



Testimony of Autumn Rierson, Assistant General Counsel
before the U.S. Army Corps of Engineers
Regarding **Public Notice No. 2000-00943-YN**
(Public Hearing on environmental and historic preservation impacts due to the proposed
St. Lawrence Cement Plant facility in Greene County, New York)

March 18, 2003

Good afternoon. My name is Autumn Rierson, and I'm speaking on behalf of the National Trust for Historic Preservation in Washington, D.C. As you may know, the National Trust is a private, non-profit membership organization chartered by Congress in 1949 to lead the private historic preservation movement in this country, to promote public participation in the preservation of our nation's heritage, and to further the historic preservation policy of the United States. With almost 250,000 members nationwide, including 20,000 members in the State of New York, the National Trust provides leadership, education, and advocacy to save America's diverse historic places and revitalize our communities.

Since 2001, the National Trust has been an *amicus curiae* participant, along with the Preservation League of New York State and many others in the Coalition, in the state administrative adjudication proceeding opposing the construction of the proposed St. Lawrence Cement facility here in the historic and scenic Hudson River Valley. The National Trust has commented previously on the Draft EIS within the state administrative process¹, and has recently requested formal "consulting party" status from the Army Corps for the Section 106 review process under the National Historic Preservation Act.² The National Trust has been designated by Congress as a member of the federal Advisory Council on Historic Preservation, which gives the Trust a unique place in the Section 106 process. We have participated actively over the years as a consulting party in a wide variety of Section 106 reviews with numerous federal agencies including the Army Corps, and most notably for these purposes, consultation regarding the Athens Generating power plant in 2000-2001.

The National Trust is gravely concerned about the mammoth facility proposed by St. Lawrence Cement, and the severe adverse effects that will result from this project on the scenic and historic Hudson River Valley, a designated National Heritage Area. The Hudson Valley was

¹ See National Trust letter to Hon. Helene Goldberger, ALJ, NYS Dep't of Env't'l Conservation (June 29, 2001).

² See National Trust letter to Richard L. Tomer and Christine Delorier, Army Corps of Eng'rs (Feb. 24, 2003).

named to the National Trust's List of "11 Most Endangered Historic Places" for the year 2000, and continues to remain threatened because of industrial development in the area. This region contains some of the nation's and the state's most significant landmarks, including the home of Frederic Edwin Church, Olana State Historic Site, the Hudson-Athens Lighthouse, and the historic towns of Hudson, Catskill, Athens, and the hamlet of Claverack. Approximately 1500 properties listed on or eligible for listing on the National Register of Historic Places are located within the area likely to be impacted by the St. Lawrence Cement plant. According to the Draft EIS itself, the massive physical presence of the plant, silos, and plumes will be prominently visible from 87 historic sites, including the Olana State Historic Site, a National Historic Landmark. Historic sites and districts, as well as the natural beauty of the Valley itself, represent a major scenic and recreational attraction to tourists from around the world. The Hudson Valley has made landmark strides in the past decade by using historic preservation and heritage tourism as tools for economic development. The fruits of those labors can now be easily seen in bustling places like the downtown Main Street of Hudson, New York. What a success story cities like Hudson have to tell the rest of the nation, and yet a project of this massive scale and bulk would severely undermine and adversely affect the city's historic preservation efforts.

The National Trust strongly opposes the St. Lawrence Cement facility, and we urge the Army Corps to conduct a thorough Section 106 review along with the Advisory Council on Historic Preservation and other consulting parties.

The Area of Potential Effects for this project will not be limited to the waterfront activities that are the immediate subject of the Army Corps permit. The vast proposed barge facility is an integral and absolutely necessary component of the overall St. Lawrence Cement complex. Without the barge facility, the cement plant could not function efficiently and economically in this location, and would not be built here. Because of this "but-for" relationship between the barge facility and the cement plant as a whole, the Army Corps is required under its own regulations to evaluate the entire plant as being within the "permit area." In assessing the impacts of the project on the broader Area of Potential Effects beyond the permit area, the Army Corps is required under Section 106 and NEPA to consider not only the direct effects of the plant, but also the indirect and long-term cumulative effects of the entire facility, in combination with other proposed and existing industrial facilities in the Hudson Valley.

Due to the massive scope and size of the proposed cement plant, most of the impacts of the project will not be able to be offset or mitigated. For example, no amount of vegetative screening, berming or painting will camouflage the intrusion of a project of this scale and massing in a rural historic landscape.

In light of the inability to mitigate the adverse impacts, and the high potential for "cumulative impacts," the National Trust believes that the Army Corps of Engineers should ultimately deny the permit applications for the plant. This permit would not be consistent with the applicable "public interest" standard under the Army Corps' own regulations.

The National Trust would also like to see the Army Corps require a new full-blown federal Environmental Impact Statement, since there were so many deficiencies in the Draft EIS prepared for the State administrative processes. We continue to believe that the Draft EIS

submitted in the state process is misleading and underemphasizes the adverse effects that the plant will have on the historic character of the Hudson River Valley.

In conclusion, the National Trust strongly urges the Army Corps of Engineers to conduct a thorough Section 106 review, and to require the applicant to prepare a new federal EIS. Thank you for the opportunity to present this testimony on behalf of the National Trust.