



Save the Pine Bush

June/July Newsletter

Jun/Jul 17 No. 137 • 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, June 21, 2017, 6:00 p.m. Judith Enck

Visiting Scholar at the Elisabeth Haub School of Law at Pace University and former Regional Administrator of Region 2 of the U.S. Environmental Protection Agency (EPA)

will speak about

The Trump Assault on Environmental Protection

Judith Enck has spent her entire career working for a clean environment. She is the first Elisabeth Haub Visiting Scholar at Haub Law School at Pace University and was the longest serving EPA Regional Administrator. Having served in senior positions in the state and federal government, Judith will share her unique perspective of the Trump Administration's attempts to unravel the bipartisan tradition of environmental protection in this country. Judith will chronicle the first few months of the Trump Administration and what you can and must do to stand up to this assaults on the environment. After her presentation, Judith will field questions and hear specific ideas from the audience on what they are doing to address this unprecedented assault on the environment.

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.

Standup, Fight Back! Non-Violent Direct Action Training Saturday, June 17, 2017, 10:00 AM to 4:00 PM

680 Central Avenue, Albany NY • Driveway and parking off North Allen Street

For everyone who wants to oppose tyranny. We'll cover Action roles, Support roles, Handling aggression, Legalities, and Group decision making with trainers Elliot Adams, Colin Donnaruma and Jim Freeman.

Registration preferred but not necessary • For more information, contact Diana at comphomellc@gmail.com

Suggested donation \$10 • Lunch provided

Sponsored by PAUSE • People of Albany United for Safe Energy

Do We Really Need to "Streamline" the Environmental Protections of SEQRA?

by Tom Ellis

ALBANY, NY: "This is an incredible threat to the effectiveness of SEQRA," said Roger Downs, Sierra Club Atlantic Chapter Conservation Director, at the May 17 SPB dinner. Roger lectured on the "streamlining" of the State Environmental Quality Review Act (SEQRA) proposed by the NYS Department of Environmental Conservation (DEC) which administers SEQRA.

Roger began by congratulating Save the Pine Bush for having used SEQRA "probably better than most" people and groups and for "having breathed life into SEQRA and made it what it is."

He said SEQRA was enacted in 1975 and DEC has made prior efforts to weaken it. The point of this streamlining, he said, as with prior

continued on page 2

200,000 marched in DC Heat -- Report back — Circle Up

by Grace Nichols

WASHINGTON, DC: Darting in and out of the crowd, you could catch the energy and creativity of the groups. Huge puppets from El Puente; Reclaiming Appalachian (huge red flag and lots of marchers), right next to Southern Christian Leadership Conference on Environmental Justice and tons of local groups (don't dump on our county etc.) from all over the South. They were shouting "NO Justice, NO peace." and I felt right at home. My people are the ones who know they are being poisoned and who are mad as hell.

"We will NOT go away, welcome to your 100th Day!" Everybody yelled that at the Trump Hotel. There was a big trump costume, playing golf using the planet as a ball; there were very energetic college kids flapping their parachutes such that I could catch a breeze -- oh, thank you!--

We did sit down at the White House, Clap

continued on page 2

SEQRA continued from page 1

ones, is for DEC to help the developers. "It is not SEQRA that is broken," he said, "but the incompetently written development projects." He said a strong SEQRA "should be self-enforcing."

Roger went into some of the proposed SEQRA changes. He said Type 1 Actions require an environmental impact statement (EIS) whereas Type 2 Actions do not. He said an environmental attorney based in Buffalo reviewed the all the 2016 DEC Environmental Notice Bulletins and identified only 200 EISs being required statewide last year.

He said among the few improvements in the proposed SEQRA amendments are that the number of units in a proposed housing developments subject to an EIS would be reduced. Historic properties or those eligible for historic preservation might also obtain more protection.

Among the negative aspects of the new SEQRA proposal are that the list of activities not requiring an EIS would be increased by almost 20 from the current 37. Many of these would be "green" developments and redevelopments of urban centers. "We must reject the notion that 'green development' must be exempted from EIS," he said. The new regulations provide vague descriptions of what "green" is. "There could be situations where an EIS would be good," he said. If the regulations are approved, developers would identify more projects as "green" so as to evade SEQRA review.

