

Sierra Atlantic

The Atlantic Chapter of the Sierra Club — Serving New York State

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Drilling skirmishes grow, gas firms forced to play defense

by Hal Smith

The pace of skirmishes between the natural gas industry and New York environmentalists appears to be quickening as the industry prepares to subject much of Upstate to the greatest change in land use since settlers cut down the forests to make way for farming. At first glance, many developments over the last three months appear to be defeats for the gas industry. But on closer assessment, the picture is unclear.

EPA to revisit fracking

President Obama has signed legislation introduced in Congress by upstate Rep. Maurice Hinchey that calls upon the EPA to study the impact of hydraulic fracturing on drinking water. A previous study, undertaken when the EPA was controlled by a White House headed by two former oilmen, is widely regarded as a whitewash of the industry. The study gave cover for the exemption of the industry from a wide number of environmental regulations.

“The study results will put us in a position to take any further steps that are necessary to protect our drinking water supplies from the chemical concoctions being pumped into the ground by energy companies,” Hinchey said. Apparently no money has been earmarked for the EPA study, but



Residents of Dimock, Pa., near the New York border, held a November press conference outside the home of one of 15 families who announced legal action against the natural gas driller they blame for polluting their water and destroying their property values.

Hinchey says he is confident that the EPA will follow through and produce findings based on science and evidence.

Cuomo slaps down a ‘bully’

Attorney General Andrew Cuomo’s office has reached an agreement with Fortuna Energy that will allow customers who were misled and ended up extending their natural gas leases with the company to renegotiate their terms.

The settlement also stops Fortuna from employing “industry-prevalent misleading and deceptive tactics” to secure leases. The company also agreed to pay the state \$192,500 as part of the settlement. “Drilling companies will not be permitted to use misleading letters and dubious legal claims to bully landowners,” said Cuomo. “Many of these companies use their size and extensive resources to manipulate

individual property owners who often cannot afford a private attorney. This land-grab practice must stop. “My office will continue to investigate the activities of other drilling companies to ensure that New Yorkers who were wrongly pressured into lease extensions will have a chance to renegotiate their leases.” Fortuna is one of the largest natural gas exploration companies in New York. Beginning in April, 2009, Fortuna sent letters to hundreds of landowners whose natural gas leases with the company were about to expire. Fortuna claimed that the leases contained provisions that allowed Fortuna to put the lease on hold until the company could obtain drilling permits. In fact, most landowners’ leases contained no such provisions, Cuomo said. Although Cuomo’s action is a solid gain for landowners in this case, hundreds of other landowners, also misled and bullied by “landmen,” have signed boilerplate leases that sold their rights for a pittance. Unless they have witnesses that can corroborate verbal misrepresentations, the AG’s office apparently will

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12-year-old boy peddles into action for climate change

by Wyatt Warner

(At 12 years old, Wyatt Warner was the youngest participant in the Brita Climate Ride 2009. He rode with his family, including mom, dad, 14-year-old brother and grandmother, Pat Hatry, who has been a Sierra Club member for decades.)

It is six in the morning, and the rain is pounding down on the roof of the tent. I know I have 66 miles between me and my next rest. I haul myself out of my warm sleeping bag and dash out through the downpour to the breakfast tent. When my family and I finally stuff our soaking tent in its bag and are on the bikes ready to go, the rain has let up a bit, but there are still puddles everywhere.

My family and I biked 300 miles in five days from New York City to the Capitol in Washington, D.C., along with another 150 people to demand a stronger climate bill. I think the Brita Climate Ride sends a very important message because it shows that people really care about the Earth and want action now, and it shows that you can bike practically anywhere. If everybody biked as much as they could, we’d be in a much better place than we are now. My favorite part of the trip was meeting all of the inspiring people who biked with me. The most inspiring part about them was they didn’t tell us to reduce our emissions; they reduced theirs. They didn’t point fingers; they just told their stories and led by example. Here are some of their stories.

Colin Beavan tried to have no carbon footprint for one year by doing things like using only human-powered transportation, buying all of his food locally, and washing all of his clothes by hand. He switched off his circuit breaker so he had no electricity coming in and had to live by



In front of the Capitol, 12-year-old Wyatt Warner celebrates his ride from New York City to Washington, D.C., to demand a stronger climate bill.

candlelight. He used a solar panel to power his laptop. Instead of a fridge, he used an evaporative cooler, which was wet cloth wrapped around a box. (As the water evaporates, it cools the cloth.) His wife stopped

having cappuccinos. They made all their cleaning solutions at home. They had a worm bin for composting. Colin lives in New York City with his wife and two-year-old daughter.

