



Hudson-Mohawk Group

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“This is the American Earth”,
photograph by Ansel Adams.
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Conservation and Legal Victory in Critical Adirondack Trail Case!!

by Roger Gray, Atlantic Chapter Adirondack Committee

In a long, hard fought battle with the NYS Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA), Protect the Adirondacks and the Sierra Club Atlantic Chapter (which filed an amicus brief in support), prevailed at the New York State Court of Appeals in a case involving significant tree clearing for snow mobile trails. Ultimately and most importantly, the decision upheld Article 14 of the NYS Constitution defining “forever wild” in that most important clause (see below.) The case began back in 2013 when DEC began trail construction of 27 miles of trails which was designed to eventually lead

The lands of the state, now owned or hereafter acquired, constituting the forest preserve as no fixed by law shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged or be taken by a corporation, public or private nor shall the timber thereon be sold, removed or destroyed.

Article 14 of the NYS Constitution - Passed by voters in 1894

to the destruction of 25,000 trees which is a clear violation of Article 14. Furthermore, based on testimony submitted by DEC in the case, these “community connector” trails originally defined by DEC as being between 9-12 feet wide were actually up to 20 feet wide to accommodate uphill/downhill turns resulting in use of heavy construction equipment, certainly at odds with what Sierra Club members and hikers would conjure up when thinking about forever wild lands!

It is clear that one of the most important outcomes of this decision is that it sets a precedent and a high bar for future proposed development plans within the Forest Preserve. Speaking to that, attorney John Caffry, for Protect the Adirondacks stated, “*This Court’s decision herein has the potential to determine the fate of not only the few dozen of miles of Class II Community Connector snowmobile trails that directly at issue herein, but also the hundreds of additional miles of such trails that the Defendants (DEC and APA) intend to*

build. Such an action would destroy hundreds of thousands of additional trees. The framers of Article 14 could never have imagined that after they shut the door and closed it tight, ... such a level of destruction could be allowed to occur.” And in the context of global warming our Atlantic Chapter Legislative Director Roger Downs stated: “*The Sierra Club was compelled to file our own amicus brief with the Court of Appeals because we are witnessing the erosion of the Forever Wild clause’s highest purpose and meaning. ..Our future relies upon our wild forests to sequester carbon, protect drinking water and provide refuge in a rising tide of extinction. Violating this constitutional obligation with plans to log and bulldoze tens of thousands of trees, miles into the wilderness just to create highways for snowmobiles sets and alarming precedent that betrays our understanding of Article 14 and all that must be one to secure New York’s forever wild legacy.”*

The Sierra Club Hudson Mohawk Group extends its sincere appreciation to attorneys John Caffry and Claudia Braymer for their dedication and commitment to protecting the Adirondacks. The case would have been extremely difficult to win without their steadfastness and charitable donation of time!

City of Troy Proposes Ill-Advised Development on Indigenous Land

In a stunning move, the City of Troy Common Council approved a 240 apartment unit development north of Troy without requiring preparation of an Environmental Impact Statement. To add insult to injury it declared itself the lead agency under SEQRA. (pg 2) And, if these two factors weren’t bad enough, the City

Council has ignored the requirement that the developer submit a written outreach plan as required by the DEC regulation [CP-29](#) which pertains to notification of actions within Environmental Justice areas in New York State which includes the City Troy.

The Sierra Club Hudson Mohawk has been contacted by the Friends of the Mahicantuck, a grassroots coalition of Indigenous leaders, residents and local, regional and state organization. This coalition is inquiring as to what the correct review process should be for the City and how to best protect this 11 acre site, most of which is wooded AND which contains a Native American cultural site which dates back to 1500-3000 BC. The owner of the parcel is the Golub Corporation and has sold a purchase option on the land, effectively giving the development rights away on this site currently zoned for single family homes and the new developer wants it to be commercially zoned to be allowed to build 240 apartments. This kind of “spot zoning” is detrimental to other property owners for the benefit of only the parcel’s owner.

After a year-long community effort with over 20 hours of public comments in opposition, and without a single statement in support of the development, Troy’s Planning Commission recommended in January against a rezoning needed for the development project. Per the June 3rd City Council meeting broadcast via zoom, despite absolutely no support from the public speakers, and comment from one of the elected Councilpersons stating that the City Planning Board said this proposed change is not a good idea, the City Council is forging ahead and voted to allow the development plan to continue.

The Friends of the Mahicantuck work to prevent the destruction of the forest and cultural site and bring it into long-term preservation under indigenous stewardship. This can still happen, but the development needs to be defeated. Now is the time to raise your voice as a resident of Rensselaer County, and/or a resident of the City of Troy or a Schaghticoke. Navigate to: FriendsOfTheMahicantuck.org

BEE the Change the World Needs

A lush grass lawn is actually a food desert from a pollinator’s perspective! It is as nutritious as a paved road. Among the main challenges facing pollinators, and all wildlife, is the loss of habitat, along with pesticides.

Turf areas that are not heavily used for recreational purposes or that are primarily aesthetic can be – rather, *should* be - converted into great pollinator habitats. Pollinators play essential roles in our ecosystems and are responsible for 1/3 of the food on our plates. Introducing flowers, especially native plants, into your yard not only helps bees, but also can increase the resilience of your yard by promoting deeper roots, increasing soil health, and reducing the need to fertilize.

Grass lawn maintenance is time intensive, water intensive, and it also adds a lot of pollution to our atmosphere. Mowing a lawn less frequently can significantly improve pollinator habitat, as shown through research by the USDA Forest Service and partners funded by the National Science Foundation..

The State of Minnesota is proactively promoting pollinator friendly lawns, including offering financial assistance to homeowners who convert their lawns and funding educational workshops. Unfortunately, while New York State DEC promotes creating pollinator friendly spaces, landowners in New York State wishing to contribute to pollinator conservation are burdened by the Property Maintenance Code of New York State, specifically §PM302.4.

