



Save the Pine Bush

May/June Newsletter

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Vegetarian/Vegan Dinner

Wednesday, May 14 2008, 6:00 p.m.

We will have a special dinner and book signing for

Son of Mountains

by Yassin Aref

Speakers will include

Shamshad Ahmad

professor of physics and president of Masjid As-Salam Mosque

Kathy Manley

attorney

Jeanne Finley

editor of the book

Steve Downs

attorney

Sometimes they put innocent men in prison. Yassin Aref is one of those men. This book is the story of a UN refugee who sought peace and freedom in America. A Muslim imam entrapped in a phony "sting" concocted by the FBI, accused of aiding terrorism, & sentenced in 2007 to 15 years in federal prison. Yassin Aref is currently incarcerated at the Communications Management Unit in Terre Haute, Indiana (also known as "GitMo in the Midwest"). This story is of an Iraqi Kurd who has struggled all his

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Wild Flower Pine Bush Hike

Saturday, May 31, 10:00 a.m.

It's Spring Mayflower time again. Join us in enjoying a natural area as a beautiful garden. Hike leader Amy Riley will lead us to spots where the Wild Blue Lupine can be seen and will seek to show us a variety of nectar plants that sustain the Karner Blue Butterfly population in the Pine Bush.

For more information please call 465-8930. Meet at 10:00 A.M. at SUNYA Campus Bus Stop, Collins Circle, 1400 Washington Ave., Albany. (Park in parking lot and walk around to in front of bus shelter). People without cars can catch rides with the walkers with cars. The hike is free and all are welcome! No reservations needed, and you are welcome to bring your friends!

www.savethepinebush.org

Earth Week Celebration

ALBANY: Speakers from Citizens' Environment Coalition, Environmental Advocates, NYPIRG and Sierra Club came to visit the April Save the Pine Bush vegetarian/vegan lasagna dinner at the First Presbyterian Church to celebrate Earth Week. A lot is going on in the environment, and the speakers gave Save the Pine Bush an update on issues they are working on.

Barbara Warren of Citizens' Environment Coalition (CEC) began by introducing herself as the new executive director. CEC began 24 years ago to work on superfund sites, health issues, addressing sustainability, and zero waste. Barbara spoke about current successes. The Pollution Prevention Institute, an important and exciting program to study alternatives to toxic chemicals, has been put in the NYS budget this year. This institute includes RIT and three other

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Save the Pine Bush

Loses in Clifton Park

No one can advocate for the Karner Blue

ALBANY: The NYS Appellate Division dismissed Save the Pine Bush case's case suing the Town of Clifton Park Planning Board over a proposed development on Wood Road that is occupied Karner Blue. The Court said Save the Pine Bush does not have standing or the right to bring the case to court.

Save the Pine Bush lawyer, Peter Henner, said of the case: "I am very disappointed by the court's ruling. Although it has become very difficult for any environmental organization to establish standing, I was hopeful that the Appellate Division would recognize that the Town of Clifton Park's approval of the Wood Road development rewarded DCG for its action in keeping the Department of Environmental Conservation off the site, while it completed the destruction of Karner Blue habitat. SEQRA contemplates that the public should have an opportunity to oppose such an action: however, the court's ruling that standing is limited to adjacent property own-

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Clifton Park, continued from page 1

ers frustrates the plain legislative intention of SEQRA and effectively prohibits anyone who is interested in the preservation of endangered species from challenging governmental action.

"This decision is a sad day for the environment: although SEQRA was intended to create a level playing field for environmental challenges, the court has locked environmental activists out of the arena.

"Nor was this decision required by the Court of Appeals ruling in *Society of Plastics*. Nothing in *Plastics* required a showing of harm unique to a particular individual where, as here, the effect is general. Just as no one should have to show a particular interest in opposing a governmental plan to allow the dumping of garbage in the streets, because everyone would be injured, so too, no one should have to show a unique injury where governmental action ratifies the destruction of an endangered species' habitat."