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EXPLORE, ENJOY AND
PROTECT THE PLANET

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SIERRA ATLANTIC MISSION *The mission of the Sierra Atlantic is to educate and enlist the people of New York state to protect and restore the quality of the natural and human environment. We will do this by providing information about important environmental issues; sounding an alarm when the environment is threatened; reporting on the activities, outings and campaigns conducted by the Atlantic Chapter; celebrating nature; and inviting our readers to join us.*

SUBMISSIONS

Send us a letter, an article, news briefs, comments, photos, graphics or other items of interest. Contact the editors at the e-mail address above for submission format and details. When querying, please write "Sierra Atlantic" in the subject line.

DEADLINES — SPRING ISSUE

February 15 — Final copy and camera-ready ads due

March 15 — Newsletter mailed to 40,000 members

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Message from the Chair

by Susan Lawrence

Chapter faces 50 percent cut from national Sierra Club

As we look to 2010, the environment in New York state and the Sierra Club Atlantic Chapter are at a critical crossroads.

The severe downturn in the economy means that our communities and state are facing severe budget deficits, and essential spending for the environment will once more be delayed until better times. But we should not delay efforts to curb greenhouse gas emissions and other air pollution, and we must also continue protecting watersheds, wilderness, wetlands, and farmland.

Due to the recession and a sharp drop in both donation and membership income, the Atlantic Chapter faces about a 50 percent cut — \$50,000 — in "unrestricted use" funds from the national Sierra Club in 2010. For the Atlantic Chapter to remain effective as a key environmental organization, we will be trimming our budget, but still will need to raise many thousands of dollars.

In 2009, the Atlantic Chapter has been working hard to overcome very serious threats to our environment, including:

- proposals to drill tens of thousands of gas wells in the Marcellus and Utica shales — from the western Catskills to Lake Erie — that would

endanger water supplies for 15 million people

- state cutbacks in funding for the NYS Department of Environmental Conservation that have crippled its ability to protect our environment

- the governor's plans to use money intended for energy conservation, renewable energy and open space protection to instead plug holes in the state budget

- partisan gridlock paralyzing the NYS Senate from acting on key environmental legislation, including a law to establish a cap on greenhouse gas emissions from all sources.

The top priority of the Sierra Club is greatly reducing greenhouse gas emissions in order to curb climate change. Our Atlantic Chapter staff and volunteers are campaigning to:

- increase renewable energy production and use

- develop and expand programs to weatherize homes and businesses

- improve the efficiency of our electrical grid

- expand mass transit and rail freight

- make our economy and daily living more sustainable.

It is extremely critical for the Sierra Club to maintain its strong voice fighting to protect our environment — to play a key role in shaping the

debates and the outcomes as our communities and our state face the daunting tasks of coping in these very difficult economic times.

I recently sent out a year-end letter asking past donors to send a generous contribution to the Chapter. We would appreciate any donations that you can make now.

Keeping our current staff — Roger Downs and Bobbie Josepher — and filling our vacant Albany position are essential to our Chapter's effectiveness. We need more staff like them. And we could never accomplish what we do without the hundreds of dedicated Chapter volunteers.

To donate to the Chapter:

To support our effective citizen-based advocacy and lobbying efforts with your non-taxable donation, please write a check payable to the "Sierra Club Atlantic Chapter" or provide us with credit card information. If you prefer to make a tax-deductible donation, then make the check payable to the "Sierra Club Foundation" and write "Atlantic Chapter" on the memo line. Send your gift to Bobbie Josepher, Sierra Club Atlantic Chapter, P.O. Box 886, Syosset, NY 11791-0886.

Thank you.

Letters

Hudson River Valley Resorts is 'smart growth,' welcomes dialog

As a long-term member of the Sierra Club and a graduate of Yale's Graduate School of Forestry and Environmental Studies, I write to express my disappointment with the Mid-Hudson Group's characterization of the Hudson River Valley Resorts (Williams Lake) project, of which I am the project manager.