As written, it implies a need to comply with keeping your lawn looking like your neighbors’ which is not good if that neighbor across the street wants a golf course-like manicured lawn. It’s time for New York State to take action to make it easier to follow the recommendations for a healthy pollinator lawn as described on the NYS DEC’s own website: <http://www.dec.ny.gov/chemical/113395.html> Learn more about pollinator friendly lawns – begin with recognizing that most bees are not going to sting you! Find an area of your lawn or a nearby park and design a meadow-like garden of native plants. Your local Cooperative Extension has information. There are multiple pollinator friendly Facebook pages, such as the Capital District Pollinator Allies.

To learn more specifics about the conflicting NYS messages, and how you can help create a safer environment for pollinators, read and consider [signing this pollinators’ petition](http://www.change.org/p/new-york-state-ecologically-sound-policy-for-the-bees) www.change.org/p/new-york-state-ecologically-sound-policy-for-the-bees to help lobby for improved language in NYS law; be sure to add your zip code so legislators know you are a New Yorker. It will help make changes so that individuals can be leaders in changing lawn styles without conflicting with local codes.

Town of Bethlehem School district Voters Approve Purchase of Electric School Buses.

Voters in the Bethlehem Central School District, a suburban Albany County Town, approved the purchase of electric school buses and the charging stations by a 4-1 margin. The Hudson Mohawk Group of the Sierra Club sent letters to over 200 members in the school district urging them to vote for the budget item.

Although the electric buses are more expensive, State funding is available that will make the cost competitive with diesel buses. Savings in fuel and maintenance costs will also add to the savings. School buses are a perfect fit as electric vehicles in that the buses run for a few hours in the morning, then get charged in mid-day, then run for a few hours in the afternoon, and then get charged again overnight. The buses have vehicle-to-grid (V2G) capability, which allows the buses' batteries to store energy that can then be sold to the local power grid.

The approval of this Proposition by an overwhelming margin will encourage other school districts to "take the plunge" into the electric school bus market.

CDTA Nature Bus Headed Toward You!

Through generous support of state, local and private funds, the Nature Bus is underway. The Nature Bus is brought to you by Mohawk Hudson Land Conservancy in partnership with CDTA. This free bus serves Albany County communities. You can jump on board in the morning and spend your Saturday exploring trees of the world at Pine Hollow Arboretum, walking trails in the woods at Mohawk Hudson Land Conservancy preserves, or visiting Five Rivers for outdoor education opportunities. You can also take the bus to Thacher Park for a spectacular view from the top of the Helderberg Escarpment!

The list of destinations is quite impressive and includes: **Lincoln Park**, Albany; **Tivoli Lake Preserve and Farm**, Albany; **Pine Hollow Arboretum**, Slingerlands; **Albany County Helderberg-Hudson Rail Trail**, Slingerlands; **Five Rivers Environmental Education Center**, Delmar; **Hilton Barn Park & Helderberg-Hudson Rail Trail**, Voorheesville; **John Boyd Thacher State Park**, Voorheesville; **Mohawk Hudson Land Conservancy's Bennett Hill Preserve**, Clarksville; **Lawson Lake County Park**, Feura Bush **Mohawk Hudson Land Conservancy's Holt Pre-**

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Rensselaer Landfill Permit Update

Residents of the town of Rensselaer received some good news this month, when DEC made the decision to treat the renewal application of Dunn Landfill's Solid Waste Management Facility Permit as a new application. This will allow the public to comment on the operation of the Dunn Landfill and provide evidence of the negative impact it has on the lives of local residents. The landfill is situated in a residential area and is next to an elementary school at the top of a hill, where laden trucks rumble past people's front doors all day. The windows in the houses reverberate from the truck noise. Residents describe the smells as unspeakable. The leachate that runs into local streams makes them anxious about long-term health problems as it is contaminated with PFAs. Closing this site will be an important step in improving the lives of local residents. We need vigilance about the (see back page)

serve, Feura Bush Bus locations—starting in Albany include: Livingston & Lark; North Pearl & State; South Pearl & State; Second & South Pearl; Second/Whitehall & Delaware and Whitehall & New Scotland Avenue.

Partners at each destination are also offering free programs and kid-related activities on most Saturdays! All Nature Bus destinations are "carry-in, carry-out" (no trash cans) and have varied cell service coverage. Call ahead to see what services are available at your locations (518-475-0291) and to reserve a space. Last minute walk-ins may be accommodated if the program is not full.

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Proposed Site of Apartment Complex in North Troy. Please read pages 1 and 2 to read about this environmentally destructive project located within Indigenous people's lands. We need members to step up and help with fundraising and technical support for this special group.

(Rensselaer landfill-cont'd) permit process, and make sure it doesn't drag on for years, allowing the site to keep operating while every angle is considered. We can all play a part in waste management by minimizing the waste we send to the landfill. What can we do about the landfill? We can write to the elected officials who have most influence over this process - the heads of the Environmental Conservation committees in both houses of the legislature. For the Senate: Todd Kaminsky at : Kaminsky@nysenate.gov and for the Assembly, Steve Englebright: Engles@nyassembly.gov

These two committees have a major influence on the operations of DEC because they can influence the agency budget and the direction of their program. Let these committees know that the landfill is a health hazard to our neighbors in Rensselaer, and we don't want the permit to be renewed for a landfill located next to a school in a residential area. Tell them you're from the Sierra Club and you support the Rensselaer Environmental Coalition. Instead of issuing a new permit, it's time to let this dump stop operating and let the neighborhood enjoy clean air and water and listen to the children playing in the school yard not the rumble of diesel trucks.