Roger referred to the "Stewart's Loophole" (the approximate size of a typical Stewart's shop in an urban area) that would be enlarged with the new regulations. At present a vacant lot of up to 4000 square feet in an urban area is now EIS exempt; the size of the loophole would be increased to 8000 square feet in small communities and up to 40,000 square feet in larger communities. "DEC," he said, "seems to want to exempt any development in urban areas from EIS." He said "the EIS tool is not used much to drag good things down" and it would be better to err on the side of caution and consider or require an EIS. "Exempting proposals from review," he said, "is a bad idea because bad projects could be pushed through."

Some brownfield cleanup agreements could become SEQRA exempt with the new regulations and it is possible that day care centers could be built atop industrial wast sites. He said

all solar energy projects of 5 megawatts (one megawatt equals one million watts) or less would be exempted from SEQRA which he said "is almost like a solution in search of a problem." He said dedication of parkland would become a Type 2 Action. The transfer of up to five acres of land in a municipality to a developer for affordable

housing might become a Type 2 Action.

The most dangerous part of the proposed regulations he said concerns "scoping" which occurs at the start of a project when interested parties identify the issues that should be addressed in the draft EIS. Scoping, which today is not mandatory, would become mandatory, which is good, he said. The danger with the new proposal is that the scoping period would be limited to sixty days and new issues could not be raised after these sixty days. Roger said that new issues often arise after the scoping is completed and have sometimes been included in an EIS. With the new regulations, it would be much more difficult to force their inclusion in the draft EIS. He said "this will incentivize hiding the worst aspects of a project by a developer during scoping" with them hoping no one notices.

The new regulations mention climate change and would allow for the identification and inclusion of measures to mitigate climate change. Roger said a much better idea would be for an evaluation at the start of the environmental review of if the project would contribute to climate change.

Roger said the negatives in the proposed regulations outweigh the positives; thus he urged listeners to contact DEC and urge the agency to adopt the "no action alternative" which would reject the whole proposal and leave the current regulations in place.

[The public comment period on the proposed regulations ended on May 19. SPB was unsuccessful in obtaining a ninety day comment extension.]

During the Q&A Roger said "the proposed regs are not well thought out...It sets us up for a lot of green-washing." He said mandatory scoping is good but it should not limit the information that can enter the process later on. He said "sixty days isn't much time to comment. Often it takes that long for people to become aware of the issue."

20,000 Marched continued from page 1

a hundred times and "RISE".... we did march down to the Washington Memorial where a huge screen movie broadcast the speakers from frontline communities and the arts organizations displayed their masterpieces.

Everything was very together; water tanks, port a potties, EMTs, everything as it should be. There were hundreds of thousands of clever signs, many based in science. It was really, truly diverse -- something we keep aiming at, achieved. Folks from all over -- from Healthcare, from athletics organizations, from hometowns, from huge cities. I marched with the Moms Clean Air Force for awhile. I was happy to see the Climate Reality

Project. The Alternative Forest Service was celebrated everywhere.

And yet, why is it that the t-shirt I remember best was tangential: it read "I'll believe corporations are people too when Texas executes one." Ah well, I guess there was so much positivity that dark humor was welcome.

Because I had soaked the my Raven shirt with sweat, I put on my Albany March for Science shirt; some fellow marchers would should out "Yay, Albany" as I passed. That was cool.

As I limped back to the big rally lawn, we were serenaded with an honor song for the water protectors, which was just plain moving. Then, Kandie Mossett of IEN (Indigenous Environmental Network) came bouncing onto stage crooning I love you everyone... Dallas Goldtooth has just finished up.

