



Conservation or Confiscation

MONTICELLO, NY -- Congressman Maurice Hinchey (D-NY, representing the 22nd district), is co-sponsoring three pieces of bipartisan legislation that will revise and amend the Energy Policy Act of 2005 in order to ensure that the federal government does not overrule local and state officials and force the NYRI project upon New York residents.

Congressman Hinchey's Web site explains the legislation: "The first bill Hinchey is sponsoring would outright repeal the section of the Energy Policy Act of 2005 that authorizes the U.S. Department of Energy to designate National Corridors and/or grant permits for projects in those corridors. The second bill that Hinchey is sponsoring, the Protecting Communities from Power Line Abuse Act, would strip the ability of the Federal Energy Regulatory Commission (FERC) to grant federal eminent domain authority to projects such as the one proposed by NYRI.

That bill would in essence make it much more difficult, and probably impossible, for the NYRI proposal to proceed in the event New York State denies a permit. Even though FERC could theoretically permit the project, NYRI could not use federal powers to take private lands from unwilling sellers.

"The third bill, which Hinchey is cosponsoring, is called the National Interest Electric Transmission Corridor Clarification Act. The measure has many provisions, but essentially ensures that areas which are recognized for their scenic, natural, cultural, or historic values, such as the Upper Delaware Scenic and Recreational River, are protected from electric corridors. The bill helps ensure that local and state authorities have control over the final outcome and also allows for greater public input on such matters. "Hinchey sponsored two of the bills and is an original cosponsor of the third, which is authored by Congressman Frank Wolf (R-VA), who has a similar power line proposal pending in the congressional district which he represents. Congressman John



David Dawrin, Orange County attorney, left; William Douglas, executive director of the Upper Delaware Council; Congressman Maurice Hinchey; Troy Bystrom, Vice President of the Upper Delaware Preservation Coalition; and Nina Guenste, media coordinator of SayNo2NYRI.com., pose after a news conference held in the Sullivan County Government Center.

Hall (D-NY) and Congressman Michael Arcuri (D-NY) are co sponsoring all three bills with Hinchey."

For more information see "Hinchey Unveils Federal Legislation To Stop NYRI Power Line Proposal" at: http://www.house.gov/hinchey/newsroom/press_date.shtml

An article in **The River Reporter** indicated that NYRI has filed a lawsuit against the state of New York in federal court in Albany challenging a law signed by former Governor George Pataki on October 3, 2006, prohibiting NYRI from confiscating land using eminent domain. The 190-mile-long project would traverse much private property, and "NYRI project manager William May said the project would be impossible to construct without the use of eminent domain," according to the article. For more information visit:

<http://www.riverreporter.com/issues/07-02-08/head2-nyri.html>

Eight Goals of Hinchey's Bipartisan Legislative Effort:

1 The legislation would protect scenic and cultural resources by ensuring that the Secretary of Energy take into account the natural and historical values of our landscapes.

2 The legislation would prohibit NIETC designations on any lands protected by state or federal laws for their scenic, natural, cultural or historic values, which would include land within the wild and scenic river system, such as the **Upper Delaware Scenic and Recreational River**.

3 It would also encourage energy efficiency and new technology by requiring studies and public comment on all alternative methods to relieve congestion constraints other than by building new transmission lines.

4 The cumulative impacts of all alternatives to the lines must be considered and the public must be allowed to weigh in on these issues. The bill would require that any combination of alternatives for the lines must be fully and publicly considered before the siting and constructing of new lines by the Department of Energy or FERC.

5 The bill also requires that engineering studies be done to determine the feasibility of burying the lines underground.

6 The bill would require the applicant (in this case NYRI) to prove to FERC that a state decision lacked merit before it can appeal the decision. It also repeals the ability of the applicant to appeal to the president.

At a news conference at the Sullivan County Government Center in Monticello, **Congressman Hinchey** unveils three bipartisan bills that could prove difficult for NYRI.



An Urgent National Issue

7 The bill further states that if a state regulatory authority does not make a final decision within a year of the request being filed for permits to build new transmission lines, the FERC may obtain jurisdiction of the process only if it determines that there is no rational basis for the delay.

8 Finally, the bill would change current law that says landowners would only be compensated for the portion of their property actually taken for the corridor right of way. The bill would compensate landowners who are able to prove a 10% diminution in property value because of the construction of the lines, and would be considered a cause of action to recover those damages from the energy company.

