



Save the Pine Bush

May/June Newsletter

May/June 17 No. 136 • 33 Central Ave., Albany, NY 12210 • email pinebush@mac.com • phone 518-462-0891 • web http://www.savethepinebush.org • Circ. 600

Vegetarian/Vegan Lasagna Dinner

Wednesday, May 17, 2017, 6:00 p.m.

Roger Downs

*Conservation Director for the Sierra Club, Atlantic Chapter
will speak about*

Proposed Changes in The State Environmental Quality Review Act (SEQRA)

Roger Downs will speak about the new, proposed changes in the New York State Environmental Quality Review Act - SEQRA. He will describe the proposed changes and how these will affect the environmental review process. Is "streamlining" needed or just a way to push through bad projects? How will limiting scoping affect the process? Roger will tell us what we can do to protect SEQRA.

At the Westminster Presbyterian Church, 85 Chestnut Street (people with cars can park in the lot near the door). All-you-can-eat lasagna dinner, with vegetarian and vegan options, salad, garlic bread and delicious desserts. Only \$12 for adults, \$6 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsine Adams at 462-0891 or email pinebush@mac.com.

Interested people are welcome to attend the program beginning at 7:00 for which there is no charge.

Save the Pine Bush Wildflower Hike

Sunday Afternoon, May 22, 2017 at 1:00 pm

Meet at: Pine Bush Discovery Center parking lot, east side of Route 155, opposite Old State Road.

For GPS - 195 New Karner Road, Albany NY 12205

Leader: Amy Reilly • For More Information: 518-465-8930

Amy Reilly will lead a wildflower walk on the trails in the Pine Bush. Amy is well-known for her expertise in wildflowers. The hike will last no longer than one hour or an hour-and-a-half. Enjoy a nice, Sunday hike and see some beautiful wildflowers in the Pine Bush!

Note: Please wear appropriate protective clothing for the danger of ticks, bring deer or insect repellent to use before beginning the walk.

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

www.savethepinebush.org

Is the Earth Running a Fever?

Meteorological Forecaster Hugh Johnson

Speaks

by Tom Ellis

Albany, NY: Recently retired National Weather Service (NWS) meteorological forecaster Hugh Johnson was the speaker at the April 19 SPB dinner. His talk was titled *Is the Earth Running a Fever?* and he spoke about climate change and the NWS. He said, "Anything's possible in weather."

This particular dinner, which followed the first-ever cancellation of a SPB dinner in March (due to a snow storm), drew more than fifty participants, the most at a SPB dinner in at least three years.

Using a PowerPoint he began with "The NWS is changing so fast it will give you vertigo." He said NWS has 122 offices including one in Guam and there is much current speculation of consolidating NWS. The regional Albany office at the corner of Fuller Road and Washington Av-

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Albany County Legislature Rejects Banning Polystyrene Foam

by Tom Ellis

Albany, NY: On April 12, the Albany County Legislature voted 21-16-1 to reject expanding the polystyrene foam take-out food container law enacted three years ago to include all restaurants and eateries.

Legislators offered many reasons for their "no" votes, some principled and others ridiculous. A few said this law would be better enacted at the state level, some said it would hurt -- even fatally -- some small (mom and pop) businesses; other insisted polystyrene is safe and recyclable.

Opponents of the bill who spoke at the one-hour public hearing were all from out-of-the-county; they included a state assemblyman and a state senator from central New York, and industry representatives.

County legislator Doug Bullock told me that Majority Leader Frank Commisso, Sr., was

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enue Extension serves nineteen counties.

Hugh, who is my brother-in-law, showed a photo of the local NWS office with the Nano-technology College Zen Building behind it and said the Zen Building is only one-half occupied three years after it opened. Hugh worked for more than twenty years at the Albany NWS office that has leased space from the Nano college. The twenty-year lease will expire this year but the office will likely remain at this location for at least several more years.

He said NWS exists to (1) protect life and property via accurate and timely forecasts and warnings; (2) to enhance the economy; and (3) have people react in a proper manner (call to action). He said NWS's Automated Surface Observation System (ASOS) has replaced much of the human observation of temperature, precipitation, and wind. The NY Mesonet, operated by NYS can help fill in the void between NWS stations in New York by providing more local conditions than ASOS can.