Kandie said, brightly "Colonization robbed us of our femininity but we are reclaiming the feminine, and our femininity." Well, there I was, soaked in sweat, with my left leg swollen twice its size with mottled skin due to kidney disease, over dressed for the hot weather cuz I can't bear to wear shorts anymore (long cotton skirt next year, folks), and grumpy. But the kidney disease was, in fact, caused by colonial medicine -- so I couldn't argue. And, for all that, I made it, and the next stop was the big pool with fountains at the Veteran's Memorial (WWII) where you could sit on some steps and soak your feet which I did with some really sweet people in saris who spoke Hindi but told me what time it was, so I knew it was time to hobble back to the bus.

Next year, I will probably will be in Glens Falls, in the foothills of the Adirondacks, where crowds are getting larger every year, and breezes are frequent.

But it was sure good to know that 200,000 (plus) people, people in their 70s, and 80s; people on bicycles and people with crutches, people from Native Nations, and people from small towns; people with privilege and people with none, all marched together, drummed, chanted and sang, in the 92-93 degree weather, in a more radical unity than I have ever seen on climate; I mean, the denial was not there. We were saying, "We want to survive; we want our earth to remain populated with species. We will not take no for an answer."

I have belief that this is just the beginning of a more forceful set of statements and resistances; a collective ritual if you will. I think that people of all descriptions are resisting fossil fuel infrastructure and pollution all over this country, while local economies and communities wrestle with transitioning. I think people are making

continued on page 3

Candidates Night • August 16 Save the Pine Bush Dinner

by Carol Waterman

The three Democratic candidates for mayor, Kathy Sheehan, Carolyn McLaughlin and Frank Comisso, Jr., will be at our August 16 dinner. It is important that as many people as possible attend in order to send the message that the environmental movement is powerful and to learn where the candidates stand on issues that concern you. Most of the night will be devoted to the candidates answering questions from the audience.

Please be there even if you don't live in the city of Albany, because what happens in Albany affects us all in many ways.

Mark the date on your calendar and tell your friends and people in organizations you belong to. If you have an e-mail list, please mail an announcement out in early August.

Save the Pine Bush Volunteers Win Victory for Open Records

by Tom Ellis

ALBANY, NY: For many years I have watched state agencies abuse our rights as citizens, taxpayers, residents, and interested parties in regulatory proceedings. The NYS Energy Research and Development Authority (ERDA) and NYS Department of Environmental Conservation (DEC) are particularly guilty of limiting public access to public information.

For example, ERDA held six public hearings in February and March 2014 on the proposed long range state energy plan. I attended the first hearing in Albany but none of the others. Seeing as probably no one other than ERDA staff attended all the hearings, I quickly requested that ERDA post on-line the transcripts of all the hearings so we could all see what others had said, learn from the other participants, and submit more informed comments before the comment period ended. ERDA refused my requests to post the transcripts on line during the three months public comments were taken. It was not a year later in mid-2015 that ERDA posted the transcripts and then only after another request from me.

Think about it. Who can attend all the hearings or would want to? My experience is that some of the people who take the time to prepare testimony, travel to and speak at public hearings,

deliver excellent testimony — these are people we can learn a great deal from. If the testimony from hearings we do not attend is concealed, what good is it to us? Who benefits? Not the public. ERDA would rather have a mostly closed process than one in which people can read submitted comments in real time or nearly so. It should be easy for a state agency to quickly post on line the transcripts of public hearings and other comments submitted, most of which are submitted digitally today.

The NYS Department of Environmental Conservation (DEC) operates the same way as ERDA, generally collecting hearing testimony and other comments without quickly sharing it. Perhaps DEC shares it with some people but not others.

Save the Pine Bush members won a potentially important and far reaching victory for open government during May. With the help of Robert Freeman, the Freedom of Information officer of the State of New York, SPB members were able to force DEC to post on line the transcripts of four public hearings DEC held on it's proposed 2017 State Environmental Quality Review Act Amendments and other comments submitted on the matter, over DEC's initial statement that it would withhold this information during its review of SEQRA.

Tim Truscott then contacted Mr. Freeman who responded:

“For better or worse, FOIL pertains to all government agency records and permits an agency to require that requests be made in writing. That being so, I believe that DEC may require that you seek the records at issue pursuant to a FOIL request. I note that the statement of legislative intent in FOIL indicates in part that agencies should make records avail-

able ‘wherever and whenever feasible.’

