



Save the Pine Bush

September/October Newsletter

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Vegetarian/Vegan Lasagna Dinner Wednesday, September 15, 6:00 p.m.

Peter Nye

NYS Department of Environmental Conservation
Endangered Species Unit leader
will speak about

Habitat Protection for Endangered Species

For the first time, the state is spelling out rules that would treat a potential threat to an endangered species' habitat as if it were a direct threat to the animal itself. State rules have long protected endangered animals from being killed or harassed. A proposal released by NYSDEC would formally extend that protection to lands that such animals rely upon to live, feed and reproduce. Peter Nye will tell us about these rules and how we can write comments and advocate to put these rules into effect.

At the First Presbyterian Church, (State and Willett Sts, Albany, please enter from State St.). All-the-vegetarian-and-vegan-lasagna-you-can-eat, garden salad, garlic bread and homemade pies. Only \$10 for adults, \$5 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsín Adams at 462-0891 or Lynne Jackson at 434-1954 or email pinebush@mac.com. Interested people are welcomed to attend the program beginning at 7:00 for which there is no charge.

September Flower Walk

Saturday, September 25 at 9:00 AM

Meet At: the Pine Bush Discovery Center, 195 New Karner Road, Albany NY 12205

Leader: Amy Riley; **For info call:** 465-8930

Join us with the very knowledgeable wildflower specialist Amy Riley in a leisurely September walk in the Pine Bush to look for beautiful fall flowers.

Instead of our usual meeting place; we are meeting at the Discovery Center. This is more central to the average range of where our outing participants arrive from. Plus fewer and fewer people have been showing up by bus at SUNYA. But if anyone is not using a car to meet with the leader, please call up the above information numb and a ride can be arranged.

The walk is free and open to the public! Bring your friends!

www.savethepinebush.org

We Want Ward in Our Backyard!

by Tom Ellis

As many readers know, Ward Stone, NYS DEC wildlife pathologist since 1969, has had numerous conflicts over the years with DEC higher-ups, most concerning Ward's determination to learn the facts about how pollutants impact wildlife, and then reporting what he has learned. The latest of these battles is now in progress. This assault likely resulted from his taking and analyzing numerous soil samples downwind of the mercury spewing LaFarge cement factory in Ravena.

During May the Albany Times Union printed an article with allegations Ward has violated NYS rules and regulations such as sometimes sleeping in his office at night or using his state-supplied auto for personal uses, and for

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Town of Colonie is in the Process of Revoking Protection of the Pine Bush!

The Town of Colonie has held a couple of meetings to review the zoning that has resulted from the Comprehensive Plan process completed in 2005. Below, is a press release sent by Dan Dustin. It is the best explanation of what is happening now, and I am publishing it in its entirety—the editor

Colonie Town Board member, Dan Dustin, is calling on Town Supervisor Paula Mahan to immediately open to the public, the meetings of the Town's Comprehensive Plan Review Committee. "The lack of transparency around this process is fueling a lot of concerns in the community," said Dustin.

The Comprehensive Plan, adopted in 2005 after a two-year long public process, outlines a vision and master plan for Colonie's future development. The Plan specifically calls for a public review process every five years to ensure that the Plan remains current with emerging issues, trends and community concerns.

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“The current Comprehensive Plan review process is a disgrace. It is being done behind closed doors with a committee that was hand-picked by the Supervisor” Dustin said. “This committee should have been established by the Town Board, the meetings should be publicly announced and open to the public; the public should have an opportunity to comment at the meetings and all meeting minutes should be posted promptly on the Town web site.”

To date, the committee has met at least three times in secret. The Committee lacks representatives from important groups in the community and no outreach has been done to solicit feedback from organizations such as: the Albany-Colonie Regional Chamber of Commerce and Colonie Chamber of Commerce, regional planning experts and transit interests, the school districts, housing advocates, the environmental community, including The Pine Bush Preserve Commission, and the Mohawk River Community Partners, bike and pedestrian interests and the youth and senior community-based organizations. All of these organizations were invited to participate in the development of the original 2005 Comprehensive Plan.

“I have been contacted by numerous residents and community groups concerned about the lack of transparency about this process. The Supervisor claims this is a simple review process and that these concerns are overblown,” said Dustin. “To allay these concerns, I am calling on Supervisor Mahan to immediately open this process to the public and to reach out to all residents and a wide array of groups in the community to solicit and consider their input. This process is too important to the future of the Town for it to be conducted behind closed doors.”