Lynne Jackson stated, "Save the Pine Bush is shocked at the Appellate Division's ruling. This ruling removes the last remaining teeth from the NYS Environmental Quality Review Act. By not allowing us into the court room, the Appellate Division has told citizens that local municipalities are able to ignore the requirements of SEQRA. Oversight of government actions by citizens has been removed.

"This ruling means that a group of citizens cannot sue over the actions of a local municipality if the action is a harm to every member of the public. The loss of an endangered species, the Karner Blue butterfly, harms all members of the public equally. Thus, since neither Save the Pine Bush nor the individual plaintiffs in this suit suffer a harm different than the harm suffered by everyone, we do not have a right to sue to protect the endangered Karner Blue."

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universities to conduct the research.

Governor Patterson spoke at Earth Day Lobby Day, the first time a sitting governor ever attended the Lobby Day event. Barbara quoted Governor Patterson as saying "Earth Day should be every day."

CEC is working on reforming what the New York State government purchases, including working on a plan to not purchase persistent toxins, an initiative instituted by executive order. Seven state agencies have already approved this order. Not only will this improve health, this program is expected to save millions of dollars.

In addition, according to Barbara, Department of Environmental Conservation Commissioner Pete Grannis has set a zero-waste objective for the department.

Katherine Nadeau, Water and Natural Resources Program Associate for Environmental Advocates of New York (EA) described her organization's role as the state's environmental watch dog, watching the state government's policies that may help or harm the environment. Each year, EA publishes a voters' guide to track the records of elected officials and hold them accountable for their votes.

There is good news in the budget for the environment, even though there is a short fall in NY's budget this year, \$255 million has been budgeted for the Environmental Protection Fund, which supplies money for wetland restoration, to improve water quality, and purchase land.

\$95 million has been budgeted to be used specifically to upgrade the State parks. This is the most money parks have ever received at one time. Parks estimates it needs \$600 million to upgrade state parks, and the amount of money in this year's budget goes a long way toward what is needed.

Katherine said that EA is looking forward to a great legislative session. One very important bill is the Environmental Access to Justice Act. This legislation fixes the problem with standing and the State Environmental Quality Review Act (SEQRA). The intent of SEQRA was clearly to give the public input into decisions by local municipalities affecting the environment. If citizens believed the government officials were not properly following SEQRA, citizens may go to court to enforce SEQRA rules. This is what Save the Pine Bush has done for the past 30 years, gone to court over wrong SEQRA determinations by local governments. In 1991, the Court of Appeals decided a case, called "Plastics", short for *Society of Plastics Industry, v. County of Suffolk*. In this case, the Court of Appeals held that plaintiffs had to show a "special harm" or a harm different than the public at large, in order to bring action in court against a municipality. Many cases have been dismissed on standing instead of reviewing the merits of the case. When suing over an environmental harm, it is ridiculous to have to show a "special harm". Loss of a species or an ecosystem (such as in the Pine Bush) affects everyone equally, no one suffers a special harm, thus making it impossible to sue to save an endangered species or ecosystem.

Everyone who cares about the environment must work to have this bill passed. Katherine distributed sample letters to be sent to Senator Morahan and Senator Marcellino, to urge them to pass D.5182, to correct the problem of standing and SEQRA. The sample letter and the legislation are reprinted here on page 4.

Joe Stelling from NYPIRG began by saying what a great group effort Earth Day Lobby Day

was this year. Over half of the members of the NYS Legislature were visited by a participant of the Earth Day Lobby Day event. The Assembly passed nine environmental bills, including three of the four bills the participants lobbied for that day. Clearly, working together on environmental issues makes a huge difference!

Global warming is an issue being addressed by NYPIRG. It is important that New York take the lead on global warming issues — New York produces 1% of the green house gases produced in the world, which is a staggering amount. New York needs to be a leader in addressing global warming issues.

