report on the effectiveness of Eurasian milfoil management and removal" should read, "Submitted a proposal to the Town Board for a study on the effectiveness of Eurasian milfoil management and removal."

The Saugerties Climate Action Plan requires a yearly report to the Town Board. There are sixteen projects in the Climate Action Plan that should be included in this year's report.

The contract for Saugerties Community Choice Aggregation (CCA) is under review by the town's attorney.

Reviewed the CCA proposal with the Village of Saugerties Board.

Hurley, Kristen Schara

Town Board created a Climate Smart Task Force as a subcommittee of the Hurley CAC. Three members of the CAC, an interested citizen, and a town board liaison currently comprise the task force.

Town Board is considering revising the ten-year old comprehensive plan.

Olive, Simon Strauss

Town Board approved the CAC as the Climate Smart Task Force for the Town of Olive.

Considering a CCA local law.

Shokan will receive a new waste water treatment plant which will treat waste water from both Boiceville and Shokan, courtesy of the New York City DEP.

Esopus, Mark Ellison

Debate the role of a possible Conservation Board. Considering objections from the Planning Board. Open Space Plan has been included in the Comprehensive Plan.

City of Kingston, Emilie Hauser

Continuing a partnership with Bard College to study the affect on air quality due to wood burning stoves.

City of Kingston Common Council adopted the Open Space Plan
Looking at the question of becoming a Conservation Board.

Woodstock, Ken Panza

Completed the Natural Resources Inventory (NRI) and presented it to the Town Board, with the expectation that the board will formally accept the NRI by resolution at its next meeting.

Reviewed a proposal from Solstice Solar to participate in a joint marketing program for a community solar farm located in Westerlo, a town in Albany County.

2020 was a very productive year for WEC. Achieving Bronze certification and completion of the Natural Resources Inventory were huge accomplishments. Participation in the Pollinator Pathway project with the Land Conservancy, the Catskill Center, and Woodstock Transition enhanced WEC's reputation in the community. WEC did deep-dive evaluations of 100% Committed, Danskammer, and community solar and substantially engaged with an issue of illegal fill on a residential property.

Adjournment

Meeting adjourned at 8:41 pm by unanimous consent.

Respectively submitted,



Kenneth S. Panza, Secretary

Attachments

Department of the Environment, Climate Smart Municipal Task Force Proposal
Cover Letter, Fourth Supplement to Danskammer's Article 10 Application

Department of the Environment

Climate Smart Municipal Task Force Proposal

Ulster County Climate Smart Communities (UC-CSC) Committee (10/21/2020)

Opportunity:

UC Dept of Environment (DoEnv) serves a unique role as the CSC coordinator for government operations. In addition, the DoEnv has staffing and expertise to support municipalities in their pursuit of climate adaptation and mitigation actions, and in participation in the state-wide CSC Program. This proposal would leverage the capacity and expertise of the DoEnv to continue this work and support the UC-CSC Committee in achieving their goals and objectives.

Proposal:

At the next UC-CSC Committee meeting: create a subcommittee, the **UC CSC Municipal Task Force**, to be chaired by the Coordinator of the UC Dept of Environment or Designee. The **UC CSC Municipal Task Force** will meet regularly and independently of the main committee and will report to the main committee on a monthly basis. In addition to DoEnv staff, the committee will consist of individuals, municipal officials, or other stakeholders involved or interested in climate protection at the local level.

The **Task Force** will engage with municipalities to advance climate adaptation and mitigation actions related to the CSC Program. Activities could include, but not be limited to, the following:

- Completing actions under the CSC program (both the County and local municipalities);
- Working toward CSC certification/recertification (both the County and local municipalities);
- Actively seeking support for local municipalities through other partnerships, such as with academic institutions or the Boatbuilders, among others;
- Leading a “Climate Action Collaborative”: This collaborative model will provide a platform for group learning related to climate action planning and the CSC Program. Working sessions could support local municipalities in development of strategies for local GHG emissions reduction targets, identifying actions to achieve them through development of Climate Action Plans, and working towards Climate Smart Communities certification, among others;
- Accessing utility sponsored programs;
- Learning about and implementing NYSERDA programs and initiatives including the Clean Energy Communities Program

Brenda D. Colella
Partner

November 17, 2020

Electronic Delivery

Hon. Michelle L. Phillips
Secretary
New York State Board on Electric Generation Siting and the Environment
3 Empire State Plaza
Albany, NY 12223-1350

Re: Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County (the “Project”)

Case No. 18-F-0325

Fourth Supplement to Danskammer’s Article 10 Application

Dear Secretary Phillips:

On behalf of Danskammer Energy, LLC (the “Applicant”), please find enclosed for filing a redacted version of Applicant’s response to the September 8, 2020 deficiency letter (“Second Deficiency Letter”) issued by the Chair of the New York State Board on Electric Generation Siting and the Environment in the above-referenced case. This response is a fourth supplement to the Application in this case and hereinafter, shall be referred to as the “Fourth Supplement to the Application.”

On March 11, 2020, the Applicant submitted its first supplement to the Application in response to the Siting Board Chair’s first deficiency letter dated February 10, 2020. Subsequently, following a technical conference with representatives of the Department of Public Service (DPS) and Department of Environmental Conservation (NYSDEC) on March 30, 2020, the Applicant submitted a second supplement to the Application on April 20, 2020, addressing climate risk and stormwater issues. On July 8, 2020, Applicant filed a third supplement to the Application regarding the Project’s consistency with the CLCPA, including a supplemental modeling analysis undertaken by ICF and ICF Report.

Hon. Michelle L. Phillips

November 17, 2020

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On September 8, 2020, Chairman Rhodes issued the Second Deficiency Letter, asking that Danskammer further supplement its July 8, 2020 supplemental response to address the few remaining application deficiencies identified in the letter.

Danskammer is now providing this Fourth Supplement to the Application, comprised of responses to each of the remaining deficiencies identified in the Second Deficiency Letter, along with two attachments, including an ICF supplemental report. Due to certain commercial business and/or trade secret and proprietary information contained in the Fourth Supplement, a redacted version of is included with this letter for filing, and Applicant has provided an unredacted version, along with request for confidential treatment, to the Administrative Law Judges in conformance with the Protective Order adopted in this proceeding.

If you have any questions regarding this Fourth Supplement to the Application, please feel free to give me a call at 315-425-2722.

Respectfully submitted,

/s/ Brenda Colella

Barclay Damon LLP

Brenda D. Colella

Counsel for Danskammer Energy, LLC

Enclosure

cc: Party list for Case 18-F-0325 (as listed on DMM)