NWS also utilizes the Geo Orbital Earth Stationary satellite GOES-R located 22,000 miles above the Earth; it rotates with the Earth, thus remaining stationary in the sky where it provides superb photos. Hugh said the local office and 91 others launch balloons two-to-four times daily for upper atmospheric observations of temperature, humidity, air pressure, and wind. These balloons provide data from zero to 100,000 feet elevations. He said most upper air balloons launched from the Albany office land in the Atlantic due to prevailing winds.

"You need good data in the model," he said, "to get a good weather forecast." Doppler Radar, he said, has been around for decades and it is good for detecting tornadoes, assessing rainfall and snowfall quantities and the type of precipitation. He said a Phased Array Radar will, by 2030, provide much better data than is available today.

Shifting to the structure of the NWS, it is part of the National Oceanographic and Atmospheric Administration (NOAA), which is part of the federal Department of Commerce. Hugh said President Trump's 2017-2018 proposed national budget calls for an 18% cut to the commerce department, 17% for NOAA, and 5% for NWS. Hugh said Barry Myers, who may be appointed to fill the vacant NOAA director position, is the brother of ACCU weather director Joel Myers, and he (Barry) might contract out much NWS work. Other uncertainties facing NWS today are the limited hiring policy and that some current NWS offices may be consolidated or eliminated.

A Weather Research and Innovation Act

(HR353) had been signed into law by President Trump earlier that day, said Hugh, who had not had much time to study it, but from what he could detect, it calls for at least a possible partial privatization of NWS.

Hugh said many variables impact climate including ocean currents, solar output, the angle of the Earth relative to the sun (which oscillates slightly from century to century, volcanic eruptions, and the impact of asteroids. He said volcanoes that can impact the Earth's climate are in the tropics; others in the more northern or southern latitudes have less impact. An enormous 1815 eruption of Tambora in Indonesia led to crop failures around the world the following year.

The year 1875 was by far the coldest in Albany since 1820 with an average temperature of a little over 43 degrees Fahrenheit (F), about five degrees below normal. This happened shortly after a volcanic eruption. However when the same volcano erupted in 1930, Albany had its warmest year on record in 1931, a record not broken until 2012.

Urbanization, said Hugh, has added to elevated temperatures especially at night. However even places without urbanization (the New Paltz NWS), have experienced a distinct warming trend in recent decades. Winter temperatures in the northeast US are up about three degrees F in the last fifty years; summer temperatures have risen about one degree F.

Hugh said that as polar ice caps melt, methane is released in larger quantities, to which Mark Schaeffer added that methane is much more potent per molecule at global warming than carbon dioxide. He said Antarctic ice is thickening over land but shrinking over the ocean, sun spot cycles (an area of magnetic storms) tend to run for about eleven years, and the Earth's slightly elliptical orbit around the sun is becoming less eccentric, which should have led to global cooling, but has not.

By the year 2100, he said, the Earth's temperatures could rise 2-3 degrees Celsius (one degree C = 1.8 degree F), sea levels could rise up to two feet, the Gulf Stream (that pushes warm temperatures into Europe) might shut down, more precipitation will likely occur in the northeastern US, and there will be more intense heat waves but with occasional brief but intense cold snaps. He said North America has now experienced a record twenty-eight consecutive months with more record high than record low temperatures. He said a "Cold Blob" in the north Atlantic Ocean south of Greenland caused by melting polar ice could signify the onset of a shut down of the Gulf Stream.

In conclusion, Mr. Johnson indicated that, while we can not put a number on the actual per-

centage, he strongly believes the burning of fossil fuels is contributing to increasingly disruptive climate change and warming that has occurred over the past 100 years. He thinks less fossil fuel use should be used even if global warming slows. In addition to climate fluctuations, he said, fossil fuel use causes dirty air and water, and acid rain.

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leading the "no" vote campaign and applying considerable pressure to fellow Democrats he has leverage over. An hour before the meeting, Doug said he thought there might be enough votes to pass the bill.

David Carpenter, MD, was unable to attend but I doubt if his expert toxicology comments would have made the difference. We were unable to convince enough legislators that polystyrene food and beverage containers are hazardous to human health.

Legislator Paul Burgdorf made the most absurd comments. He brought polystyrene cups he had obtained in the cafeterias of Albany Memorial and St. Peter's Hospitals and asserted that if hospitals use or allow polystyrene food and beverage containers, they must be safe. He does not understand that physicians do not run hospitals; administrators do, many of whom could care less about polystyrene, and contractors sometimes operate hospital cafeterias.

Supporters of the bill put on a full court press, obtaining more than 1000 letters and signed petitions as well as letters from dozens of restaurant and eatery owners who have made the switch away from polystyrene, never used it at all, or who favored the proposed legislation.

