Environmental Commentary

by Richard R. Knobel

The Croton Gorge - bungled beyond belief

Defeat, frustration, disgust, and betrayal mark the end saga of the Croton Gorge. One would think it impossible that a matter so important as preserving the last remaining unique wild plane along the Hudson River in Westchester County, could be treated in such a cavalier fashion as it has at the hands of a whole gaggle of public officials. All the way from the village level in Croton to the commissioner of the Department of Environmental Conservation (DEC) in Albany, with a few convoluted tours through the labyrinth of the White Plains bureaucracy, absolutely no one seems able to untie this Gordian knot of property rights conflicting with appropriate land use, conservation and environmental safeguards. Each new round of events piles another blunder upon inepitude.

For those hearing of the dispute for the first time, a short chronology goes like this: Since December, 1975, the Croton-Harmon Union Free School District has steadfastly pursued plans to build a football field, track, field house, and parking facility on the lip of the inner Croton Gorge by blasting a huge cavity out of its west wall and shoehorning the ill-conceived project into it. At stake is the delicate and wild habitat of the gorge area, whose inner walls have slopes approaching 45 degrees, presently protected by enormous and ancient hemlocks. Through the gorge flows the beheaded remnants of the Croton River, which has been identified as a potential "Noah's Ark," for the PCB (polychlorinated biphenyls)-poisoned Hudson Valley by Bryce Thompson Institute scientists. Both the hemlocks and the river are in jeopardy.

The only justification ever provided by the School Board for building on this site was (1) they owned the property (and therefore had a right to build); and (2) state aid would be lost if the facilities were built on land not contiguous with existing school buildings, which they now admit is less than anticipated and less than they led voters to believe before the required referendum. Their attitude rates environmental concern at less than zero, thereby setting an example the students of Croton and surrounding towns cannot fail to note. Despite the overwhelming concern of all the active conservation and environmental groups in Westchester (numbering over 20), the School Board has made up its mind and does not want to be confused with the facts. The facts are that the land has regional significance, the public agencies have really failed to recognize the implications of the proposed complex, and several alternative sites exist. Beyond that, Croton will undoubtedly have higher school taxes because of the project location, and there is considerable doubt that enough funds remain in the authorized bond issue for the school district to complete the project, thus raising the spectre of a massive scar blighting the area for many years to come, perhaps forever.

Despite prolonged DEC hearings in Croton a year ago, at which time the regional concerns were expressed, monumental pressure by the School Board on the DEC in Albany and a shoddy analysis of the problems by the department itself resulted in the School Board being granted a permit to discharge stormwaters into the Croton River, but only if 33 construction conditions were met. In other words, there will be environmental damage, it is a sensitive area, and admittedly the wrong place, but lacking the gate to say no, the DEC said yes, with conditions - conditions that could and evade the central issue.

A no less startling performance has been provided at the county level. In 1975 the County Open Space Acquisition Plan identified the gorge area as desirable park land, but gave it a low priority for acquisition. Now the land is in jeopardy, and infinitely more valuable as park land, but County Executive DeBlasio takes the position that he can't act unless asked by the Croton School Board, and the board in turn claims DeBlasio does not wish to be involved. After you, Alfonso!

On September 4, 1976, the Federated Conservationists of Westchester County brought suit against the DEC in State Supreme Court, seeking to overturn their permit approval, citing "significant arrear" of fact in the record. In a mind-boggling decision handed down last Thursday by Justice George L. Cobb, the suit was dismissed and a few typical statements from the decision are as follows:

"It is true that, in deciding how our basic resources shall be utilized, any failure now to give proper consideration to environmental considerations may well have serious and, perhaps, catastrophic future consequences. However, significant advances in the environmental area usually carry with them a corresponding "social cost" . . . and our somewhat belated recognition of the relative importance of environmental considerations does not demand that other considerations, historically considered to be determinative, must now be ignored. As pointed out by Mr. Justice Kane in . . . 'the issue of damage to the environment must be relegated to its proper place of importance within the statutory framework peculiar to the particular application under review' " (emphasis added in both cases). The Judge also rates the environmental at zero.

We may interpret, therefore, from the good Justice's decision that environmental degradation carries no "social cost," and that consideration of significant environmental factors is necessary only when convenient, "proper place" being a somewhat vague term. One immediately must conclude that the powers of the DEC to enforce or require any environmental review of a project have been seriously eroded, if not annihilated. Will the slow moving gang in Albany sit still for this one?? So far they have missed opportunity after opportunity to intervene in the Croton Gorge matter either because of insufficient commitment or just plain bungling. With a few more court decisions like that one, they won't need to act, since the DEC will no longer exist.

Commissioner Reid has personally seen the area of the gorge and was visibly dismayed when he realized the implications of the proposed sports complex (Reid was not commissioner during the hearings, but he did grant the permit, probably on the advice of subordinates). Seven members of the DEC inspected the site on Monday, and attempted to negotiate with the board, unsuccessfully.

Thus at the present time, unless Reid condemns the property or reopens the hearings, orders a stay on approval for final plans and informs the School Board of his actions, the bulldozers could roll tomorrow, and may already be doing so.

Should this occur, it will be a travesty of conquering proportions for the DEC, a political liability for DeBlasio and Reid, and, worst of all, a loss to all future generations who might have appreciated the scenic splendors of the gorge. Someone might, at a later date, erect a plaque to the triumph of confusion over reason, the victory of provincial vested interests over regional need, and the monumental inepitude of the DEC.

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