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# Hudson/Mohawk Group



May/June 2005 Vol. 29 No 3

“Aspens” by Ansel Adams in This is the American Earth

## PROGRAMS

**Tuesday, May 24th, 2005 -**

**Distributed Generation: Using renewable energy (RE) to provide backup and support to the electric grid for critically needed services.**

Listen to experts describe how solar, biomass and other RE sources can provide backup for the electric grid and support critical emergency communication and other services. Learn why some consider this the catalyst for greater public support for RE.

Programs are held at the William K. Sanford Town of Colonie Public Library, 626 Albany-Shaker Rd., just east of Northway Exit 4 and the intersection of Wolf and Albany-Shaker Rds. Doors open at 6:30, programs start at 7pm.

## EVENTS

**June 19th, 2005 - 9am til Sunset  
Our Annual Summer Kickoff**

**Picnic** - Join us for hiking, volleyball or just good company and great views. We'll meet at The Glen Doone Pavillion in Thacher Park. Call John at 370-4932, or send your reservation with a check to: The Hudson-Mohawk Group, PO Box 8447, Albany, New York 12208-0447. More details on page 2.

## MEETINGS

Executive Committee - Monday  
May 2 & June 6, 2005 7 - 9pm

Conservation Committee -  
Wednesday May 18 & June 15 7 - 9pm

Meetings are held at the St. Paul's Episcopal Church, 21 Hackett Blvd., Albany. For more information please contact Susan Lawrence or John VanDeloo (contact info page 2)

## Effectively Using Tools To Protect Our Local Environment

*by Susan Lawrence*

On April 9th the New York State Department of State determined that the 350 million dollar St. Lawrence Cement project in Greenport and Hudson would be inconsistent with 44 coastal policies based on the very negative impact that the construction and operation of the massive cement mining plant would have on the Hudson River coast for the next 50 to 60 years. Without a DOS positive determination the U.S. Army Corps of Engineers cannot approve this project, which would also need more than 20 specific state, local and federal approvals to advance.

What happened with the St. Lawrence Cement project illustrates how important it is for us as environmentalists to thoroughly research and understand all the many permits and approvals that may be required for:

- Localities to create and administer comprehensive land use planning, zoning and open space projects
- Projects to advance that may pollute our land, water or air; impact stormwater drainage; fill in wetlands or pollute watersheds; and significantly negatively impact the quality of life in our communities.

On April 19th the Hudson-Mohawk Group held a Seminar on Planning/Zoning/SEQRA (State Environmental Quality Review Act). The Seminar focused on key points in the decision making process for localities preparing and administering land use plans and zoning ordinances, and for localities and other parties (including the State) conforming with the requirements of SEQRA. (SEQRA applies when any government needs to issue a discretionary permit, license, approval or funds; or directly undertakes a project or adoption of a plan, rule, or policy). The Seminar presentations focused on how we as environmentalists and concerned citizens can be effectively involved in the decision-making processes.

Lori Heithoff, head of the DOS training for local planning and zoning officials, spoke of the importance of officials and citizens thoroughly understanding local planning and zoning procedures, and emphasized following procedures that allow input by all local interests. Local officials, under Municipal Home Rule, can choose whether or not to adopt local zoning, but if they do they must have some form of land use planning as a basis. (Undertaking this planning for rural areas and providing zoning for these areas is important now to protect our critical natural areas.) Local officials need to follow State and local laws on planning and zoning, SEQRA procedures, and Open Meetings Laws or they can be subject to an Article 78 Civil Law and Practices Proceeding.

Marc Gerstman is former General Counsel for the State Department of Environmental Conservation (DEC) and a local environmental lawyer involved in the fight against the St. Lawrence Cement Plant, the Bellayre Mountain resort projects and the development of big box stores in North Greenbush. Mr. Gerstman explained critical points in the procedures for conformance with SEQRA at the local

*(cont'd on page 3)*

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\* Executive Committee Members

The Hudson-Mohawk Group Executive Committee meets the first Monday of every month. Members are encouraged to attend! Please call Susan Lawrence to confirm. This newsletter is published 5-6 times per year (or more) by the Hudson-Mohawk Group of the Sierra Club's Atlantic Chapter. Submit all letters, including name and phone number, to the editor to: Hudson-Mohawk Group, PO Box 8447, Albany, NY 12208-8447. We reserve the right to edit and keep all articles. Views expressed by the contributors may or may not be those of the Sierra Club or the Hudson-Mohawk Group. The subscription rate is \$5/5 issues; subscriptions for members are free.