Colonie sits at the crossroads of the greater capital region and planning decisions that are made in Colonie have an impact on the larger region. For this reason, the 2005 Comprehensive Plan involved input from a broad spectrum of regional and town-based interests. The 2005 Plan was lauded by many when it was adopted as a forward thinking plan for the 21st Century, incorporating modern planning concepts of smart growth, mixed use, new urbanist design, and connecting neighborhoods.

Dustin added, “The review process being conducted by Supervisor Mahan undermines the very purpose of having a Comprehensive Plan in the first place, which is to engage the community in problem-solving and planning for the future of our Town. An obscure reference on the Town website soliciting written comments and a public hearing at the end of the review process does not

constitute meaningful public engagement in the process. For a Supervisor who promised open and transparent government, we have gotten anything but that.”

Open meetings law has been broadly interpreted by the courts to place an emphasis on the importance of open public meetings. Recent decisions have found that gatherings of public bodies for the purpose of conducting public business are “meetings” and must be open to the public even if the meeting is considered a “work session”.

Standard practices for Comprehensive Planning, including periodic updates to a Comprehensive Plan, involve extensive public outreach and citizen involvement, employing a wide array of methods to engage the public. The 2005 Comprehensive Plan process included a Town-wide survey, and numerous open public meetings, including neighborhood and topic-specific workshops. Additionally, all meetings of the Comprehensive Plan Advisory Committee were announced and welcomed public comment. Details about the original Comprehensive Plan, including meeting minutes for all work sessions and public meetings were made available to the public throughout the process and can be found on the Town of Colonie’s website at <http://www.colonie.org/pedd/complan/comprehensiveplnadvisorycommittee.htm#>

Ward Stone, from page 1

sometimes mistreating his staff.

A second article in June alleged that Ward had screwed up the state’s investigation into the West Nile virus eleven years ago and thus delayed the state responding correctly to the problem. Ward insisted his science was correct. A lengthy and detailed article by Chet Hardin in the July 22-28 Metroland thoroughly reviewed and refuted the allegations contained in the second Times Union article.

However the largely petty charges made in the first article, some of which are undoubtedly true, are now the subject of a review by the state’s inspector general. Ward, who is 71 years old, and who handles pressure better than most people, faces the most severe threat to his career yet; there is talk he may be suspended without pay, fined thousands of dollars, or he may lose his well-deserved future pension.

Please contact state legislators and ask them to speak up in support of Ward and the great work he has done over many years protecting the environment of New York State. Also contact DEC Commissioner Pete Grannis and tell him to let Ward Stone do the job we pay him to do.

See related article and announcements on what we can do to help Ward Stone.

The Wonderful Wildlife Pathology Unit

When I walked into the Labs on the hill above Five Rivers Nature Preserve for the first time, the natural history displays held me in awe. At the Museum of Natural History in Manhattan, where I spent a lot of my happiest childhood hours, there was always glass between you and the artifacts of life. At the Pathology labs, the natural world comes close and captures you.

Responding to an ad in the Metroland newspaper, I was there to volunteer. The Pathology Labs are in charge of diagnosing the cause of animal deaths and working to safeguard the public health of wildlife species. They diagnose wildlife diseases and epidemics, identify contaminants that injure wild species, and investigate crimes against wildlife or any crime involving animal death.

For all the sadness involved in these inquiries, the labs were a happy place. Dr. Ward Stone and his staff were eternally curious and honing their powers of observation. “Here, this is how you tell one bat species from another – see the difference in the little teeth?” “Seagulls aren’t a species, but this little red dot on the beak means it was a herring gull.” The labs were generous in explaining things to novices.

At that time, the labs were abuzz with the concern about prion diseases hitting NY State. Out west there were huge deer and elk casualties due to Bovine Spongiform Encephalitis, also known as “mad deer disease” to lay people. Ward felt that this was not going to take hold in NY State the way it did out west, but he also knew these strange infectious proteins were travelling east fast. The labs were scrambling to process deer brains from sick deer to see if the disease had arrived. Lab techs and scientists would carefully prepare slides with slices of brain prepared with brilliant purple dyes to make the neurons visible for a microscope check.

In the next room were maps covered with pins, showing the distribution of crow deaths from West Nile Virus. In one paper they published about that time, they described the usefulness of different tests for diagnosing West Nile Virus -- (<http://www.cdc.gov/ncidod/eid/vol11no11/05-0806.htm>). There were so many species affected – from kestrels to cardinals to mockingbirds. But, the crows were most vulnerable and they died in droves. Mapping their fallen helped show the progress of the disease, which, of course, carried grave dangers to humans as well.

