

▶ *What is it?*

The Bureau of Land Management is part of the New York State Office of General Services (OGS), whose commissioner is appointed by the Governor.

▶ *Why is it important?*

Through the Bureau of Land Management, OGS oversees property owned by The State of New York, including lands along the Hudson River shoreline as well as lands which are now underwater that might potentially be filled in.

▶ *What are the key issues?*

- Research by Friends of Hudson member Don Christensen, verified by retired OGS attorney Bob Mclean, indicates that St. Lawrence Cement possibly occupies **7 acres** or more land along the Hudson without proper authority or clear ownership.
- The acres in dispute were originally part of the Hudson River. They were apparently filled in over a period of years **without approval** by the State in front of an actual approved property line. These "fill" areas could effectively remain the property of the People of the State of New York – land-locking much of SLC's actual property behind public land, with no access to the River.
- In addition, SLC wants to **fill in more** of the River in front of these disputed acres. NYS owns and controls the rights to this area of the River; SLC is seeking approval from the State expand the fill.
- Moreover, SLC has an unfulfilled obligation to maintain a large, **public dock** area (or "basin") right in the middle of their proposed barge facility. This condition was imposed by the State Legislature when it made the original grant of land underwater that permitted SLC's predecessors to fill in the River to an authorized line. This condition transferred from buyer to buyer and was required to be maintained "forever hereafter" – a "mitigation condition" for filling in the river for commercial purposes that was dictated by the highest level of law of the State. The law remains valid today.
- Though these conditions have persisted for many years, there is no right of adverse possession (**no "squatters rights"**) to State-owned property.
- SLC apparently has failed to offer any valid **proof of ownership** to OGS, no full survey of the areas in dispute, and no direct refutation of these charges and no acknowledgement of their lawful responsibility for fulfilling the mitigation obligation as defined by State Legislative Act.
- The areas in dispute run approximately 1,400 feet along the edge of the River south of the City of Hudson's waterfront park, a public recreational area. Under the Department of Environmental Conservation's Management Plan for the Hudson River Estuary, **public access** to the River is the top priority for State-owned land. The proposed SLC dock could harm this public development and impair public access. The lands in question would be better used to augment the City's project and increase public enjoyment of the River.
- This is a precedent-setting **test case** for many similar properties throughout the State, and must be handled with the great caution as a result.

▶ *What should OGS do?*

- **Require** a full survey that would compel SLC to demonstrate full chains of title to each parcel in question.
- **Hold** a public hearing on these land ownership issues well before deciding on SLC's requests for any easements, conversion grants, etc.
- **Request** that the NYS Attorney General's office render an opinion on these issues.
- **Revoke** any existing grants of land whose terms have not been honored by SLC.
- **Choose** as an alternative giving easements to the City of Hudson to expand its waterfront park development, thus expanding public access to the Hudson River as mandated by the State's Estuary Management Plan.

WRITE TO:

Commissioner Kenneth Ringler Jr.
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Bureau of Land Management
Corning Tower, Empire State Plaza
Albany NY 12242

SEND COPIES TO:

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REMEMBER ...

You do not need to be an expert to voice your opinion. If you are short on time, please write a short, simple letter expressing your opposition to the project. If possible, mention that you would like there to be a public hearing on this issue. If you have already written a letter to Judge Goldberger or other officials, you could send a copy of these with a short cover note, or rework your old letter for OGS. If you would like to learn more about this issue before writing, please call Friends of Hudson, 822-0334 or email sam@mhcable.com ...