



BKAA

GUARDIAN

Volume 38 • Number 3

Autumn 2024

Pollution of the Shawangunk Kill *See Full Story on Page 13*



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The BKAA would like to express our sincerest condolences to long time BKAA Member and former Mamakating Town Supervisor, Janet Lybolt, on the passing of her mother. Hoping you can find peace in the happy memories.



BKAA GUARDIAN — Volume 38, Number 3 • Autumn 2024

MISSION STATEMENT:

Since our founding in 1972, our mission has been to protect the Basha Kill Wetlands and surrounding area from ecological degradation, to promote education and respect for the environment in general, and to preserve the beauty of the area.

We welcome new members who are interested in protecting the environment. Dues are \$10 per person per year. BKAA is a not-for-profit corporation and donations are deductible to the extent allowed by law.

The *BKAA Guardian* is published quarterly by the
Basha Kill Area Association Inc., PO Box 1121, Wurtsboro, NY 12790 • 845-796-5339
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CONTACT THE BKAA — info@thebashakill.org website: www.thebashakill.org
CONTACT THE DEC — Call 24-hour DEC Law Enforcement Dispatch at 1-877-457-5680

2024 BKAA *Calendar of Events*

Friday, October 4, 7 PM

Free Public Star Watch with John Kocijanski of the Catskills Astronomy Club

Bring scopes and/or binoculars. Meet at the South Road Boat Launch, across from the Bashakill Vineyards.

To register call John at (845) 798-8087.

For event updates, visit Catskill Astronomy Club's Facebook Page. Rain date is the following day.

Saturday, October 5 • 10 am

Canoe/Kayak the Basha Kill with Elly Knieriemen

Join photographer extraordinaire Elly for a late season venture. Bring your own vessel and binoculars. Meet at the South Road Boat Launch. **To register or for more details email info@thebashakill.org**

Sunday, October 13, 1 PM

Walk the D&H Canal Trail To Grahams Basin and Back Co-sponsored with the Mamakating Library

Join D&H Canal guide Kerron Barnes on 2 mile, 2 1/2 hour walk on townpath from Rt. 17 south to Graham's Drydock and back. Camera, binoculars, insect repellent, and walking shoes are recommended. Moderately difficult in a few locations, assistance provided. Meet at commuter parking lot, exit 113 of Route 17.

Registration is required.

Register online with the Mamakating Library or by calling (845)888-8004.



**Department of
Environmental
Conservation**



NYSDEC SUMMER CAMPS

625 Broadway, Albany, NY 12233-5256 | P: (518) 402-8014 | F: (518) 402-9036

Dear Jackie Broder,

Thank you, and the Bashakill Area Assoc, for your support of DEC's Environmental Education Summer Camps in 2024. For 77 years, organizations like yours have been the backbone of recruiting children who attend camp. This summer, 48% of campers received a free week at Camp Rushford due to the generosity of sponsors like you! Your involvement has made a difference in the lives of those WNY youngsters who participated in the camp program.

Your help provides campers an opportunity to understand and appreciate the environment, and to learn outdoor recreation skills that will last a lifetime. Because of your support, DEC campers will become future environmental stewards and active participants in conservation efforts in their local communities.

We look forward to working with you again in 2025!

Thank you,

Tessa Janicke and the DEC Summer Camps Administrative Team

Walter Jahn Lecture Series

Dr. Walter Jahn, BKAA board member and professor at OCCC, is offering a lecture series through the college on the Birds of Orange County. All are welcome to attend in person on Monday evenings from 5:30 to 6:30 at OCCC's Middletown campus in Rowley Building room 128 (except for the presentation 10/15 which will be Tuesday instead of the Monday holiday). All are welcome to attend synchronously on zoom at the time at the following link:

<https://sunyorange.zoom.us/j/93429213629>

The presentations are recorded and each week will be added to the playlist link at Dr. Jahn's youtube channel drjahn41:

[https://youtube.com/playlist?list=PL-](https://youtube.com/playlist?list=PL-SdslcwpGcjBqRmMkRk8nh2B3OwGw-_G&si=qr92_H5HeKSmzmiy)

[SdslcwpGcjBqRmMkRk8nh2B3OwGw-_G&si=qr92_H5HeKSmzmiy](https://youtube.com/playlist?list=PL-SdslcwpGcjBqRmMkRk8nh2B3OwGw-_G&si=qr92_H5HeKSmzmiy)

Sept. 30 Diverse Aquatic Birds

Oct. 7 Raptors: Hawks, Eagles, Vultures, Falcons

Oct. 15 Owls, Woodpeckers, Hummingbirds

Oct. 21 Songbirds 1: Flycatchers, Swallows, Thrushes

Oct. 28 Songbirds 2: Diverse Songbirds

Nov. 4 Songbirds3: Warblers

Nov. 11 Birds in Food Chains

Nov. 18 Local Birding in Fall & Winter

Nov. 25 Local Birding in Spring & Summer

Dec. 2 Environmental Issues Facing Birds

DEC Camp Letter

Thank you for letting me go to the DEC. It was really fun, so thanks for the sponsorship. I am very grateful, I hope I get to come next year. My time there was really exciting all the activities were fun. Especially the 7 mile hike at the FLT. The overnight was really fun as well. My favorite part was George's cooking. He made the best food. But thanks again for the sponsorship.

From Frank



Recent sightings of a bird species in the Basha Kill Wildlife Management Area

All photos downloaded from public domain



Northern Bobwhite



Prothonotary Warbler

**Also: Olive Sided Flycatcher
(no image available)**

Message from the President

Dear Dedicated BKAA Members,

As a board member since 2007, I have always been amazed by the large number of people who care about the Bashakill—we are currently 600+ strong! An impressive number, and one of the reasons people take notice when we act. And crucial to our action is your monetary generosity over the years. We have always been able to pay our bills, even in times of environmental crisis.

In return, the board (and especially Paula) has taken care of membership, produced the Guardian, and fielded phone calls and emails. We fastidiously continue outreach in the form of festivals, farmer's markets, Earth Day events at colleges, & supporting Wurtsboro Board of Trade events by sponsoring the Ravensbeard Bird Show at Spring Fling every year. We sell merchandise, send children to DEC Camp, and support college students with our Jack Orth Scholarship. We hold free educational walks, sponsor programs at MEEC, and continue the Nature Watch program every summer. We maintain alliances with local sister organizations, supporting each other's causes. And, most importantly, we protect the Bashakill. Through monitoring the water, species, and human behavior, we are ever vigilant to any possible threat. To say we do a lot is an understatement, and there are many other smaller tasks that I haven't mentioned but are equally important.

So, why am I writing to you? Certainly not for pats on the back because we do it willingly. But, when Paula had the lead, she had the advantage of being retired. The BKAA became her full-time job, mostly for the better, a bit for the worse. It has taken this seasoned board a full year and a half to reorganize and, frankly, figure a lot of stuff out. As one board member lovingly observed, "Paula ran the BKAA like a terrorist cell, no one knew what the other was responsible for, except Paula!" We've sorted, regrouped, and brought a lot of things up date. And we are in a good place, except for one thing. We need PEOPLE POWER.

There is not one person on the board who can take over in a way that Paula did, nor should they. But many board members have more that served their time, and others have full time

jobs, so have limited hours to give.

It's time for others to step up. We all have full plates these days. The world is a crazy place. Volunteerism is down across the country, and we are feeling it as well. Numbers are down for the Cleanup and Nature Watch the past few years. We've asked for help with Farmer's Market and outreach without response. We've asked for applications for service on the board; one person responded. It is the same few people doing all the work, and they are tired! I am going to be truly honest, and I cannot stress this enough, I am worried about the future of the BKAA.

