

WHY A CONSERVATION BILL OF RIGHTS

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Why is the fate of our land, our water, our forests, our marshes, our wildlife, our air—indeed, our health and perhaps our very existence as a species—in the hands of so few?

In concert with chief executives like governors, these few seem to be the heads and members of authorities and commissions, plus department chiefs of transportation, public works, etc., not to mention the top executives of big corporations and utilities.

There are 28 authorities in New York State according to political reporter John M. Greene in *The Long Island Press*. "These authorities are just what the name implies," he wrote. "After they are created the state has no control over them. Neither do the taxpayers."

This fall conservationists on both sides of Long Island Sound were feeling almost feeble over indications that New York's Metropolitan Authority, headed by Dr. William J. Ronan, was prepared to proceed with a six to seven mile bridge from Rye to Oyster Bay as soon as location and design were approved by the State Department of Transportation.

This despite the lack of studies on the possible ecological effects of a bridge. A Connecticut commission recently began studies of whether a bridge with fill or embankment near the shore could add to the pollution. To give time to obtain study results and come up with an over-all plan for the Sound, Rep. Lester Wolf of Long Island has for two years had a bill introduced calling for a moratorium on such public works projects as bridges.

Now conservationists fear that the Sound may literally be getting into hot water—that from the thermal pollution of proposed nuclear power plants along the shores. In this connection, conservationists from both shores meeting last summer gave a lot of attention to Cayuga Lake—a couple of hundred miles upstate. For this longest of the Finger Lakes also faces a nuclear plant (See a very informative article in the August-September 1968 issue of *The Conservationist*, *Cornell Scientists See Thermal Pollution of Cayuga Lake by Planned Nuclear Power Plant.*)

The writers point out that resulting reduced oxygen could be detrimental for animal life—this being one of "various adverse effects." Also, "small amounts of radioactive materials will be released routinely into the lake with water discharged from the plant," they write. These possibilities, plus the prognosis that by 1980 some 20 per cent of the fresh water runoff in the nation could be used for cooling purposes by the power industry with "a potentially disastrous impact on all forms of aquatic life—fish and birds," in the words of Sen. Edward Kennedy of Massachusetts, led the Long Island Sound conservationists to call for passage of his bill, The Electric Power Plant Siting Act of 1968. Sen. Ken-

nedy has proposed that the Atomic Energy Commission declare a moratorium on the licensing of nuclear power plants until after the Federal Power Commission (or preferably some group that could be more assuringly objective) shall have made a study of the potential dangers.

In effect, the conservationists were asking relief from a bill passed in the closing, hectic days of the New York State legislature last spring—A6305 and S5746. It gave Consolidated Edison and other power companies the right to condemn privately owned land for atomic energy development. This has followed the pattern of the legislators in taking power the people should have and delivering it to the authorities and now the utilities. In effect, these huge entities are now a law unto themselves and unless there is some repealing done in the Legislature the public is at their mercy.

Do the authority members, utility executives, Department of Transportation officials, etc., have any feeling or insight regarding possible effect on our environment? This question is not asked accusingly. In fact, it is really an intangible, subjective query, but one which arouses concern. For if a person has not consciously experienced the beauties of our natural environment or has not had experience or training in the intricacies of the ecology, can this person comprehend the impact of such a warning as that of Lloyd V. Berkner, who points out that our supply of atmospheric oxygen comes largely from diatoms at sea and that these diatoms are concentrating pesticides washed into the ocean. He warns that "if our pesticides should be reducing the supply of diatoms or forcing evolution of less productive mutants, we might find ourselves running out of atmospheric oxygen."

It is not hard to understand why there were moves this fall to get a Conservation Bill of Rights amendment started through the next legislative session, and to the people—one modeled after that included in the proposed new constitution that was defeated at the polls in 1967. Gathering strength is a national movement for a Federal Constitutional Conservation Bill of Rights to guarantee "clean air, pure water, freedom from unnecessary noise" and assure people that "the natural scenic, historic, and esthetic qualities of their environment shall not be abridged." It was H. J. 1321 introduced by Representative Richard Ottinger of New York and others.