Dr. Stone had this unusual view – he fought for decades to stop the pesticides that injure wildlife and compromise human health – but at the same time he knew that stopping mosquito larva was an important part of stopping West Nile. And so he advocated using “dunks” – little

toxic rings you put in standing water as larvicides which kill the mosquitoes before they begin to fly. He had the experience and judgment to know the difference between public health emergency and illegitimate pesticide use.

Later on he told me that when the DEC came to put poles out which deer could rub themselves on which were impregnated with chemicals that would kill the ticks –agents of Lyme disease – the community was concerned and objected to the use of pesticides. Only Dr. Stone, because of his uncompromising stance on pesticides in general, could relieve the fears and help the citizens know that this particular application was safe for their community and would help with the Lyme epidemic.

The fact that people trust him is very important to his ability to inform them.

But as you looked through the files and the copies of science papers stacked neatly in the labs, you found that Ward hadn't only looked into diseases but also things like high speed railways which took a toll on juvenile eagles (<http://elibrary.unm.edu/sora/jrr/v035n01/p00064-p00065.pdf>). And then, there were always inquiries into chemical contamination in the environment.

At the labs, I got to work with the bones – the environmental education tools of vertebrate anatomy left behind from all the science being done. These bones were soaked in 5% hydrogen peroxide and then scraped to remove the last pieces of flesh. This was a task often reserved for volunteers. Then the bones were categorized and stored so they could be used to respond to requests from teachers and wildlife centers around the state.

The bones were things of beauty. In an amazing feat of design, all vertebrates have the same analogous bones and structures, though formed differently for each species. Thus the sternum of a bat is like a human sternum -- a small, dense oblong bone -- while the sternum of a goose is large, light and delicate with scalloped edges. Pieces of the skeletons of deer, coyote and muskrat abounded in the bone room. But there were also representatives of many different and less common species such as a snow goose, all varieties of owls and hawks, mink, and black bear.

I learned how tough it is to remove the last piece of brain from the cranial cavity of the deer and how that cavity has its own three dimensional labyrinth which is prettier than any lacework if you truly look at it. To gaze at turtle skeletons, the bones of a mute swan, cow bones, horse and snake bones, beaver skulls, the bones of cooper's hawks, even some eagle bones and realize they have the same basic structure is a visual lesson in both taxonomy and the connectedness we have with all these sister and brother vertebrate

**Support NYS Wildlife Pathologist Ward Stone!
Rally at WAMC to Ask to Reinstate Ward!
We Want Ward Stone In Our Backyard!!!
Meet at WAMC, 318 Central Ave., Albany
Monday, September 13, 5:00 PM
Bring Signs and Posters to Support Ward Stone
For more information, call Rezsina Adams at 462-0891**

organisms. I had never heard of a short eared owl, but looking at its skeleton, I felt connected to it. I was losing my hearing and so was becoming "short-eared" myself. (Literally, the short-ears refer to the feather tufts on top of the owls head, and aren't ears at all. Owls have excellent ears on the sides of their heads.)

The labs were a treasure trove– Dr. Stone could not see wildlife as separate from their environment and so their whole environment was the target of study. This made the labs a feat of spectacular work ethic and dedication with countless artifacts and paper trails documenting the life histories of organisms across New York State as well as the status of the habitats upon which they depend.

To me the labs were magic. I implore this state government to value them, keep them and continue to allow an inheritance given to all New Yorkers by Dr. Stone, his staff and his volunteers to remain here to serve wild species and also to increase our understanding of them. The role of wildlife pathology in environmental science and in wildlife preservation is now recognized everywhere. For that we can thank the tireless, curious and ever fascinated-by-life, Dr. Ward Stone .

Support Ward Stone!

Fill out and add postage to the enclosed postcard asking Dr. Alan Chartock to reinstate Dr. Stone's program "In Our Backyard"

Pesticides, continued from the back

pesticides.

So what is the most important reason for the Jennings Administration's resistance to (finally) implementing the Pesticide Ordinance after 10 these many years. Willard Bruce wants to use a very toxic herbicide to the area of the landfill expansion in preparation for "restoring" the Pine Bush habitat on the area after the landfill is closed. This toxic herbicide would be used as an easy and convenient way to remove undesirable species of plants, trees and bushes (the alternative would be to mechanically remove these plants). Using a toxic herbicide as part of a restoration process for a very sensitive environmental habitat

is beyond ridiculous.