I assure you, every person who volunteers for the BKAA has hardships we are dealing with, but we make the time here and there because we know, if we lose the Bashakill and the surrounding area - we lose our home, our water, and the very thing that makes Mamakating special.

We are asking each of you to step up. "Many hands make light work." And it doesn't have to be a lot. Four hours on one day for Farmer's Market or Nature Watch is not a lot of time out of your year, but is huge for the volunteer who's been there for four weeks in a row. One Saturday morning picking up trash for Earth Day is a small give back to the Kill (plus you get free lunch)! Teaching your children to give back is just as important as sports on the weekends. We need families! If you can't get around, there are letters that can be written, phone calls to be made, meetings to attend (by Zoom, if need be). You are a valuable asset to us and we need your help.

As I said, we are so grateful for all of your support over the years, truly we are! And if you cannot give more than your annual dues, then we completely understand. But for those of you who can give us some of your time, please help us! It doesn't have to be a huge commitment and you don't have to have a ton of expertise, just a love of the Bashakill, which we know you each do!

Please email us at info@thebashakill.org and let us know how you'd like to help. Or tell us you'd like to help but you don't know how and we'll figure it out! We really do need your help.

My best to you and yours,

Jackie Broder, BKAA President

**WE ♥ OUR
VOLUNTEERS**

MEEC Connection - Vol 17

Jackie Broder, MEEC Director - September 2024

As summer comes to an end, so does our time with our interns. We were so fortunate to have benefitted from some passionate, intelligent, driven, beautiful souls that have catapulted MEEC to a whole new level, and left their mark on a personal level as well.

Even though it seemed that things started off quietly, everyone took their assignments and got down to business. The results were staggering! We now have a functioning website (friendsofmeec.org) that is as beautiful as it is informational. That, as well as constant contact with other public relations outlets and social media has increased our exposure exponentially.

Our Wetland Ecology Curriculum is sound and ready for any staff or volunteer to step into and run. We've served ages 2-25 with various forms of this program.

Our exhibits are updated, the center is organized and our programs more frequent thanks to a smooth-running system where everyone does their part to achieve amazing goals. Speaking of..

As I have said from the beginning, having sufficient staff to run a fully functioning nature center is critical to its success. We have proven this to be true. Not only have we noticed the results by how hard we have been working, but comparing our numbers shows the incredible impact our staff has made as

well. The interns started in August of 2023. The graph compares the number of visitors from August 2023- August 2024, by month. With the exception of March & April 2024, when our interns focused more on outreach to schools than programming, you can see that there was an increase in visitors, usually a substantial increase. Overall, in months with comparable data, we had a 25% increase in community participation. I hope that you were one of those participants. If not, please visit soon! Either way, if you think that MEEC is an asset to our community, I urge you to make your feelings known to the town. Relying on grants to fund staffing is not viable in the long run. Most grants won't fund staff salaries, and the ones that do view it as a temporary fix with the expectation that a sounder solution will be found. Right now, the town funds one full time staff (director) and one part-time staff (20 hours a week). This is no where near enough to cover all that needs to be done, especially if we want to build on the momentum these amazing interns have created.

I want to thank our interns and staff again for all of their hard work in making MEEC the success that it is: Pam Golben, Cheyenne Otto, Ashley Mancroni, Amanda Sanok, Ashley DeMaria, Alissa Krum, and Collin Cummings. You have made us shine and we are forever grateful!

We hope that you will continue to support MEEC and the Bashakill, because education is what will keep our beautiful wetland protected.



Photo by Jackie Broder

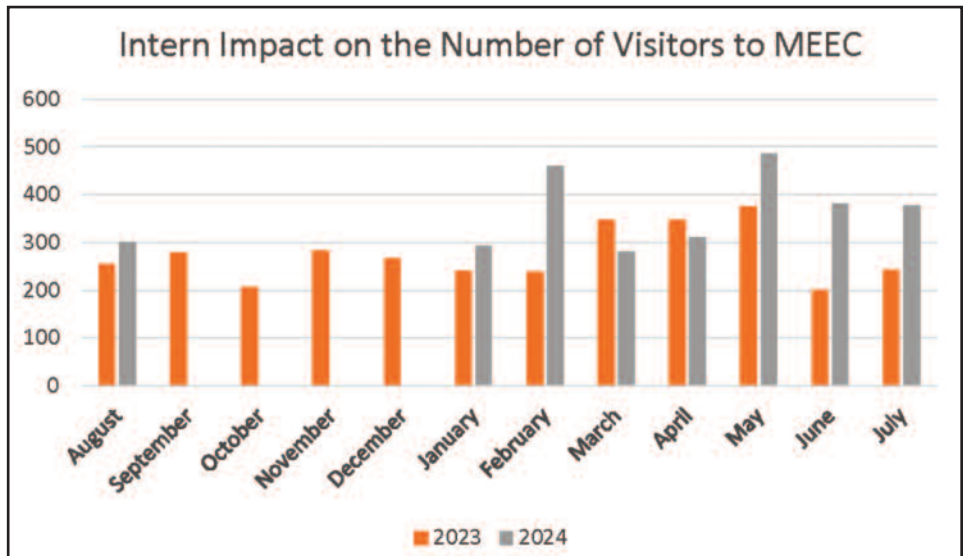


Photo by Ashley Mancroni



Photo by Collin Cummings

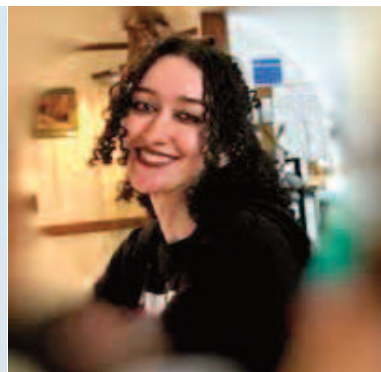


Photo by Frank Coviello



Photo by Jackie Broder

Help Save a Portion of the Former Thompson Education Land

President's Note: Please consider helping to keep this land "forever wild." It is important to all of us because all of the ridge top lakes empty into the Bashakill, the Neversink, and lastly, the Delaware River. We need to protect our water! Please act quickly as developers are already very interested in this property. Thank you.

Save the Whale

Help us save the land between Yankee Lake and Rt. 17



This pristine area of one of Sullivan County's historic lake communities has been under threat of development for decades. For the very first time, the local community has an opportunity to buy the 500+ acre property and put it under the protection of Conservancy.

But we need \$4 million to do it.

Our community is an economically diverse one. We work together as a team . . . but now we need to reach out and ask our larger community for help. As we near the end of the year, perhaps a tax-deductible donation is something you might consider.

Take a look at the Ridgetop Lakes Conservancy. We are local. We are your neighbors. And not one penny goes to any overhead or labor. <http://www.ridgetoplakesconservancy.org>

Ridgetop Lakes Conservancy, Inc. (RLC)

Meeting with the Public

Minutes September 22, 2024

1. Call to Order. Rob called to order a meeting with the public on September 22, 2024 at 10:03 am, in person at the Yankee Lake Preservation Association (YLPA) Clubhouse and via Zoom.

2. Attendance: The following RLC Board members were in attendance:

Madeline Boyd	Present, via Zoon
Cathy Dawkins	Present
Joan O'Keefe	Present
Rob Rogers	Present
Richard Langseder	Absent

In addition to these RLC Board members, approximately 56 members of the public were present, in person, and approximately 52 guests were present on Zoom.