To dramatically alert the public to its need and also to exert moral persuasion on those who might all too casually vote for some narrowly studied bridge, nuclear facility, pesticides appropriation, etc., perhaps it would be well to have a joint session of the Congress addressed by some outstanding, independent scientist who can "tell it as it is." It could be a State of the Environment Address. Or it could be a State of the Environment panel discussion (perhaps the first before a joint session) by several ecologists, biologists, sociologists, etc. and be repeated each year until there has been a roll-back on environment pollution on a massive scale.

IN BRIEF: The Huntington Audubon Society is holding a series of Audubon Wildlife Tours this year with remaining ones set for Jan. 30 (*Scandinavian Saga*) and April 2 (*Ranch and Range*) at John Glen High School 8:15 p.m. at \$1.50. . . . The Linnaean Society of New York is continuing for a second year its series of beginner's lectures with the following left on the schedule at 7 p.m. at the American Museum of Natural History: Jan. 19, Birds of the Region emphasizing rarities and how to collect and submit records; March 18, The Ornithological Year and May 20, The Role of the Amateur with discussion of ornithological projects, surveys and investigations. . . . The Scarsdale Audubon Society is sponsoring a forum on conservation at 8 p.m., Thursday Jan. 9 in the Greenacres School in Scarsdale and the Federation conservation chairman has been invited to speak on State Conservation Legislation, 1969.
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FIELD NOTES

The Prairie Warbler in Chemung County: The Prairie Warbler (*Dendroica discolor*) was first identified in migration in a Horseheads swamp by Mrs. Kay Fudge about 1959, and was verified by several others. In 1961 the species was found on May 10 by Mrs. Fudge and Mrs. Mary Smith on the road to Sullivan's Monument on the Newtown Battlefield Reservation near Elmira and observed by nearly all active birders in the Chemung Valley Audubon Society. A pair stayed on this slope, elevation 900–1200 feet, that year and at least one pair has returned each year to this area.

The second location was discovered on May 17, 1962 in a planting of young pines and on adjoining brushy slopes along the Mt. Zoar and Combs Hill Roads which parallel each other along a narrow valley near Southport. The first spring "Prairie" is always reported between May 3 and 10 from either this location or the Newtown Battlefield area. As many as three singing birds have stayed in the Mt. Zoar area during one season. On July 15, 1968 I heard three singing males, saw a pair (male and female), and had a glimpse of two others I thought were immatures.

The third general area is the Comfort Hill Road in the Town of Ashland, also about 900–1200 feet in elevation. Three singing males were found in May 1965 by Mary Smith. The habitat, brushy fields with scattered scrubby pines, is similar to the habitat of the two other locations. The singing birds were 1½ to 2 miles apart, unlike Mrt. Zoar where they were much closer.

On May 27, 1965 Mary Smith and I found a singing Prairie Warbler on a brushy hillside on the Clark Road, Town of Chemung. Because the location was not easily accessible to us, it has not been re-checked. There have also been one or two other reports in mid-May from small reforestation projects near Horseheads which have not been followed up.

It is interesting to note that in nearly every one of the locations there was also a Yellow-breasted Chat in residence. All were on hillsides or hilltops.

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ED. NOTE: The Prairie Warbler is a rare breeding bird in western New York and the Southern Tier, as indicated by the following references:

Eaton (*Birds of New York*, Part II, 191: 432): "local in distribution. . . . During the last 30 years it certainly has been a rare summer resident in central and western New York."

Reilly and Parkes (*Preliminary Annotated Checklist of New York State Birds*, 1959: 35): "common breeder Long Island, rarer in Hudson Valley; now very rare in remainder of State; formerly widespread."