My sense is the struggle was lost before we walked in to the court house yesterday and there is nothing we could have said last evening to win the vote.

Thus some restaurants and eateries in Albany County will continue to put take-out food and beverages in polystyrene containers that can leech styrene and benzene into foods and liquids.

Next Dinner Dates

**Westminster Presbyterian Church,
85 Chestnut Street, Albany, NY**

Wednesday, May 17

Wednesday, June 21

No dinner in July

Wednesday, August 16

Wednesday, September 20

Wednesday, October 18

Wednesday, November 15

Wednesday, December 20

Initial Public Comments Delivered in Albany on March 31st at the Public Hearing on SEQRA by Roger Downs, Conservation Director for the Sierra Club Atlantic Chapter.

My Name is Roger Downs. I am the Conservation Director for the Sierra Club Atlantic Chapter. We are a volunteer led organization of 48,000 members statewide dedicated to protecting NY's air, water and remaining wild places. We thank you for the opportunity to provide testimony. We will be providing more substantive comments before the May 19th deadline.

I would like to begin by saying that the Sierra Club fundamentally rejects the notion that SEQRA needs "streamlining" in order to find better balance between environmental protection and the needs of the development community. We believe there has always been a disproportionate focus on the complaints of a small number of developers about how SEQRA is cumbersome and unnecessarily burdensome to business in NY.

While thousands of development proposals sail through the process annually with little controversy or hardship it is this minority of delayed bad proposals that seems to be behind the effort to "streamline" the State Environmental Quality Review Act (SEQRA) and subvert public participation in protecting the environment. The Sierra Club has long argued that it is not SEQRA at fault for lengthy delays to bad proposals – it is the poorly conceived proposals themselves that are to blame. We believe the Department has to do a better job in portraying the EIS process as a valuable tool to developers and municipalities as a means to build better and more harmonious communities, rather than the pejorative messaging around "streamlining".

The most problematic aspect of these SEQRA revisions are the changes to the effect that scoping has on a lead agency's ability to make sure that environmental impact statements are comprehensive and effective (as found in § 617.9 paragraph (2) subsection (i)). We support the Department's decision to make scoping mandatory for all EISs but we cannot let that early information gathering process constrain the acceptance of important issues later in the environmental review. Scoping plays a critical role in not only identifying issues germane to an environmental review but also in enlisting public participation early in the process. In our experience, many issues of local significance are not raised during scoping because the public is still learning about the proposal before them. It is often months after scoping is finalized that a critical mass of public awareness develops and new and important information comes forward.

By placing limitations on the introduction of

new information after the completion of the final written scope (as no longer a basis by which a lead agency can reject a draft EIS as inadequate) the department is unnecessarily weakening the thoroughness of reviews, and creating an incentive for applicants to withhold concerning information about a project until after the final scoping document is complete. Facts that come to light afterward will have a difficult time getting included in the draft EIS. Suggesting that withheld information could be later captured in a Supplemental EIS is simply not practical and creates an undue burden for lead agencies and an uphill battle for citizen enforcement of SEQRA in the courts.

We also believe that front loading the importance of scoping should not come with a constrained cap upon the length of a scoping period. If indeed all the relevant review topics for an EIS must be identified during scoping, then the lead agency must be given the discretion to allow for longer scoping periods than 60 days to ensure all essential information is allowed to come forward in a comfortable timeframe.

Additions to the Type II list are certainly less problematic than what was originally proposed in 2013 – though the Sierra Club still has concerns with the philosophy that we can incentivize good projects by giving them exemptions from environmental reviews. We believe that environmentally advantageous development that has built-in "smart growth principles" or utilizes "green infrastructure" already has advantages over other developments that may languish in the review and implementation process because of whatever conflict they present to the environment. While in general, most of the additions to the Type II list do not seem to present serious environmental impact, the department has not made a compelling case that any of these additions are frequently stymied by unnecessary environmental reviews. We remain unconvinced that leaving the door open for a lead agency to use all the tools of SEQRA, even for green projects, is a bad idea.