Unfortunately, the internet connection was highly unstable and failed multiple times during the meeting. Minutes will be made available electronically.

3. Purpose: The purpose of this meeting is to:

- Give background information on the opportunity for RLC to purchase what is known as the "WIR Property" and also the "Whale's Tail of Yankee Lake";
- Give an update on the latest developments with this opportunity;
- To discuss the details of the offer;

d. To discuss what we would need from the public/community; and

e. To identify next steps.

Rob gave a brief overview of these topics and then opened the meeting to questions from the public.

4. Summary of Public Inquiry: The following questions and answers were discussed:

a. In response to inquiries regarding the specific location, Rob and Kevin Armistead used a map located in the meeting room to point out the precise location of the parcels in question. While this was helpful to those in the room in person, the RLC took the action to provide an annotated map showing the property in question.

Such a map is provided on the next page. This map is taken from the Sullivan County "Imagemate" system and depicts official land parcels.

The land **INSIDE THE PINK BORDER** is the land to be purchased. The parcel labelled in **RED** as "MA-79" is Yankee Lake.

b. Lake Rights: The question was raised as to whether this property has deeded lake rights to use Yankee Lake. The current owners contend that they have a deed showing lake rights, but did not provide such for review. It was clear that developer interest in the property depends, largely, on equivocal rights, and it is clear that there is little appetite for going to court to ensure this.

Elaboration was made that there are several concerns with water rights. The first, as articulated by the questioner is whether the land has deeded rights to use the waters of Yankee Lake. Another, equally important issue, is the use of groundwater. As we sit at the top of the ridge, protection of ground water – to supply the ridgetop lakes, as well as our own wells - is essential.

c. How do we buy it?

i. Rob explained that this meeting is hosted by the Ridgetop Lakes Conservancy (RLC) and that it is to the advantage of all who currently live and own property around all five (5) of the ridgetop lakes (Yankee, Wolf, Louise Marie, Wanaksink and Masten) have a vested interest in protecting this large parcel of land as it impacts not only lake access to Yankee Lake, but potentially water usage that would affect us all.

ii. The concept is that all financial donations would be made to the RLC, which is an authorized 501(c)(3) not for profit. This would allow all donations to be made in federal tax-deductible status.

iii. The RLC would then purchase the property and conserve it for the public good. This means that the RLC would ensure access to the land by the public, including both enjoyment and educational value.

SAVE THE WHALE continued on page 8

SAVE THE WHALE continued from page 7

iv. Should we be unable to raise sufficient funds to buy the property outright (through donations and/or grants) we would be forced to look into loans and/or grants that might take control out of RLC hands.

v. It is also possible that there could be large donations that would be contingent on a single entity or family purchasing a portion of the parcel to be held privately. If this were to happen, it would cost more because we would need to sub-divide the land. Further the RLC would create stringent deed restrictions on these properties, preventing further subdivision and limiting the number and size of dwellings and usage.

vi. Because of these complications, we prefer, at this point, where large donations are concerned, to have individuals make "PLEDGES" rather than immediate transfer of funds. Pledges should be made using the form on the next page.

d. Hazardous Waste Liability. A question was posted regarding the possibility that there might be hazardous waste on the property and that the community would not want to purchase someone else's liability. It was explained that all real estate transactions in NY State are covered by a property disclosure requirement.

e. Pledge Deadline. It was suggested that we set some sort of pledge timeline or deadline. While this is a good idea, conceptually, and we need a fast-paced, quick response to this issue, we also will not decline contributions that come in later. It is suggested that our initial target be end of September, with a second push for Oct 15.

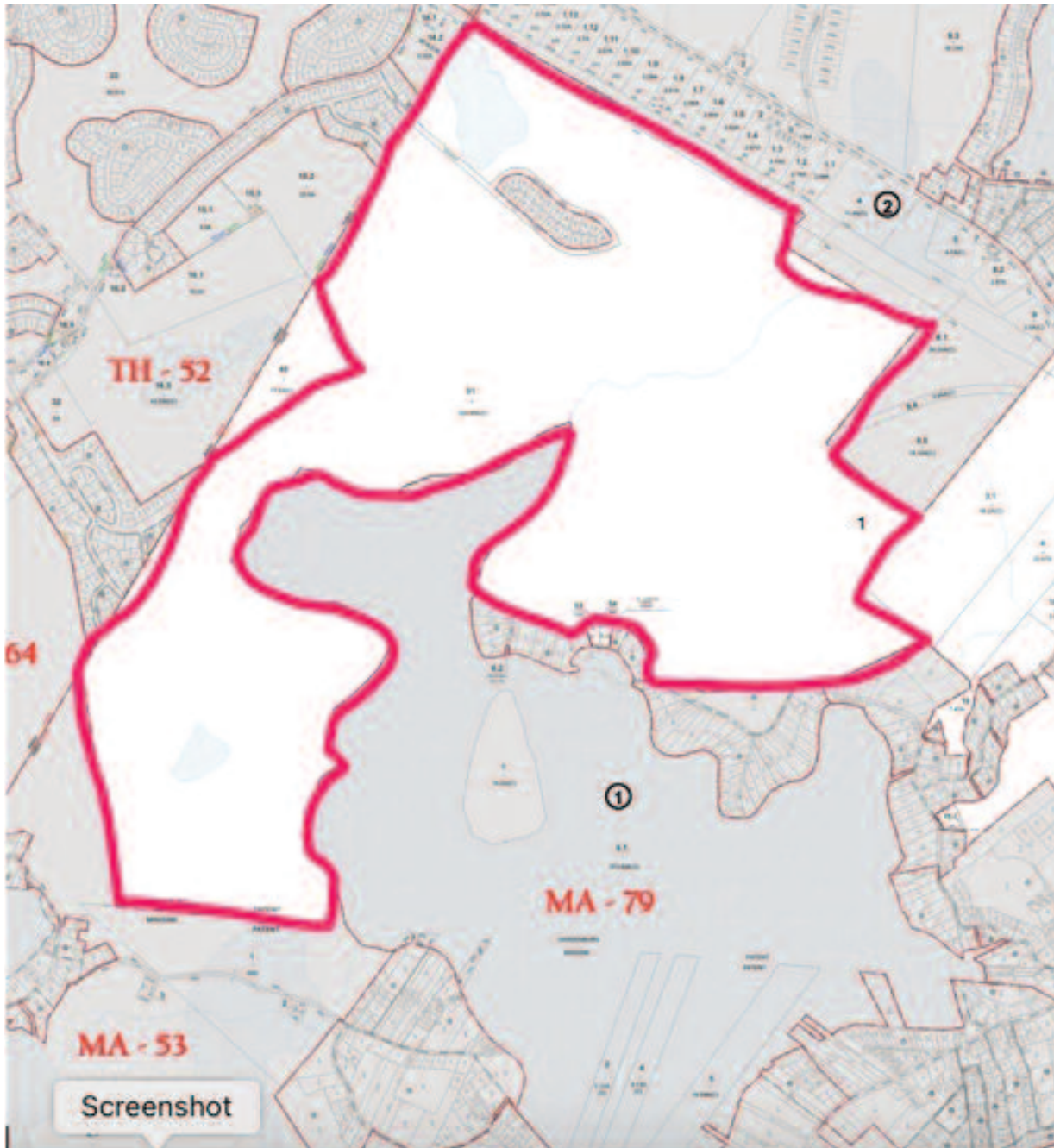
f. Funding status updates. It was suggested that we establish and maintain a "pie chart" to give a quick visual status of pledges to date.

g. Business Case. It was highlighted that each and every

property owner has a vested interest in donating to this cause. Should a developer buy this property, build housing, even within the Mountain Greenbelt zoning limitations, each home could be quite large and could, in effect, house large extended families. This could impact both water usage and population density. Inevitably, this could impact property values at both Yankee and Wolf lakes, as well as the other ridgetop lakes. Preventing this negative property value impact is well worth a financial investment from all.

h. What if, at some point in the future RLC were to disappear or go bankrupt. Rob explained that when creating a 501(c)(3), it is necessary to name a successor organization. The RLC named the Basha Kill Area Association as such at the time we were established.

