

# AVA, NY LANDFILL TIMELINE

## APPENDIX B - GRETCHEN STEVENS – 1994-1999

**Oct. 27, 1994**, Gretchen Stevens, Botanist, (B.S. Environmental Conservation) of Hudsonia, non-advocacy, non-profit, scientific research and education institute based at the Bard College Field Station in Dutchess County, NY - assessment of wetland delineation by Terrestrial Environmental Specialists Incorporated (TES) on eastern footprint of WLE-5. Several areas designated by TES as isolated wetlands should in fact be included in the large state-regulated wetland WL-2. Their survey ignores issues concerning rare or vulnerable habitats and neglects the more important issue of impacts to offsite wetlands and streams. The impacts of direct and indirect disturbance to WL-2, Moose Creek, and the Black River downstream may be the most important ecological issues pertaining to landfill development at this site. **The potential for siltation of streams during landfill construction, and contamination of wetlands and streams during the landfill operation is high.**

**March 13, 1998**, Gretchen Stevens Comments on the Draft Environmental Impact Statement for Site WLE5-E, prepared for ACAL. Previous statements regarding biological assessments reiterated. Serious questions were raised pertaining to wetland delineation and state jurisdiction. Reference is made to the 4 memos found in the files that discussed wetlands on WLE5-E. These NYSDEC documents contain multiple areas of blacked out text, suggesting there are missing documents, and incomplete documentation of field data. The exclusion of a portion of a large wetland from state jurisdiction is unusual and perhaps unprecedented, provided that all areas of the wetland meet the state criteria for soils, vegetation and hydrology.

**The risk of siltation of the South Branch of Moose Creek during landfill construction and operation is very high. Sedimentation basins must have sufficient capacity to allow them to function effectively as a stilling basin, even during a 100 year and larger storm. “The failure of this system could have devastating consequences to the stream ecosystem. A stream may take many decades to recover from even a single siltation event.”**

The timing and range of water temperature fluctuations in a stream are important to the development and growth of fishes and invertebrates. During summer months, the temperature of water in the sedimentation basins and detention ponds will rise significantly. Elevated stream temperatures, and altered water chemistry could completely transform the stream community.

**Jan. 7, 1999**, Gretchen Stevens Comments on Final Environmental Impact Statement for site WLE5-E, prepared for ACAL. Both the DEIS and FEIS failed to respond to the technical arguments pertaining to state wetland jurisdiction raised in her previous evaluation, and contain incorrect and misleading statements about wetland delineation. Portions of the large wetland P-1 (WL-2) that lie inside the construction footprint have been inappropriately excluded from state jurisdiction. The state regulates as a single unit all contiguous areas of any wetland meeting the size and field identification criteria. Any non-contiguous small wetland that is functionally associated with a state-regulated wetland, and is connected by a watercourse of 165 feet or less in length is considered a

# AVA, NY LANDFILL TIMELINE

## APPENDIX B - GRETCHEN STEVENS – 1994-1999

part of the larger jurisdictional wetland. There is no apparent justification for excluding from jurisdiction any areas of wetland P-1 inside or outside the landfill footprint. The exclusion of these areas appears to be arbitrary.

Oct. 6, 1993, internal DEC memo (obtained through FOIL request by ACAL) from Pat Cleary to Mark Craig – this document describes site walkover, is heavily redacted, but remaining text states: “It was apparent that there were many linear wetlands that are not mapped by DEC but are hydrologically connected to regulated wetlands”, followed by “Of course there were isolated pockets of hydric vegetation that will not fall under our jurisdiction.” Cleary proposed a field check of the TES wetland boundaries to occur sometime in the future, however, a subsequent letter from NYSDEC to TES verifies a later map that excludes those areas from state jurisdiction, with no explanation for this reversal.

Effects of groundwater suppression system are contrary to FEIS. Effects from the drawdown of the shallow water table may result in loss of additional wetlands, lower the base flow of the South Branch of Moose Creek, drain a beaver pond, and alter upland habitats. Ecological effects of wetland drainage are profound. Depriving the South Branch of Moose Creek, tributaries, and wetlands of 1.5 million gallons of water per year will have significant biological impacts to the stream and its tributaries. “The trout, amphibians, and invertebrates in this reach of Moose Creek and in these tributaries will suffer directly from habitat degradation, and damage to these communities will effect the integrity of both upstream and downstream habitats.” Baseline sampling of water quality should be conducted to obtain comprehensive profile of stream water quality; without this, effects due to landfill construction and operation will be unmeasurable. Quarterly water quality monitoring during operation is inadequate to detect contaminate leakage, siltation, temperature elevation, or water volume reduction in time to lessen ecological damage.

The mitigation plan has competing and poorly defined goals, which could be devastating to Wetland P-1 (WL-2) and the South Branch of Moose Creek. The acquisition and protection of ecologically important lands in the Rome Sand Plains, while beneficial, would not prevent the net loss of wetlands, nor compensate for local losses of ecological services.

Inadequate field surveys have been conducted by TES for amphibians and reptiles, breeding birds, and mollusks. “There is good nesting and foraging habitat at WLE-5 E for Eastern bluebird, Henslow’s sparrow, northern harrier, Cooper’s hawk, American bittern, and upland sandpiper. The harrier is threatened in New York, the American bittern is unranked but declining in New York, and the others are all state Special Concern species. Although the breeding bird surveys were not designed to detect these species during their early or late breeding periods, an impartial assessment would conclude that these species would be affected by habitat loss at the landfill site.”

## **AVA, NY LANDFILL TIMELINE**

### **APPENDIX B - GRETCHEN STEVENS – 1994-1999**

The apparent absence of surveys for reptiles and amphibians was also noted by NYSDEC (C-170). “The FEIS responds that field staff working on other wildlife surveys also looked for amphibians and reptiles. Because the timing, locations, and methods were not described, however, we conclude that no systematic surveys were conducted. In view of regional and worldwide declines in reptile and amphibian populations, herpetological surveys are warranted for large construction projects likely to destroy or degrade reptile and amphibian habitats.”