Jennings allies on the Pesticide Committee have used all manner of excuses for continuing with this toxic herbicide landfill plan. They have claimed that DEC has ordered them to do this - This is absolutely false, the City's consultants proposed this plan of action and it wasn't DEC's idea. The argument then shifted to that of the plan coming out of years of negotiation between DEC and the City - The City still was the party which proposed the plan to DEC; DEC did not propose the plan and never does in these situations. DEC only approves plans, such as this one. The City can ask DEC for permission to change the plan. It has been done before and it can be done again. But the City is unwilling to ask for a change in the plan. They know that would open the door to requests for other changes to the plan which environmental advocates want.

So, how do pesticides pose risks to humans and other animals? Pesticides get into the air during and after spraying and are conveyed by the wind some distances. They also are moved to other locations by water. Some of these pesticides may end up in the streets, whereupon they are put into the air by street sweeping and blown to further locations.

While pesticides are unhealthy and dangerous for adult humans, they are especially dangerous to small children and pets. Because small children and pets are in fact small and lighter in weight than adults, the amount of a pesticide which is dangerous to small children and pets is only a fraction of the amount of chemical necessary to cause damage to an adult.

Small children and pets are also at greater risk to pesticide damage because they typically spend time crawling on the ground, where pesticides are found. It's the nature of small children to put their fingers or hands in their mouths, thereby ingesting the chemicals. Household pets ingest these chemicals as a result of their normal grooming habits.

The 1998 Pesticide Ordinance of the City of Albany should definitely not be weakened. If anything, it should be strengthened. Above all, it should be enforced.

Time for the City of Albany to Enforce the Pesticide Ordinance

It has been said that environmental problems are often the result of bad government. That certainly is true in the case of the Pesticide Ordinance enacted by the City of Albany in 1998.

One of the issues at hand at the time the ordinance was written was the use of pesticides in bodies of water within the City. That, apparently, was how the Water Department and its Commissioner, Robert Cross, got involved.

The Ordinance was enacted by the Albany Common Council in 1998 with the guidance and assistance of members of some of the state-wide environmental groups headquartered in Albany. Therefore, there was unusually adequate help in formulating the ordinance.

Unfortunately, once it was enacted by the Common Council, it was ignored by the Jennings Administration and never implemented. At the time the Ordinance was passed by the Common Council and for many years thereafter, Willard Bruce was the Commissioner of the Department of General Services (the agency responsible for maintaining the City parks and golf course, at the time).

Cross is still the Water Commissioner. Bruce, while he receives his City pension and is technically retired from the City, is presently

the lead consultant and is paid by the City taxpayers to plan the expansion of the Rapp Road landfill.

Why was the Albany Pesticide Ordinance ignored by these City administrators from 1998 until the matter was brought to the public's attention in 2010?

That's a good question which has yet to be answered.

The maintenance superintendent of the Albany Municipal Golf Course, as well as the Jennings allies on the Pesticide Committee, have indicated they want the golf course, and perhaps other areas, to be exempt from pesticide restrictions. Various arguments have been put forth in support of this exemption. One is that it is impossible to maintain a golf course without the use of pesticides. When it was pointed out that there are local golf courses, such as the Bethlehem Municipal Golf Course (Colonial Greens), that address the problems of pests without using chemical pesticides, the assertion was made that Albany can't use those methods because it's bigger than Colonial Greens. The size of a golf course, whether it is nine holes (like Colonial Greens) or 18 holes (like Albany Municipal), has nothing to do with the ability to maintain

the course without the use of pesticides. It is not size-dependent.

Another argument made was that it was much more expensive to maintain a course without the use of pesticides. But the Bethlehem golf course's website proudly points out that they found it was less expensive to maintain the course without pesticides, i.e. they have actually saved money.

Whether it costs more or less to maintain a golf course without using pesticides is secondary to the concern that should be raised over the effects of pesticides on humans, wildlife, fowl and the water.

And yes, the Bethlehem course is smaller. In fact it is only nine holes, while Albany's course is 18 holes. But Albany residents are paying only \$17 to play 18 holes while Bethlehem residents are paying only four dollars less (\$13) to play only nine holes. If an Albany resident were to play at the Colonie Municipal golf course, it would cost \$21 for 18 holes. Sounds like it's time to raise the greens fees at the Albany Municipal Golf course so that there is sure to be money available to properly maintain it without using

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