SAVE THE WHALE
continued on page 9



SAVE THE WHALE continued from page 8

i. NYS DEC Grants to protect and preserve the public water supply with a 25% funding match. Dave Langseder suggested we look into these grants as a possibility.

j. Jessica Lansdale, President of the Lake Communities Alliance was introduced and described work that the LCA is doing to support designation of our lakes as a Critical Environmental Area (CEA). The NY State Environmental Quality Review (SEQR) law gives municipalities the authority

to establish Critical Environmental Areas (CEAs) within their boundaries which receive special consideration in the SEQR process (6 NYCRR 617.14[g]).

k. Rob re-iterated that we are seeking \$4 million in donated funds. There are strategies to move forward if we are unable to achieve this goal immediately, but the goal is \$4 million. All interested parties should send pledges to info@ridgetoplakesconservancy.org

5. The meeting was adjourned at 11:43am.



PLEDGE COMMITMENT FORM

The Mission of the Ridgetop Lakes Conservancy is to protect and preserve the natural environment of the Shawangunk and Mount Prosper ridge tops and surrounding areas by land acquisition and by promoting conservation through educational programs and seminars.

Important! The IRS does not allow not-for-profit organizations to return tax-deductible charitable donations once they have been accepted. Charitable contributions are considered final gifts, and once they are made, they cannot be refunded without potentially jeopardizing the tax-exempt status of the organization and creating tax consequences for both the donor and the nonprofit. Returning funds to donors could raise issues of mismanagement of funds against the nonprofit.

For this reason, we ask you to make this **legally binding pledge**, and **not** to write a check just yet. Your pledge would only become payable once the project viability is confirmed. If the project fails, the pledges are not binding, so no one loses money. Additionally, accounting rules require that donations for a specific purpose must be held in a restricted fund and cannot be used for any other purpose, even if it's aligned with the organization's mission. So, make a pledge. Provide your contact info. We will let you know when to send a check/transfer funds.

Legally Binding Statement:

I (we) commit to make the following contribution of \$_____ to The Ridgetop Lakes Conservancy, Inc., restricted to the **Save the Whale Campaign** to purchase and preserve 500+ acres of land bordering Yankee Lake and State Route 17. This includes the actual purchase price and associated expenses.

Donor Information:

Name(s):		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	

Donor/Trustee Signature: _____ Date: _____

Acknowledgements:

☐	I prefer that my donation not be acknowledged publicly
☐	My donation may be acknowledged publicly, but not the amount
☐	My donation is in honor of: _____
☐	My donation is in memory of: _____

Please send your check and/or pledge commitment form made payable to:
Ridgetop Lakes Conservancy, Inc.
P.O. Box 568
Wurtsboro, NY. 12790-0568

www.RidgetopLakesConservancy.org info@RidgetopLakesConservancy.org
 Ridgetop Lakes Conservancy, Inc. is a 501(c)(3) charitable organization
 Our Federal Employer Identification Number (FEIN) is 82-4699665

Hummingbirds at MEEC

Lisa Schnitzer

In June, the Mamakating Environmental Education Center (MEEC) hosted an engaging and informative event focused on Ruby-throated hummingbirds, featuring a presentation by naturalist Pam Golben. The event, held in the center's picturesque building, drew bird enthusiasts and nature lovers eager to learn more about these tiny but fascinating creatures.

Pam Golben's presentation delved into the intriguing world of Ruby-throated hummingbirds, a species known for their vivid plumage and remarkable agility. Her talk covered a range of topics, including the hummingbirds' unique behaviors, migration patterns, and the critical role they play in pollination. Attendees were captivated by Golben's detailed insights into the hummingbird's life cycle, feeding habits, and the challenges they face in their natural habitats.

In addition to discussing the hummingbirds themselves, Golben offered practical advice on creating hummingbird-friendly environments. She shared tips on designing hummingbird gardens that attract these tiny avians, recommending specific plants that provide the nectar they need. Groups of colorful flowers with varying bloom times will ensure that the hummingbirds have nectar available from spring through fall. Shrubs and trees nearby are also important to provide shelter and shade, and a safe place to nest. Most importantly, minimize the use of pesticides in the area, as hummingbirds also feed on small insects and spiders.

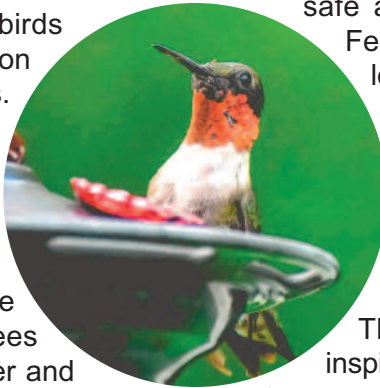
While fresh nectar from flowering plants is the best source



of nectar, Golben also provided guidance on setting up hummingbird feeders. She emphasized the importance of proper placement, nectar, and maintenance to ensure a safe and inviting space for these delicate birds.

Feeders should be placed in a shady area at least 6 feet off the ground to discourage cats.

The feeder should be emptied every 2 to 3 days in hot weather, or sooner if the nectar becomes cloudy. It should be cleaned and rinsed thoroughly prior to refilling with fresh nectar. A safe nectar recipe is provided below.



The event was a hit, with participants leaving inspired to enhance their own gardens and feeders to support Ruby-throated hummingbirds. Each participant also received a free plant to add to, or start, their own garden. MEEC's dedication to fostering environmental education through such interactive and informative events continues to enrich the community's understanding and appreciation of local wildlife.

Ruby Throated Hummingbird Nectar Recipe and Tips

- 1 part sugar to 4 parts water
- 1:4 ratio produces a nectar of 20% sucrose; similar to flower nectar
- Use table sugar - NOT honey, raw sugar, or artificial sweeteners
- Use tap water - NOT distilled as it does not contain needed minerals
- Do not add red coloring
- Add sugar to boiled water, stir to dissolve, allow nectar to cool before filling the feeder
- Fill the feeder
- Keep any extra nectar in the refrigerator for up to 2 weeks



Water Chestnut – An Invasive Species Threatening the Bashakill!

Walter Jahn

If you pass a pond, like the Middletown pond in the following image at right, and wonder why its surface is choked with dense green leaves instead of being open water, the answer is that it is infested with the invasive plant known as water chestnut.

Water chestnut is a recently established invasive which has been observed at the Bashakill. Its roots can spread 20 feet in the mud of shallow water or as it floats on the surface of open water. Native to Europe & Asia, this plant was introduced to the US in the late 1800s and it has been spreading its range ever since. It can form such dense mats that it limits sunlight and oxygen to aquatic organisms and interferes with recreational use of the wetland.

As a result of the decomposition of the extensive water chestnut masses, oxygen levels can drop leading to the death of fish. Obviously, its dense mats would make



swimming and diving difficult for ducks, swans, cormorants and other aquatic birds. Bald eagles would be less able to spot potential fish through such a dense mat. Throughout the Northeast US, including the Hudson River, millions of dollars have been spent in attempts to control it.