## Outings

**Saturday, May 7, 2005** Woodlawn Preserve in Schenectady - A great way to start off the summer. We will discuss the natural history of this area and plans to build nature trails, re-establish habitat and native species, control invasive species, do a spring clean-up and begin plans for a bio-blitz this summer. After enjoying this unique area and its varied habitats we will meet again at 1230 to enjoy pizza and make some future plans. Contact John at 370-4932 for where and what time to meet. **(H,E,C,T)**

**Saturday, May 14th, 2005**  
**Cascade Lake** - The Hudson-Mohawk Group's annual clean-up of the highway along the lake, and then a hike. With enough time we will enjoy a side trip to The Cottage in Lake Placid. For details and registration, contact Doreen and Ralph at 346-2818. **(H,T)**

**Sunday, May 22, 2005 - Central Park, Schenectady**  
This small fragment of Central Park borders the Municipal Golf Course, and has been the subject of debate over a proposal to sell to a private developer. Join us as we clean up this area and discuss the issues of alienation of parkland, as well as alternative uses for this lovely wooded area. We will be joined by a local neighbor to identify

Spruce Mountain Snowshoe hike, March 30th - we enjoyed a beautiful sunny day hiking up the trail to the firetower. The firetower is in pretty good shape. A "Friends of Spruce Mt. Firetower" committee is forming to assess and make needed improvements to trail and tower. If anyone is interested in becoming involved in this project in Saratoga County, call Lorraine at 765-4937 for further information. Thanks to Kendra and Dozer, Linda, and Sue for a most enjoyable outing. The Tenant Creek Falls outing, originally scheduled for April 27, had to be changed to April 18th. Apologies for any inconveniences this may have caused. Seven hikers enjoyed the summer-like day, walking the trail along the creek to three lovely waterfalls. The unpaved road just before the trailhead was not open for the season yet, adding two miles to our hike. In all, we went six miles roundtrip. Thanks to Sue, Nancy, Sherrie, Joan, Nancy and Sherry for your cheerful company.



wildflowers and plant life that abound in this wetland and wooded area. We'll meet at 12 noon. Don't forget your workgloves! Contact Janet at 346-5439 **(E,T)**

**Saturday, June 4th, 2005**  
**Thacher State Park 9am - 12 noon** A 4 - 5 mile hike exploring forests, wetlands, and cliff woodlands in the Park, looking at and identifying early summer wildflowers along the trails. Moderate grades. Please make reservations with Ted Elliman at 765-7209 **(H,E)**

**Sunday, June 19th, 2005 9am til Sunset** - Our Annual Summer Kickoff picnic and outing. Join us for a hike, volleyball, or the great views from the Thacher Park Overview. Swings for the children and a fun time for all. We provide the burgers and dogs, with Portabella burgers for our vegetarian friends, and more! The Glen Doone Pavillion is the place to be to start the summer right. 10 dollars for adults, 5 dollars for children 3 - 16, under age 3 is free. Call John at 370-4932.

**Key - H: Hiking E: Education**  
**C:Conservation T: Trail Work**

**Important Note: All outing members will sign an "Assumption of Risk and Release of Liability" sheet prior to participation in the outings.**

For leadership opportunities contact Bill Koebbeman 399-5027

Trip Leader, Lorraine

### Effectively Using Tools... (cont'd from page 1)

or State level. He emphasized the importance of all parties involved, including concerned citizens, to understand on what basis the "lead agency" can issue a "Negative Declaration of Significance" for a project. A "Positive Declaration" is required if the project 'may' have a significant impact on the environment, and the courts have set a low threshold for determining significance. If the lead agency determines that the project has significant impacts, then the SEQRA process must consider alternatives to the project along with their impacts (this is a key area for fighting the giant resort project on Bellayre Mountain in the Catskills). Mr. Gerstman also pointed out that unfortunately, the courts have narrowly constructed the need to consider the 'cumulative impact' of the project on the environment.