Therefore, if a record is clearly public and readily retrievable, there may be no valid reason for unnecessarily delaying disclosure.”

In a later [May 15] email, Mr Freeman wrote that “I have been informed that the transcripts of [DEC SEQRA] public hearings will likely be posted online sometime this week. Other comments will be available online soon after the record regarding the matter closes on May 19.”

Tim commented on Mr. Freeman's email as follows: “My impression was that our request of DEC (posting the comments online) was something he [Mr. Freeman] had not encountered before, and he took great interest in it. If we keep making this same request concerning DEC hearings, posting hearing comments online in a timely fashion may become routine for them. If that happens, we will have accomplished a lot and made a significant contribution.”

This is really important. If, from now on, interested parties utilize the precedent established here, and, early on in any DEC proceeding, request the hearings transcripts and comments submitted be quickly posted on line, we will be in a position to see who all is participating, what they have said, know who our allies and adversaries are, build stronger coalitions, hold DEC to a much higher level of transparency and accountability, and perhaps be more effective advocates for our causes.

Tim added further thoughts: “While we, the citizens, benefit from knowing what others' comments have been on an issue, our comments informed by others' thoughts can therefore benefit DEC in its work. I believe in tapping into the collective wisdom of as many people as possible in solving problems. The way it is now, DEC kind of treats us like the enemy, or at least like a necessary evil.”

20,000 Marched continued from page 2

changes and ready to tackle necessary reductions in consumption. I don't think we will accept less than Paris, and I do think we will demand a whole lot more.

And while I yelled, ever faster, “I believe that we will win.” — I have never been much of a believer. But the evidence, that both vulnerable populations and the educated, employed and privileged classes are outraged, hot and bothered, is cause for hope. And rhythm and humor and action.

Future of Solid Waste in Albany

Please join Department of General Services staff and expert consultants Barton & Loguidice for a presentation on understanding and exploring solid waste management in the City of Albany.



May 24, 2017
6:00PM to 7:30PM
All Saints Academy
10 Rosemont Street
Albany, NY 12203

June 6, 2017
6:00PM to 7:30PM
Arbor Hill Community Center
47 Lark Street
Albany, NY 12210

June 12, 2017
6:00PM to 7:30PM
Albany Public Library
161 Washington Avenue
Albany, NY 12210

June 20, 2017
6:00PM to 7:30PM
Hackett Middle School
45 Delaware Avenue
Albany, NY 12202

For more information
please contact the
Department of General
Services at **434-2489**
or email us at
albanyrecycles@albanyny.gov

The Future of Solid Waste in Albany Everyone Needs to Join the Discussion!

by Lynne Jackson

The City of Albany has announced meetings to discuss the future of solid waste in Albany.

The landfill in the Pine Bush is finally scheduled to close in 2023. We need to decide what to do with our garbage.

When you receive this newsletter, you should still be able to attend one of the three of the next meetings scheduled to discuss solid waste. Please attend a meeting (see notice to the left) on June 6, June 12 or June 20.

Save the Pine Bush spent many volunteer hours and a lot of resources fighting the expansions in the landfill. Now, it appears this mountain of trash in the Pine Bush will finally close. What should Albany do with its garbage? Now is the time for the City to plan to become a city that produces zero-waste. Come to a meeting and express your views!

Next Dinner Dates
**Westminster Presbyterian Church,
85 Chestnut Street, Albany, NY**

Wednesday, June 21

No dinner in July

Wednesday, August 16
Special mayoral candidates night

Wednesday, September 20

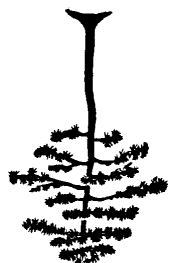
Wednesday, October 18

Wednesday, November 15

Wednesday, December 20

PRESORTED
STANDARD
US POSTAGE PAID
ALBANY, NY
PERMIT #509

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



Return Service Requested