The image at left is of a mat of water chestnut in the Bashakill, not far from the boat launch on South Road.

While the leafy plants will die off once the cold weather starts, the plants produce spiky seed cases on their undersides which will propagate the plant next year.

Photos by Walter Jahn



Deerpark Rural Alliance and NYenvironcom

Grace Woodard

All Hail Autumn Spirits, Sights and Sounds. On that salvo, DRA & NYenvironcom and the Lower Huguenot Neighborhood Alliance are presenting the first Neversink River Festival on Sat. Sept 14th and Sun. the 15th at the D&H Canal Park in Cuddebackville. 12 to dusk. We are using the whole park with terrific live music, games, food, beer, raffles, craft vendors, environmental nonprofits, and surprises with fun for young to 99. All to further protect the Neversink and expand our environmental work. Dear BKAA folks and friends, please spread the word.

But back to work: DRA and NYenvironcom has kept it up attending town meetings in Deerpark, now expanding to Mt. Hope where Dragon Springs has introduced its application but no details for a "temporary concrete factory." Questions: to build what, where and how big? Mt. Hope is a small fraction of the 427 acre of Dragons Springs which is mainly located in Deerpark.

We will follow both Mt. Hope and Deerpark PB and TB meetings because we think the concrete factory and the return of the Deerpark Commons project in a scaled down version from 2 mil. sq ft. are related. Deerpark Commons application of 12 years ago along with Galley Hill Rd rezoning, gave birth to DRA. Six ill-advised projects later, and some measures of success, we are still at it. And so is Deerpark.

Many issues continue to get our attention regarding permits

and oversight at Dragon Springs, apart from the indictment of Epoch Times CFO for money laundering and fraud to the tune of \$67 million and monies into DS and Shen Yun. More immediate concerns are why has Dragon Springs not been inspected in the past few years by Deerpark, though much construction is taking place. NYec has said from the start—land use, land decisions are fundamental to our lives. So, we urge all to think and participate in town meetings. Being alert and active about land use decisions grabs and motivates us. Why have others call the shots while we are relegated to the sidelines. So we push back on deficient plans and pull for thoughtful development with community and water concerns foremost. And, of course, continue with bottle testing and water station monitoring under the WaterInSight initiative. Join us, volunteer for good company and a can-do attitude that embraces fun and laughter.

Last, we are still waiting for a decision of the federal court on our Clean Water Act litigation and word on the Article 78 lawsuit against Deerpark for failure to make a positive declaration on the proposed large expansion of New Century Film along the Neversink River in Huguenot. The action was spearheaded by a new group, the Lower Huguenot Neighborhood Association.

Continued activity of grant applications and public outreach at the PJ Farmers' Market, attending watershed workshops, and supporting efforts to oppose the expansion of Rte 86, keep us busy. We love to hear from you. And welcome your contributions.

Cheyenne the Water Woman

Cheyenne Otto

As we transition from summer to fall, I wanted to discuss some environmental indicators that the BKAA's water testing program monitors to ensure the Basha Kill's water quality is at healthy levels to sustain the ecosystem. In previous editions of the Guardian, Frank Coviello, better known as Frank the Waterman, discussed the importance of testing the temperature, pH, conductivity, and dissolved oxygen of the water at multiple locations. However, these parameters can fluctuate with the changing of the seasons as our environment changes around us.

The long, sunny days and higher temperatures of summer cause an explosion in biological activity in our waterways. Specifically, the Basha Kill becomes dense with aquatic foliage providing organisms with an abundance of nutrients and shelter. During these warmer months, monitoring the pH and temperature of the water is increasingly important. Monitoring the water pH provides insight to potential pollutants impacting the waterway from natural causes, like a mineral deposit dissolving, or man-made products in industrial runoff. Temperature has a direct impact on cold-blooded organisms, like fish and microorganisms, which rely

on external sources to regulate their body temperature to survive. If the temperature exceeds an acceptable water quality standard, then this can indicate that the oxygen supply may be too low to sustain life as warmer water is less effective at retaining gasses and could sustain harmful algal blooms.

The transition to fall is characterized by the temperatures dropping, the days shortening, and the increase in decomposition of organic matter as the foliage dies back in preparation for the winter months. As the organic matter starts to build up, the alkalinity levels may fluctuate causing the water pH to decrease. The decrease in temperatures and pH levels will cause biological activity to slow down, negatively affecting the nutrient uptake by plants preparing for the seasonal shift into winter. Furthermore, agricultural pesticides and fertilizers have a higher risk of entering waterways in the fall around the harvesting seasons. With the help of all our volunteers in the water testing program, the BKAA is able to monitor the health of the Basha Kill's waterways to ensure this ecosystem can thrive.

If you have any questions or you would like to inquire about volunteering for our program, please reach out to bashakillareaassociation@gmail.com with the subject ATTN: Cheyenne - Water Testing Program for more information.

Pollution of Shawangunk Kill by Bloomingburg Waste Water Treatment Plant

Frank Coviello and Jackie Broder

In early **January 2024** the BKAA became aware the Bloomingburg Waste Water Treatment Plant (WWTP) was having severe problems with various components of the system and was releasing approximately 120,000 gallons of unfiltered and non-disinfected waste water into the Shawangunk Kill daily! The Bloomingburg Waste Water Treatment Plant operates pursuant to a State Pollutant Discharge Elimination System (SPDES) permit (permit # NY0208426) issued by the NYS Department of Environment Conservation (DEC).

I have obtained a letter addressed to the Village of Bloomingburg from the DEC dated November 22, 2023. RE: Notice of Violation/ Annual Compliance Inspection Report.

"On **November 9, 2022**, (my bold text) the Department performed an inspection of the above referenced facility. Upon inspection, the Department noted that the automated bar screen at the plant's headworks had been out of service for several months. During the inspection, it was also noted that the tertiary cloth filters were non-functional."

On **January 6, 2023** (my bold text)" ...an advisory had not been issued to the general public within 4 hours of discovering the discharge. This is a violation of 6NYCRR part 750 - 2.7 and Article 17 of the Environmental Conservation Law".

On **November 3, 2023** (my bold text), the Department performed an Annual Compliance Inspection of the above noted facility. The following are only a few of the violations cited:

1. "The automatic bar screen at the facilities headworks was disabled and has not functioned properly for an extended period of time. Notices of violation from the Department, issued on **June 24, 2022** (my bold text) and **January 9, 2023** (my bold text), noted the reoccurring deficiency."
2. "The tertiary cloth filters have been offline and were first noted offline during the Department's **November 4, 2021** (my bold text) inspection."
3. "The outfall channel contained debris and rag-like material scattered between the outfall pipe and the receiving screen."
4. "A gray and odorous discharge was observed exiting the facility outfall following the SBR treatment cycle."



Automatic bar screen at plant headworks. Auto bar screen has not been operational and has only undergone minor repairs over the course of the last few years. Minor repairs do not maintain the unit in a consistent and operational state.



A rigid milk crate filled with rags that were recently raked from the bar screen.



Downstream of the outfall, a visible contrast in water quality was observed within the receiving water.



Where the outfall and effluent channel discharge, a gray plume was observed entering into the Shawangunk Kill.