What we can do today!

The UDPC is working with the Piedmont Environmental Council (PEC) to promote a campaign to encourage people to cut their energy use by replacing every incandescent light bulb in their home with compact fluorescent light-bulbs (CFL). Widespread participation in this project will show how serious local citizens are about conserving energy. UDPC needs your help to tally how many light bulbs have been changed. Visit enlightenny.com if you live in New York State or enlightenusa.org and send information on how many CFLs you have replaced in your home.

Why switch to CFLs? Residential, commercial, industrial, and municipal lighting uses about 22 percent of all the electricity generated in the United States, and accounts for thirty-nine million tons of carbon dioxide emissions, according to the Rocky Mountain Institute (RMI). RMI estimates that the technology already exists to cost-effectively save 50–90 percent of the power now consumed by lights in the United States. That would save \$30

billion a year—enough electricity to retire 70 to 120 large power plants—and reduce carbon-dioxide emissions by twenty to thirty-five million tons per year.

An incandescent light bulb typically costs six to ten times more for electricity over its relatively short (750-hour) life because incandescent lights put out more heat than light. CFLs are four times more efficient than incandescents. CFLs save consumers \$30 over the life of each bulb, use 75 percent less electricity, last on average ten times longer and produce 450 pounds fewer greenhouse gases from power plants, according to a January 2 article in **The New York Times**.

The Times article also reports that Wal-Mart has launched a campaign to sell 100 million compact fluorescent bulbs a year by 2008. If consumers respond to Wal-Mart's marketing and this goal is achieved, Americans could save \$3 billion in electricity costs and the need to build additional power plants could be eliminated. For more information visit: <http://www.pecva.org>.



Troy Bystrom was one of the grassroots leaders who commented on the proposed legislation. His remarks are recorded below.

The Upper Delaware Preservation Coalition supports the legislation being introduced by Congressman Hinchey and we applaud his leadership in protecting upstate New York and preventing the construction of projects such as the New York Regional Interconnect from causing irreparable harm to our cultural, environmental and historic resources. By exempting all protected lands from corridor designation the Congressman helps to reverse the wholesale destruction of our public lands and parks which seems to have been the trend in recent years. This bipartisan legislation sponsored by Congressman Hinchey, Wolf, Grijavla, Davis, Arcuri and Hall, known as the National Interest Electric Transmission Corridor Clarification Act encourages what we feel should be a comprehensive part of any energy policy by considering energy efficiency, new energy technologies and alternative energy solutions in addition to transmission and restores some of what we believe was the original intent of section 1221 of the Energy Policy Act of 2005. And by insuring adequate compensation for landowners whose property values are affected by projects such as NYRI a degree of economic “fairness” is added into the equation.

The Upper Delaware Preservation Coalition along with the National Trust for Historic Preservation, the National Parks Conservation Association and the Piedmont Environmental Council hosted a meeting of National Organizations in Washington DC concerned about the impacts of transmission corridors on historic, environmental and cultural resources and we look forward to working with our Congressmen to protect all of our national resources. We will work with the Congressman to build broad national support to revise section 1221. In addition, UDPC is working with the Piedmont Environmental Council based in Virginia to promote conservation through the enlighten campaign. This campaign encourages the replacement of traditional incandescent light bulbs with compact fluorescent light bulbs saving energy and money. We encourage you to visit enlightenny.com or enlightenusa.org for more information. When UDPC was formed to preserve the Upper Delaware River, we never imagined that we would become part of a national effort to preserve America.

Now that legislation has been introduced at the federal level to preserve states rights, we would like to encourage our state legislators to introduce similar measures in New York State and encourage citizens to work together to develop a comprehensive New York State Energy Policy that benefits all New Yorkers. We should act locally, preserve regionally, think globally and conservation not condemnation should be the path to energy independence.

National & Local Organizations Unite to Oppose 2005 EPA Act

WASHINGTON, DC -- The National Trust for Historic Preservation, the National Parks Conservation Association, the Upper Delaware Preservation Coalition, and Piedmont Environmental Council joined in a meeting on energy transmission which was attended by many other national organizations. "An Untapped Constituency for Energy Policy?" was held at the offices of the National Trust for Historic Preservation:

<http://www.nationaltrust.org>

The three-hour discussion was an effort to bring a new awareness to the negative effects of high voltage electric transmission lines on communities across the United States and the relationship of these interstate transmission lines to ongoing efforts to improve air quality, conserve resources, and combat climate change. Local and national land use and land conservation organizations involved in place-based conservation have been confronted with the prospect of major interstate transmission lines which undermine community efforts to conserve historic, scenic, and natural resources.

