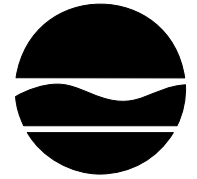


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Local Conservation Strategies for Hudson Valley Communities:

How a Conservation Advisory Council Becomes a Board

In local municipalities throughout New York, Conservation Advisory Councils (CAC) and Conservation Boards serve as important advisory bodies to town boards, planning boards, and zoning boards of appeals. By providing a scientific perspective on land-use proposals, comprehensive plans, environmental ordinances, open space protection, and biodiversity conservation, CACs and Conservation Boards can contribute to the preservation and improvement of the natural environment and quality of life for residents.

During the evolution of a CAC, steps may be taken to gain status as a Conservation Board. The key difference between the two is that Conservation Boards are formally included in the review of any actions on properties listed in the municipality's Open Space Index. (In some municipalities, Conservation Boards are asked to comment on *all* projects—not just those included in the Index. In others, CACs are asked to provide reviews without having acquired board status.)

The experiences of many successful CACs and Conservation Boards in the Hudson Valley have suggested that the key to maintaining a strong advisory capacity includes providing good, science-based reviews and recommendations in a timely fashion; maintaining an objective and unemotional perspective; engaging at the start of a project, rather than coming in late in the process; building expertise on the CAC or Conservation Board by having members attend trainings and educational opportunities; and developing good working relationships with municipal boards.

Below are some details, definitions, and resources related to the enabling legislation on CACs and Conservation Boards; open areas inventories, maps, and indexes; and natural resource inventories.

Article 12-F Section 239-x of the State of New York General Municipal Law states that local legislatures may create a conservation advisory council (CAC) to advise in the development, management and protection of its natural resources. (See http://www.nysaccny.org/article_12-f.pdf.)

This legislation directs CACs to create an **open areas inventory** and **map**. These are defined in Section 239-y as follows:

open areas inventory: “an inventory of open areas within the municipality with each such area identified, described and listed according to the priority of acquisition or preservation.”

open areas map: “a map or maps identifying open areas within the municipality which are earmarked for preservation, including, but not limited to, open areas that are required to be set aside out of subdivision plats, publicly owned open areas, open areas preserved by nonpublic organizations and open areas having conservation, historical or scenic significance.”

The legislation defines **open area** as “any area characterized by natural scenic beauty or, whose existing openness, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the municipality or would maintain or enhance the conservation of natural or scenic resources.”

Natural Resource Inventory (NRI)

In 1976, the NYSDEC developed the guidance document “Natural Resource Inventory: A Guide to the Process” to provide assistance to CACs and county Environmental Management Councils (EMCs). In 1997, the Dutchess County and Ulster County EMCs updated this guide to include data collection techniques that were not available in 1976 (such as Geographic Information Systems or GIS, and remote sensing).

While not a requirement, **this guide encourages CACs to develop a natural resource inventory (NRI) as the basis for an open areas inventory** (i.e., the NRI will offer technical evidence for the protection or acquisition priorities in the open areas inventory) and to include the following basic components: physical geography, geology, soils, surface and groundwater, land-use, vegetation, and wildlife. Much of the necessary data can be collected from existing information. Copies of this guide can be obtained from the Environment Program at Cornell Cooperative Extension Dutchess County (845-677-8223, ext.153).

The development of an NRI also provides a good opportunity to take stock of the town’s ecologically important habitats and biodiversity. For guidance on including habitat and biodiversity in your NRI, contact the Hudson River Estuary Program’s Biodiversity Project at 845.256.3061.

After a CAC has prepared an open areas inventory and map, it can submit them to the local legislative body for approval. After the legislative board approves the inventory and map, they become the official **open space index** of the municipality, and by resolution, the board may redesignate the CAC as a **conservation board**.

Section 239-y outlines the **general powers and duties of conservation boards**, which include: to “review each application received by the local legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open area listed in the open space index. The conservation board shall submit a written report to the referral body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or development of the open area in terms of the open area planning objectives of the municipality and shall include the effect of such use or development on the open space index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A copy of every report shall be filed with the legislative body.” (See http://www.nysaccny.org/article_12-f.pdf for the full list.)

While a conservation board is still advisory in nature, it becomes a more formal part of the environmental review process.

Additional Resources:

Kendall, B. and M. Blair. 1997. *Natural Resource Inventory: A Guide to the Process*. Dutchess County Environmental Management Council, Millbrook, NY. 70 pp. + appendices.

LeJava, J., M. Rielly and J. R. Nolon. 2000. *Open Lands Acquisition: Local Financing Techniques Under New York State Law*. MCA Technical Paper No. 2, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, NY. 25 pp.

Plunkett, K., ed. 2003. *A Local Leader's Guide to Open Space Preservation*. Starting Ground Series. Pace University Land Use Law Center. White Plains, NY. 86 pp.

New York State Association of Conservation Commissions (NYSACC)
<http://www.nysaccny.org/index.php>.

New York State Department of State. 2004. *Local Open Space Planning Guide*. NYS Department of State and NYS Department of Environmental Conservation Albany, NY. 64 pp.

For more information:

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