The one classification of Type II additions that gives us some pause is the redevelopment of municipal centers (as on the new TYPE II list as 19, 20, 21, and 22) corresponding with population density. While we find the guiding sentiment of urban redevelopment admirable, we have no confidence that the exemptions provided will have that desired effect of driving development back to our city centers. Negating the possibility of an environmental review for relatively large

developments in an undefined "municipal center of a city" can lead to unmitigated issues of traffic, toxic exposure, noise, public health concerns and community character. We are concerned that this action will have a negative impact on Environmental Justice communities (EJ) that may want to use the SEQRA process as a tool to positively shape development in their communities. We request that the Department make an extra effort to reach out to EJ advocacy organizations and communities of color to make sure these exemptions from SEQRA are something they really want. But it is not all bad.

We support the changes in thresholds to the type I list as a means to capture more problematic developments in both housing and the expansion of parking lots. We appreciate the consideration of climate change in the fulfillment of EISs.

But even though we can see some benefit to these revisions we don't see that there is balance – especially with the new and inappropriate weight placed upon scoping. We feel that NY's environment could be harmed if this "SEQRA streamlining" proposal is adopted whole cloth. Again, we will be submitting more substantial written comments – but our general sentiment is that DEC should take the "no action alternative" for this proposal in its entirety.

Make Your Voice Heard!

Send your comments
regarding SEQRA

by May 19

to:

James J. Eldred

Environmental Analyst

NYS DEC - Division of Environmental

Permits 625 Broadway

Albany, NY 12233-1750

Or email

SEQRA617@dec.ny.gov

Read about the proposed changes at:
www.dec.ny.gov/permits/83389.html

Proposed changes in SEQRA

Why Now?

Opinion by Lynne Jackson

In 1978, when Save the Pine Bush began suing the City of Albany over proposed developments in the Pine Bush, the State Environmental Quality Review Act (SEQRA), was not in effect. We could not use SEQRA in court, so, instead our initial lawsuits were over sewers.

Fortunately SEQRA took effect soon after we started to protect the Pine Bush. We used SEQRA for the 30 years to bring municipalities to court over their approvals of projects. It is because of citizens' use of SEQRA that we have any Pine Bush left today. SEQRA is essential to protecting our ecosystems and our environment.

Now, the State proposes to change the rules – to “streamline” the process.

No evidence has been put forward as to why “streamlining” is needed. No anecdotes of why some mega-mall was held up because of the required environmental review by SEQRA or how SEQRA has affected the construction of any project whatsoever. Yes, many Pine Bush developments were stopped because of citizen’s using SEQRA. SEQRA worked because those projects would have been devastating to the Pine Bush, and should not have been approved.

SEQRA is an essential law to protect the environment, and to ensure that projects built are good for people and good for the environment. Why weaken the law now? Our environment is under attack by the current Washington administration, why weaken this important law now?

Write or email DEC by May 19, 2017, to have your views heard on SEQRA. Read about the changes at the DEC website at: <http://www.dec.ny.gov/permits/83389.html>



FACT SHEET

Description of Action

The principal purpose of the amendments is to streamline the State Environmental Quality Review Act (SEQR) process without sacrificing meaningful environmental review. The changes being proposed are modest in nature, not intended to change the basic structure of an environmental review, and build on the changes made to the environmental assessment forms.

These changes include:

- expanding the number of actions not subject to further review (known as Type II actions);
- modifying certain thresholds for actions deemed more likely to require the preparation of an environmental impact statement (known as Type I actions);
- making scoping of draft environmental impact statements (DEISs) mandatory;
- making the acceptance procedures for DEISs more predictable

How to View Project Documents

The Express Terms (actual text of the proposed amendments), draft generic environmental impact statement and other impact statements required by the State Administrative Procedure Act to support this rulemaking are available for review online at the following web page:

<http://www.dec.ny.gov/permits/83389.html>

A paper copy or electronic copies on compact disc may be requested from the NYS DEC contact person below or by phone at (518) 402-9167.

Ways to Comment

The New York State Department of Environmental Conservation (DEC) will accept comments on the proposed amendments through **5:00 p.m. on May 19, 2017**. Comments can be provided using one of the following methods:

1. **Speak** or provide written comments at one of the public hearings listed below: *
2. **Written Comments** – Provide written comments to the DEC at hearing locations above or **mailed** to the Contact person and address below:

James J. Eldred
Environmental Analyst
NYS DEC - Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750

3. **Electronically** received via e-mail: SEQRA617@dec.ny.gov

DEC will give equal weight to all comments whether they are received orally or in writing or through e-mail.

**Editor's note: by the time this went to press, all the hearings had been held thus the dates were omitted*

For more information, or to sign-up for email updates from

Return Service Requested

Save the Pine Bush
A Project of the Social Justice Center
33 Central Avenue
Albany, NY 12210