The organizations are working with local and state government to inform the public about communities across the country that are being asked to absorb the enormous costs associated with the construction of high voltage transmission projects. These projects



are being proposed by utilities prior to a full analysis of the alternatives to building the lines and a programmatic environmental impact assessment, and prior to the implementation of robust energy conservation and efficiency programs at the state level.

The 2005 Federal Energy Policy Act (EPA Act), particularly sections 1221 and 368, creates incentives for interstate transmission lines, including an unprecedented access to federal eminent domain power, dramatically lowering the cost of transmission by lowering the cost to acquire a right-of-way. In fact, it appears that the new interest in interstate transmission planning is an effort by the coal industry to enhance its position as the dominant energy source in America's future energy economy.

A number of requests for energy corridor designation proposed under sections 1221 and 368 explicitly link some of the largest emitters of sulfur dioxide, nitrous oxide and carbon dioxide to new markets, increasing the capacity for generation at technologically outdated plants. An initial analysis of these corridors suggests major implications to climate change, ozone attainment, mercury, and acid rain.

The Conference Focused on State Sovereignty, Acid Rain, and Climate Crisis

Columbia University Supports Upper Delaware Preservation Work School of Law & the Urban Lab of the Earth Institute - legal and mapping efforts.



Columbia's program directors and team leaders attend a recent meeting at the headquarters of National Park Service in Damascus, PA. Assistant Park Superintendent Sandra Schultz, standing, discusses GPS and mapping data analysis with the Urban Lab group of the Earth Institute. Schultz also talked with the Environmental Law Clinic about National Park Service positions regarding the proposal by NYRI to build power lines in the Upper Delaware National facility. A series of visits by Columbia University are under way. Data is being assembled by the Urban Lab regarding mapping and cataloging of special sites along the NYRI route and the Law Clinic is working closely with attorneys of the grassroots organizations and C.A.R.I. legal efforts.

www.UDPC.net

The Upper Delaware Preservation Coalition is an organization whose goal is to preserve the Upper Delaware Valley and develop its use in accordance with the River Management Plan. We welcome donations of any amount. Donation of services is welcome as well, including printing, advertising, legal services, lobbying, public relations and many other professional skills.

If you have resources or skills you would like to donate to the UDPC, please contact us and we will be happy to discuss any contribution you would like to make on behalf of our efforts.

To make a donation by credit card please use the secure online donation buttons below. To make a contribution by check, please send to the Upper Delaware Preservation Coalition, PO Box 252, Narrowsburg, NY 12764. Help us stop projects like high-voltage power lines from ruining the river valley!

UPPER DELAWARE
udpc
Preservation
Coalition, Inc.
P.O. Box 252 • Narrowsburg, NY 12764

Conservation or Confiscation

Preservation & Protection or Eminent Domain



PUBLIC MEETING

Date: Sunday, June 10, 2007
Time: 3-5 p.m. with
Congressman Maurice Hinchey
Location TBA • 570-685-8774



A River like no other - is in danger like never before!

- NYRI (a foreign corporation) will Confiscate Private Property.
- U.S. Dept. of Energy (FERC) is Helping this Occur.
- Proposed Power Lines violate Wild & Scenic Rivers Act.
- 200-year Tradition of State Home Rule to End.

*Please call your **Congressperson and U.S. Senator TODAY** and ask them to support recent bipartisan legislation to amend and repeal parts of the EPA Act (Energy Policy Act of 2005).*

ONLINE DONATION NOW



www.UDPC.net

TAX-DEDUCTIBLE MEMBERSHIP

Name: _____

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- Membership**
- Individual Membership \$50
 - Senior Citizen Membership \$25
 - Family Membership \$75
 - Business Membership \$100
 - Silver Business Membership \$250
 - Gold Business Membership \$500
 - Platinum Membership \$1000

Please enclose check and mail to the Upper Delaware Preservation Coalition, PO Box 252, Narrowsburg, New York, 12764. Contributions are also accepted online at www.paypal.com. Use udpc@udpc.net as the Paypal address you would like to send funds to.

UDPC is a 501 (c-3) not-for-profit organization