Joan Matthews, an Albany Law School professor specializing in environmental law, addressed some major issues in implementing SEQRA. She pointed out that it is easier to win cases on non-compliance with SEQRA procedures than on substantive issues regarding impacts. Ms. Matthews reviewed cases involving 'standing', or the right to be involved with SEQRA, and emphasized the need for legislative reform of SEQRA so that all affected parties can have standing. Other states with statutes similar to SEQRA do not have the restrictions on standing that SEQRA does. She pointed out that a case involving local approval of a mining project (Snake Mountain in Rensselaer County) was important as the court determined that the negative visual impact was significant. DEC subsequently prepared policies for visual impact assessment (available on their website: [www.dec.state.ny.us](http://www.dec.state.ny.us)). Also available on the same website are noise impact policies.)

Finally, Nan Stolzenberg, a local consultant planner with Community Planning & Environmental Associates, went over the SEQRA process step-by-step, pointing out where and how citizens can be effectively involved. (A very useful guide to the process is the DEC's "SEQRA Cookbook"). She pointed out that it is very important to insist that the agency do a very careful review of potential impacts, including the use of technical experts, **before** the lead agency decides on whether to issue a negative or positive declaration. Ms. Stolzenberg emphasized that for projects with Positive Declarations, citizens should push for a full-blown 'scoping' process to identify the coverage of the draft Environmental Impact Statement so that all impacts are thoroughly identified and analyzed.

For more information on useful websites and publications on the subjects of local planning, zoning, SEQRA, open space protection and smart planning, go to our Hudson Mohawk Group website ([www.newyork.sierraclub.org/hudsonmohawk/](http://www.newyork.sierraclub.org/hudsonmohawk/)) or the DEC website ([www.dec.state.ny.us](http://www.dec.state.ny.us)) or the DOS website mentioned earlier in this article.

### Key Volunteer Needs

We are especially seeking volunteers to help us set up environmental programs for adults, youth, and children; and who are skilled at developing and organizing volunteers. Please contact Susan Lawrence to help. We could also use your help with our many conservation projects (contact John VanDeloo, Pete Sheehan or Susan Lawrence); fundraising (contact Janet Given-Chen); or with public education 'tabling' (contact Lucinda Schoonbeck at 434-4749). If sprawl and open space protection is your area of interest, John VanDeloo or Aaron Mair could really use your help. Finally, to have some impact on important local elections this fall, please contact Steve Redler. (All contact information is on page 2 of this issue).

Thanks!

### Conservation Corner

**Call to Action:** Public comments are needed on the NYS policy on All Terrain Vehicle (ATV) use on public land.

DEC has released a proposed policy for the use of ATVs in New York State. Copies are available on the DEC website ([www.dec.state.ny.us/dfi/index.html](http://www.dec.state.ny.us/dfi/index.html)) or by calling the DEC Forest Preserve Bureau at (518) 402-9405.

Letters, emails and faxes to the DEC must be sent by May 27, 2005. The new policy must be strengthened to ensure that new protections for the Forest Preserve are guaranteed by eliminating the use of ATVs in the Preserve. Please address these points in your letters:

- 1) Tell the DEC that there should be no ATV use on the Forest Preserve under any circumstances
- 2) ATVs are causing enormous damage to the natural resources of the Forest Preserve, and the primary management purpose is protection of the natural resources of the Forest Preserve lands. There is no place for ATVs in the public Forest Preserve of the Adirondack and Catskill Parks.
- 3) ATVs destroy land over which they ride, destroying the wilderness experience for all users.
- 4) The draft policy should be improved to ensure more enforcement by NYSDEC to prevent illegal trespassing and violation of the Forest Preserve throughout the State.

Public Comment will be accepted until May 27, 2005. **All correspondence should reference 'The Draft NYS ATV Policy'** and be forwarded by mail to Mr. Robert Davies, Director Division of Lands and Forests, NYS DEC, 625 Broadway, Albany, NY 12233; or by Fax: (518) 402-9028; or by email

**[1flands@gw.dec.state.ny.us](mailto:1flands@gw.dec.state.ny.us)**

*"Government protection should be thrown around every wild grove and forest on the mountains, as it is around every private orchard, and the trees in public parks. To say nothing of their value as fountains of timber, they are worth infinitely more than all the gardens and parks of town." John Muir, 1895*

		<p><b>NORTH AMERICAN BOARD OF CERTIFIED ENERGY PRACTITIONERS</b> <i>Please go to <a href="http://www.nabcep.org">www.nabcep.org</a> to find a qualified photovoltaic solar installer for your system.</i></p>
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