Of course, the Bigger, Better Bottle Bill is a very important piece of legislation. Joe pointed out some interesting facts, such as the fact that environmentalists didn't think up deposits for bottle returns, the bottlers did! Years ago, before throw-away containers, bottlers put a deposit on their glass bottles to ensure they would be returned to be washed and refilled. Once the bottlers did not want the bottles returned, the bottles became a litter problem. Joe recounted an early ad showing the benefits of throw-away cans and bottles. Two fishermen were sitting in their boat in a stream, tossing their empty cans into the water, all the while pointing out how great "no deposit, no return" was!

NYPIRG was instrumental in getting the first bottle bill passed. The original bottle bill was very successful in reducing litter and reducing waste going into landfills.

When the original bottle bill was passed, almost all beverage containers were soda and beer bottles and cans, and non-carbonated beverage containers were exempt from the bill. Now, with the various teas, sports drinks, and water sold in bottles and cans, it is essential that the bottle bill be expanded to include these non-carbonated beverage containers too.

The Bigger Better Bottle Bill is getting more support. For example, in 2005, Senate Majority leader Joseph Bruno said that passing the bigger better bottle bill was the stupidest thing the Assembly had done all year! In 2007, Senator Bruno said of the bottle bill, "we would have to consider it."

Pete Sheehan, from the Sierra Club, began by asking for a round of applause for Save the Pine Bush for our 30 years of advocacy for the Pine Bush. Current projects of the Sierra Club include fighting in Moreau State Park against a 20 mile pipeline for water from the Hudson River for AMD, the company that may construct a chip-fab plant in Luther Forest. The Sierra Club contends that the pipeline was installed illegally and is trying to get the Office of Parks and Recreation

We Need the Environmental Access to Justice Act

What is standing and why is it so important to Pine Bush preservation? Standing is the right of an organization or individual to bring their complaints into a court of law.

Senator Morahan
Room 848 Legislative Office Building
Albany, NY 12247

DATE _____

I am writing to voice my strong support for the Environmental Access to Justice Act (S.5182). The bill will restore the legislative intent of the State Environmental Quality Review Act (SEQRA) by allowing all New Yorkers to bring a claim when they allege an injury based on SEQRA. Its companion bill, A.1435, has passed in the Assembly.

Since the law's enactment, however, various court interpretations have severely limited concerned citizens' ability to challenge SEQRA decisions. The courts have effectively ruled that in order for a case to be considered, a plaintiff must a "special harm" test for standing. This special harm test requires that the plaintiff assert that he or she will suffer an injury that is different in kind or degree from the injury that will be suffered by the public at large – a difficult, if not impossible, standard to meet.

I urge you to turn your full attention to the Environmental Access to Justice Act and ensure its passage in the 2008 legislative session. Without your help, citizens throughout the state will be locked out of the courthouses and unable to challenge projects that could harm our environment.

Sample Letter

BILL TEXT:, STATE OF NEW YORK, IN SENATE, Bill #S.5182

AN ACT to amend the environmental conservation law, in relation to enacting the environmental access to justice act

11 § 3. This act shall take effect immediately.

The specific restriction is that the person or organization suing must show that they have an injury different from the public at large or “special harm”. For Save the Pine Bush, this is impossible, because a loss of an endangered species or the loss of the Pine Bush ecosystem is an injury to the public at large, with no special harm suffered by an individual.

The NYS Assembly has passed bills that would correct this problem of standing. However, the Senate does pass the bill.

We need to bring attention to this serious issue. Please take time today, and write a letter to your NYS Senator, and to Senator Morahan and Senator Marcelino, to urge them to pass S.5182, to correct the problem of standing and SEQRA. The Assembly has already passed a bill this year to address the issue.

Citizens need to be able to challenge the government's decisions on environmental issues in court. Time and time again, Save the Pine Bush has been correct on the issues, that local governments violated SEQRA law when approving developments in the Pine Bush. Barring citizens from the court room gives municipalities the power to ignore SEQRA. Someone needs to hold municipalities accountable to follow SEQRA requirements. The Legislature needs to fix the problem of standing caused by the Plastics decision, and clearly state who can challenge SEQRA decisions. Who else will watch out for the health of our environment, if it is not the people of New York State?

Please take time today to write a letter.