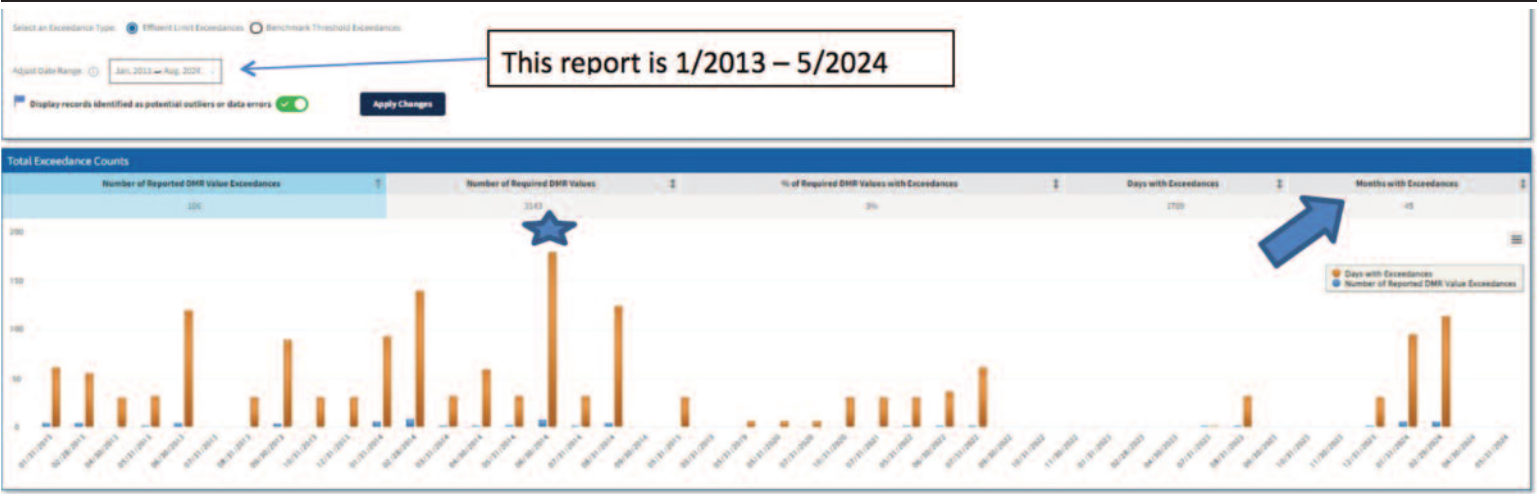
5. "Due to the quality of the Plant's effluent, a visible contrast in water quality was observed in the receiving water."

6. "Please be reminded that the discharge of partially treated wastewater to waters of the State, failure to satisfy notification requirement, and failure to maintain all disposal facilities to achieve compliance with the conditions of the SPDES permit are violations of Article 17 of the ECL. Violations of the ECL are subject to penalties of up to \$37,500 per violation per day."

If I understand this letter correctly:

1. The automated bar screen failed in mid 2022 (2 years ago).
2. The tertiary cloth filters have been bypassed since

POLLUTION continued on page 14



POLLUTION continued from page 13

November 4, 2021 (almost 3 ½ years ago).
It is possible that 50+ million gallons of non-disinfected and unfiltered water have been discharged into the Shawangunk Kill over the last 3 1/2 years.

Although issued by the NYS DEC the SPDES Permit is a requirement of the Environmental Protection Agency (EPA) and the Federal Clean Water Act of 1972. The EPA maintains a database (ECHO) which is accessible by the public at <https://echo.epa.gov/facilities/facility-search/results>. One of the many reports available is the Exceedance Report which list the violations found. The SPDES permit lists which tests need to be performed, how frequently they need to be performed, where the tests are performed and what are the acceptable ranges. Here is a graphic representation (above) of the Exceedance report from 2014 – 2024:

1. The vertical yellow bars indicate one or more tests exceeded the limits of the permit and the number of days those limits were exceeded (the vertical scale to the left represents days). Each of these days is a violation. As an example the tallest yellow bar indicated by the blue star above states that there were 180 days test which exceeded the permit limits.
2. The Blue arrow points to the total number of months there were violations present. In this case there were 45 months of violations in a 10 year period. This plant was in violation of its permit 37.5% of the time!

The DEC assigns a Water quality classification to surface waters based upon existing or expected best usage. The Shawangunk Kill is classified as both A and B with some portions having trout standards applied. The classification A indicates a best usage for a source of drinking water, swimming and other recreation, and fishing. Classification B indicates a best usage for swimming and other recreation, and fishing. Classification T indicates trout waters.

According to 6 CRR-NY 703.4, Water Quality Standards for coliforms, enterococci, and E. coli:

For Classifications A&B:

1. "The monthly, geometric mean, from a minimum of five examinations, shall not exceed 200"
2. "The geometric mean of samples collected over any consecutive 30-day period shall not exceed 126, and no more than 10 percent of the samples collected in the same 30 day period shall exceed 130."

In February 2024 the BKAA began a monthly program of monitoring the



The outfall channel had filled while effluent was discharging. The water quality of the final effluent was turbid and odorous.



A green hose is used to transfer SBR decant to the digester tanks. No designed wastewater treatment process is currently conveying the supernatant between tanks.

POLLUTION continued
from page 14

water leaving the plant (effluent pipe), upstream (water which is not affected by the WWTP water release) and downstream locations (water which is affected by the WWTP water release) within the Shawangunk Kill for Coliform and E. Coli bacteria which are associated with human fecal contamination. The table on the next page lists the coliform and E.coli results for samples collected by the BKAA on the indicated dates by a certified Environmental Laboratory. Note that most of the results for both coliform and E. coli are far in excess of the limits described above! This testing will likely continue for at least another year and is being paid for by the BKAA.

An incidental finding during this project is a disturbing trend at the Shawangunk Kill upstream location. You will notice that there has been a dramatic increase in the amount of coliform and E. coli since the February testing. I have been attending the Monthly Bloomingburg Board of Trustees Meetings and have shared (and will continue to share) our findings.

While I am the author of this article I am only one member of the seven member team responsible for this project. My team mates are Brianna Miranda (Haverstraw Estuary), Stephen HSU (NYEnvironcom), John Pratt (Mountainkeeper), Pete Marchetto (Fieldkit), Anthony Coviello (BKAA) and Jackie Broder (BKAA). As is evident from the previous sentence other organizations have been involved.

You may be asking yourself "What can I do to help?"

1. If you wish to send a comment to the DEC Commissioner please use this link:

<https://dec.ny.gov/about/commissioner-and-executive-team/email-the-commissioner>

2. If you would like to volunteer to help with this project (sample collection, secretarial, etc) please send an email to info@thebashakill.org.
3. If you would like to make a donation to assist with the water testing you can do so on our website, www.thebashakill.org or you can send by mail to:

Bashakill Area Association Inc
PO Box 1121
Wurtsboro, NY 12790

Please make checks payable to Bashakill Area Association (NOT BKAA).