Sally's Recycling Corner

Taken from: Recycle Now, an English website

Use in your garden as mulch, or between rows of plants to prevent weeds - can be turned upside down to show a nice webbing effect. Once weeds start to pop through, you can lift up the carpet, breaking the weeds and then let it down again!

Cut up carpets for use as foot mats in cars or to line the boot (trunk in the US!)

Cut into small circles and place under the feet of heavy furniture. This should help to protect your new carpet!

Take old mats or rugs on camping or caravan holidays to use as a doormat, either outside or inside the caravan (camper).

Old pieces of carpet can be used to cover your compost bin over the winter

If the carpet is in excellent condition, contact Habitat for Humanity or the Salvation Army to donate.

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to remove the infrastructure.

Sierra Club is involved in preservation of the sole source aquifer, the Great Flats Aquifer in Rotterdam.

One issue that has come to the attention of the Sierra Club are "pre-meetings" that the NYS Department of Environmental Conservation has with developers. These meetings are not open to the public, and are just to be of an informational nature to the developer. However, developers are able to obtain valuable information, get information on the lay of the land, where the wetlands are, and how many wetlands they would be able to fill. Making these meetings open to the public is a goal of Sierra Club.

Sierra Club is very involved in the COOL Cities project. Currently, they are meeting with the City of Albany to take a greenhouse gas inventory of the City. Pete said they have met

with the director of planning in Albany, and their goal is to reduce greenhouse gas emissions to 10 to 15% below the emissions of two years ago. If people wish to get involved in the COOL Cities project, go to sierra.org/coolcities/.

Save the Pine Bush's Earth Week dinner was informative and inspiring, and we thank the speakers for sharing their excellent presentations!

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life just to survive. In 1970 Yassin was born to illiterate farming parents, grew up under the rule of Saddam Hussein, encountering tremendous poverty, brutality, and repression; as a teenager, he sympathized with the Kurdish *peshmerga* (freedom fighters) and risked his life opposing the dictator's genocide against the Kurds.

This is a special presentation; usually, we have speakers on environmental topics. However, sometimes local events are so important, we must bring in speakers to discuss them. Yassin Aref and Mohammed Hossain were targeted and entrapped by the FBI in a sting operation. Their case, which became national news, involves civil rights, the constitution, use of secret evidence, and fear. Everyone needs to know what happened to these two men.

Bring your questions, and learn more about this nationally significant case.

The book, *Son of Mountains*, will be available for purchase (cost is \$27 plus tax). The proceeds from the book go to Yassin Aref's

children. A special message from Mr. Aref will be placed in each book sold.

At the First Presbyterian Church, (State and Willett Sts, Albany, please enter from State St.). We will have a special menu tonight!

The food will be made by Fatima, Mohammed Hossain's wife and owner of Little Italy Pizza at 2 Central Avenue. The delicious menu will include eggplant parmigiana, vegetable stir-fry and rice, samosas, special bread, salad and homemade pies. Only \$10 for adults, \$5 for students, and \$2 for children. People who make res-

ervations are served first. For reservations, please leave a message for Rezsina Adams at 462-0891 or Lynne Jackson at 434-1954. Interested people are welcome to attend the program beginning at 7:00 for which there is no charge. Bring your friends and family, this will be an evening you won't forget!

**Special Delicious Menu
for May 14 dinner:**
Eggplant parmigiana,
Vegetable stir-fry and rice,
Samosas, and Special bread
will be provided by Fatima,
Mohammed Hossain's wife
and owner of Little Italy Pizza
at 2 Central Avenue, Albany.

Please Complete the Survey!

Dear Save the Pine Bush supporters,

In this newsletter is a survey about your connection with Save the Pine Bush. Elisabeth Mason, our Save the Pine Bush history intern, has worked very hard this semester compiling our historical record. As part of her project and to help us out, she is conducting a survey. Please, fill it out and mail it by May 10 or bring it with you to our next dinner.

Thank you so much!

Lynne Jackson



Save the Pine Bush

A Project of the Social Justice Center
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