Swangunk Kill Water Testing Results

Location			Date	Coliform MPN/100ml	E Coli MPN/ 100ml
Swangunk Kill Up	41.552716	-74434132	2/20/2024	18.5	6.2
Swangunk Kill Up			3/12/2024	56.3	39.9
Swangunk Kill Up			4/17/2024	74.4	15.8
Swangunk Kill Up			6/7/2004	344.8	280.9
Swangunk Kill Up			7/2/2024	980.4	648.8
Swangunk Kill Up			8/6/2024	727.00	118.2
WWTP Effluent Pipe	41.554256	-74.433284	2/20/2024	>2419.6	>2419.6
WWTP Effluent Pipe			3/12/2024	>2419.6	1011.2
WWTP Effluent Pipe			4/17/2024	>2419.6	>2419.6
WWTP Effluent Pipe			5/3/2024	195.6	>2419.6
WWTP Effluent Pipe			7/2/2024	>2419.8	456.9
WWTP Effluent Pipe			8/6/2024	1119.9	58.1
Swangunk Kill Down	41.553666	-74.432905	2/20/2024	290.9	224.7
Swangunk Kill Down			3/12/2024	98.8	67
Swangunk Kill Down			4/17/2024	517.2	436
Swangunk Kill Down			6/7/2024	648.8	325.5
Swangunk Kill Down			7/2/2024	920.8	435.2
Swangunk Kill Down			8/6/2024	727	33

Route 17 Expansion Project

Maura Muller

The Route 17 to I-86 transportation project in NYS is called by some, “an extensive initiative aimed at upgrading and modernizing a major highway to enhance transportation efficiency and safety.” By others it is considered an unnecessary and expensive waste of \$1 billion. Here is a timeline of the project:

Some Background on Route 17

Before its designation as an interstate, Route 17 was a major highway traversing the Southern Tier of New York State. Known as the Southern Tier Expressway, or the Quickway. It was an essential route for connecting cities and towns. The road's origins date back to the early 20th century. Michael Strauss of the New York Times wrote in 1969 that “Many motorists are already maintaining that the Quickway will be rated as one of the most picturesque routes in the United States. This expressway offers a series of eye-filling vistas that range from wide, rolling pastures in Orange County to deep-green, tree-choked mountain terrain in upper Sullivan and Delaware counties.”

Transition to Interstate 86

1980s - 1990s: The push to upgrade Route 17 to interstate standards began in earnest during this period. To improve regional economic development, state and federal authorities initiated studies and planning efforts to transform Route 17 into Interstate 86. The goal was to improve the road's safety, capacity, and overall functionality, aligning it with the higher standards required for an interstate highway. However, contrary to what we've all been made to believe, a third lane is not a requirement of an interstate. Two lanes are the standard.

There is also a story that Chuck Schumer was taking his daughter to camp and was stuck in weekend traffic and that after that experience he became a big supporter of the project, but I'm unable to verify that.

1999: The first official segment of Route 17 was designated as I-86. This segment stretched from its junction with Interstate 90 (the New York State Thruway) in the west to Horseheads, near Elmira.

2000s: Efforts continued to upgrade additional parts of Route 17 to meet interstate standards. This involved extensive construction work, including widening the road, improving interchanges, and enhancing safety features. The upgrades were conducted in phases, with each completed segment being designated as Interstate 86. It also involved dynamite blasting of parts of the Wurtsboro section of the road, extensive cutting of trees, noise, pollution and two plus years of traffic jams if anyone recalls. And is the road noticeably better?

The plan for our area in Orange and Sullivan Counties is to spend \$1 billion to expand a 47-mile stretch of Route 17 between exits 131 and 104. This is very interesting to me because as recently as 2021, the budget for this expansion was \$500 million, so the cost of the project has either doubled or the DOT has added quite a bit to the plan. This \$1 billion was approved by Governor Hochul.

2006 - My family attended our first meeting related to our exit at Lake Louise Marie in Rock Hill. DOT workers were nice at first then became increasingly frustrated and rude to attendees when they heard all of the community complaining that we didn't want Route 17 upgraded and certain exits removed. It is around this time that you can begin to find many articles, blog posts and social media posts opposing this expansion.

2013: Progress had been made in spite of opposition, and large portions of Route 17 had been officially redesignated as I-86. However, much work remained, particularly in areas where the road did not yet meet “interstate specifications”

2015: NYS Governor Andrew Cuomo announced added funding and accelerated efforts to complete the I-86 project. This included addressing key bottlenecks and modernizing remaining segments to ensure they met all federal interstate standards.

2018: THIS IS A DONE DEAL! But then.....

2019: Democrats passed one of the most aggressive climate laws in the country in 2019 which commits the state to 100 percent zero-emission electricity by 2040, sets legally binding emissions reduction standards to get New York completely off of fossil fuels by 2050, and mandates that 40% of state climate and energy funding be invested in disproportionately disadvantaged communities. So now the Route 17 Expansion Project is in direct conflict with the new NYS Climate Leadership and Community Protection Act. (CLCPA)

Where Are We Now?

In April the NYS DOT sent out notice that they would begin a 30 day comment period. But I'm not sure who or where they sent the notice. I live here and never heard a word until Jackie Broder notified me on May 17th. By then, I had missed both of the “information sessions” offered.

My husband attended the “**Rethink Route 17 Summit**” organized by Catskill Mountainkeeper on May 29th in Middletown, NY to represent the BKAAs. This meeting was well attended by a large number of representatives from

RT. 17 EXPANSION continued from page 16

interested local community groups. Many attendees were opposed, some came with open minds. Noticeably absent were members of the group 17forward86.org. That group claims that the project will be exactly what the region needs and they even claim that amongst their members are “representatives of environmental stewardship”. Interesting. After going over their website with a fine tooth comb I found only real estate agents, construction companies, construction unions, hotels and others most likely to benefit from increased traffic and more crowds. No environmental organizations.

The overall theme of the **“Rethink Route 17 Summit”** was that the DOT is saying “this project is all about safety”. But all of the presenters that day counter that expanding highways never make things safer, they just help people to drive faster. “Congestion relief” is a euphemism term that equals expansion. Expanding highways just creates more traffic and pollution. Instead of relieving chronic congestion, different studies have shown that, over time, the traffic eventually increases — a concept known as “induced demand.” Alternatively, we should be using those funds for improving main streets, fixing potholes, fixing bridges, etc. and improving public transportation and access to it.

Another concern is that the federal government often pays for highway construction costs, only to leave states holding the bag for expensive repairs and maintenance; the average new-lane mile costs \$24,000 a year to keep in good repair, and from 2008 to 2018 the highway debt of state transportation agencies more than doubled.

Prior to the meeting I went to the DOT's website where I downloaded a copy of their “Route 17 Transportation Scoping/Planning and Environmental Linkage (PEL) Study”. On page 8 it stated, “This Report is presented in a readable format to facilitate public review and comments” and yet, it is 69 pages long. How is that a readable format for the public? The average newspaper, such as the NY Post is written for a 5th grade reading level while The Wall Street Journal and The New York Times are written

for 12th grade readers. This document certainly exceeds those levels in complexity, thereby eliminating the input of many people living in Sullivan and Orange counties. Who even has time to read a 69 page complex document filled with industry speak and acronyms?! That made me angry. So, I took the time to read all of it. It was painful and gave me a headache. And what I came away with is that we don't need an expansion of the highway to 3 lanes. The huge traffic jams happen for only about 6 hours of every 168 hour week. That's only 3% of the week. Friday evenings heading west and Sunday evenings heading east. They also spoke about “safety”, yet the most unsafe section of the highway according to their own report is the newly expanded section down in Middletown near Crystal Run Road. A section that is reportedly already “fixed”. Another high crash area is the 211 exit. So why “fix” 47 miles of highway when the problems are more localized? Couldn't that money be better spent?

This past summer 2 information sessions were once again offered to the public at the Orange County Fair and the Monticello Bagel Festival. The NYSDOT is supposed to present an Environmental Impact Review by 2025. For now the expansion project remains in the planning stage. For further reading I suggest “Boondoggle: ‘Transit Guy’ Chuck Schumer is Foolishly Supporting the Widening of NY Route 17” by Eve Kessler and “Plans To Convert Route 17 To Interstate 86 Advance; Support Is Strong, But So Is Opposition” from the Rockland County Business Journal. Stay tuned for future updates.



List of Trail Related Activities and Projects - August 2024

Kerron Barnes — 8/28/24

The creative and imaginative mode sometimes lingers in the waking mind; early a recent morning a thought floated across my not yet fully rational self that there were a growing number of trail related activities and projects happening locally, so many that one needed a scorecard to see who was doing what and where. Before the thought evaporated, a quickly jotted list for a personal reminder became what can be the following list for trail users and supporters, planners, elected officials and funding agencies. It would also help those involved in trail related activities and projects get a window in their silo to see what everyone else was doing. In some cases several groups are involved on or about the same trail.

What started as a list for Sullivan County trails was augmented through circulation to the Orange Pathways Committee, via its Chair, Burt Thelander. Orange County Planning Commissioner Alan Sorensen then added the OC section with their activities and projects. With further assistance from Burt Thelander, Karl Beard and the Ulster County Trails Advisory Committee the extensive Ulster County portion of the list was produced.

This is a first effort at keeping those of us interested in the development of trail amenities and tourism opportunities in our area up to date on a growing trend. Trail planning, development and promotion is becoming an employment sector.

I welcome comments, corrections and additions as it is a work in progress that may someday be used in trail guides in tourism publications.

TRAIL RELATED ACTIVITIES AND PROJECTS OF AREA ORGANIZATIONS, 8-28-24

Organizations Working in Multiple Counties

Open Space Institute, Port Jervis – Kingston rail/canal corridor study, West of Hudson Proposal

National Park Service, update of designation of canal as National Historic Landmark

Open Space Institute, Shawangunk Ridge and other regional land purchases

D&H Transportation Heritage Council, support of canal knowledge and development

NYNJ Trail Conference, Long Path Protection Plan, fills gap in regional town's trail network

DHTHC trail advocacy, five segment video series

Orange Pathways/Vision Hudson Valley, trail development support, advocacy, interagency connections

Sullivan County Planning and Sullivan O&W Rail Trail Alliance
Orange County Land Trust

Ulster County Trail Projects Pipeline, 2024

Ulster County Trails Advisory Committee

Ulster County and Town of Shandaken: Shandaken Rail Trail planning & construction (2.6 miles)

NYC-DEP: Five Arch Bridge replacement, including a new protected bike-ped connection between the Ashokan Rail Trail and the Boiceville/Rt. 28 commercial corridor and Onteora schools

City of Kingston: Kingston RAISE Weaving the Waterfront Transportation Project - Trails and complete streets in the Rondout section of the city

Ulster County/ Open Space Institute: U&D Corridor rail & trail study by a committee of the County Legislature. City of Kingston to Basin Road/Ashokan Rail Trail

Town of Hurley: Planning underway to replace and update O&W trailhead kiosks and trail signage

Open Space Institute: O&W Spring Glen section - planning & design for a recently-acquired section of abandoned railroad corridor

Open Space Institute, Village of Ellenville and new owners of Nevele resort: Planning and negotiation for O&W trail connections through the Village center and resort property

Town of Marbletown and D&H Canal Historical Society: Conceptual plans for High Falls community & O&W rail trail connections

Town of Lloyd: Hudson Valley Rail Trail, Highland farmer's bridge enhancement

Town of New Paltz: Henry DuBois Drive separated bike-ped lane, enhancing a section of the Empire State Trail through town

NYS-OPRHP, PIPC and Scenic Hudson: Trail system planning and Empire State Trail enhancements within Sojourner Truth State Park

PIPC and Open Space Institute: Smiley Road Carriageway trail reconstruction. Planning is underway to upgrade the trail connection between the Village of Ellenville and Minnewaska State Park

NYS-DEC: Vernooey Kill and Sundown Wild Forest multi-use trail construction (10 miles)

NYS-DEC and ORDA: Shandaken Wild Forest multi-use trail construction, including local connections (10 miles)

(above information provided by Ulster County Trails Advisory Committee via Karl Beard and Burt Thelander)

Orange County

Parks/Public Works, planning for Heritage Trail Segment 3
Schunnemunk 10-mile Rail Trail

TRAIL RELATED ACTIVITIES continued on page 19

TRAIL RELATED ACTIVITIES continued from page 18

Middletown & NJ, 7.8 mile rail trail, ROW survey completion and pursuit of phase I funding

OC Real Property/Planning, rerouting Long Path through Indigot Watershed county owned lands

OC Parks/Planning/DPW working on Camp LaGuardia w/nature trails /connections to Heritage/Schunnemunk trail

OC Planning/County Executive, County Master Plan, and OC Bikeway Vision proposal (2023) to develop array of rail trails within OC and connections with Ulster/Sullivan County trail development proposals

OC Parks/Real Property, working on Sugar Loaf Mountain Master Plan in collaboration with OC Planning, OCLT, and NYNJTC

Outdoor Club of Port Jervis

(above information provided by Alan Sorensen, Orange County Planning Commissioner)

Sullivan County

SC Parks/Planning, trail and facility improvements in Summitville area

Sullivan O&W Trail Alliance/Open Space Institute, SC Planning collaborating on right-of-way acquisitions north of Summitville, North of Liberty, and North of Parksville.

NYNJ Trail Conference, plan for rail-canal trail link and improvement off Ferguson Road

Sullivan O&W Rail Trail Alliance, SC Planning, Town of Fallsburg Neversink Crossing

Sullivan O&W Rail Trail Alliance, SC Planning, Town of Liberty Parksville Extension

Sullivan O&W Rail Trail Alliance, SC Planning, Town of

Rockland Livingston Manor to Sonoma Falls

SC Planning Trail Town Assessments for all hamlets/villages through which the Sullivan O&W passes.

Sullivan O&W Rail Trail Alliance 4 signature annual events, marketing and branding of the trail

Orange and Rockland Utilities, power line undergrounding, Mamakating Town Hall to Sullivan Street

Open Space Institute, offer to update Mamakating trails map

Mamakating Bicentennial Committee, 2025 D&H canal anniversary celebration

Cornell Co-Operative Extension, donation of fitness equipment, supplies and furniture

Boy Scout Troops, multiple Eagle Scout trail amenities, exhibits and signs

(Above information provided by Kerron Barnes, Mamakating and Heather Jacksy, Sullivan County Planning)



Tell A Friend About the Basha Kill Area Association

Fill out this coupon for membership or more information:

Mail to: P.O. Box 1121, Wurtsboro, NY 12790

_____ \$10 per membership _____ Other Donation _____ Prefer mailed newsletter (Not available to seasonal residents due to forwarding costs)

_____ \$20 Family Membership (every family member aged 14 years and older holds voting rights)

Name _____

Phone _____

Address _____

Email (required) _____



In this issue:

<i>Donors & New Members</i>	<i>2</i>
<i>2024 Calendar of Events</i>	<i>3</i>
<i>Rara Avis & Walter Jahn Lecture Series</i>	<i>4</i>
<i>Message from BKAA President</i>	<i>5</i>
<i>MEEC Connection</i>	<i>6</i>
<i>Save a Portion of Former TEC Land</i>	<i>7-9</i>
<i>Hummingbirds at MEEC</i>	<i>10</i>
<i>Water Chestnut Invasion Threatens Bashakill</i>	<i>11</i>
<i>Deerpark Rural Alliance & NYenvironcom</i>	<i>12</i>
<i>Cheyenne the Water Woman</i>	<i>12</i>
<i>Pollution of the Shawangunk Kill</i>	<i>13-15</i>
<i>Route 17 Expansion</i>	<i>16-17</i>
<i>Trail Related Activities & Projects</i>	<i>18-19</i>

BASHA KILL AREA ASSOCIATION
PO BOX 1121
WURTSBORO, NY 12790

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