Hudson River Valley Resorts (HRVR) is a small company comprised of socially responsible and environmentally focused investors. Most are long-term members of the Sierra Club and other national conservation organizations. We believe our thoughtful development approach will preserve the natural resources of Williams Lake and is an example of "smart growth" that the Sierra Club should support.

The Williams Lake property is beautiful and rich in historic and natural resources, including several endangered or threatened species. The site includes over 400 acres under conservation easement, an asset that attracted us to the site. The site is not, however, pristine, as the site's land-use history includes 80 years as a family resort which was itself the adaptive reuse of an industrial site.

The land was mined intensively for limestone that was processed on-site for cement for about 70 years

beginning in the 19th century. It left behind a scarred landscape while the remnant hotel infrastructure has deteriorated. Our project is a thoughtful adaptive reuse of this commercial/ industrial site.

Our vision is to sustainably redevelop the Williams Lake site as a resort residential community focused on outdoor recreation and wellness. The resort and homes will be built to high standards of environmental sustainability. The hotel will be LEED certified. Much of the energy for the project will be generated renewably through geothermal and solar PV. Homes and other buildings will be high-performance. Green roofs, bioswales, constructed wetlands, and pervious roads and driveways will slow down storm water and mitigate erosion and sediment delivery. Fixtures and appliances will be highly energy efficient. Existing septic systems that leech into Williams Lake will be replaced with a state-of-the-art wastewater treatment facility. Light pollution will be minimized; viewsheds protected.

A homeowners' association will oversee strict environmental covenants to maintain forest cover (instead of yards), use low-impact snow and ice applications and minimize pesticides and fertilizers that could

contribute to eutrophication of the lakes and wetlands on site.

We are also working closely with the Rondout Esopus Land Conservancy and the Department of Environmental Conservation to preserve and expand land under conservation easement and protect habitat for rare or endangered flora and fauna. Since we became involved with the property, we have worked consistently with the DEC to provide access for annual bat censuses and studies of white noise syndrome. Early next year I expect we will formalize these efforts with a cooperative agreement to ensure long-term protection of endangered bat hibernacula on the Williams Lake property.

The property is private but we will continue the Williams' family legacy of conservation-minded land stewardship and managed public access to this beautiful property. One concrete example is the proposed creation of a public access rail trail through the property.

As ever, I remain open to meeting with any community members interested in learning about our project and I would welcome the opportunity to discuss the project with the Mid-Hudson Group.

TIM ALLRED, PROJECT MANAGER
HUDSON RIVER VALLEY RESORTS

Hudson victory: cleanup begins after 30-year fight

by Bill Koebbeman

For 30 years beginning in the 1940s, General Electric (GE) released over one million pounds of polychlorinated biphenyls (PCBs) into the Hudson River. Over the next 30 years, while activists pushed for a cleanup, GE resisted. In 2000 and 2001, advocates from the Sierra Club, Scenic Hudson, Riverkeeper, and Hudson River Sloop Clearwater wrote letters, spoke at hearings, and rallied in support of the Environmental Protection Agency's (EPA's) cleanup plan. Finally, in March of this year, GE and the EPA began the Hudson River Dredging Project.

Why dredge?

PCBs have been linked to immune, reproductive, neurological and endocrine damage. It is estimated that 500 pounds of PCBs move down the Hudson each year. They are ingested by wildlife and by people in some communities (Waterford and Halfmoon), where public water comes from the Hudson. The accumulation of PCBs in fish has resulted in fishing advisories from the NYS Department of Environmental Conservation, limiting the consumption of fish. For example, women of child-bearing years and children under 15

should not eat fish downstream of Hudson Falls. Extensive studies have been conducted linking PCBs to cancer, and the result is that the EPA has classified PCBs as "probable human carcinogens."

Phase one

In 2006 the federal government and GE reached an agreement requiring GE to dredge portions of the Hudson, with EPA monitoring the process. Phase I of the six-year dredging project was completed in early November. This phase of dredging was designed to clean up the most heavily contaminated portion of the river just below GE's Fort Edward plant.

Once committed to the project, GE and its contractors showed their professional competency in the construction and operation of the dredging equipment. Twenty tugboats, 18 river barges and 12 dredging platforms removed sediment and moved it to the dewatering site, a 100-acre complex, where the water is removed and treated. In the first six months, approximately 280,000 cubic yards of PCB contaminated sediment was removed from the river and 891 train car loads of PCB-laden sediment were shipped to a disposal site in Texas. EPA estimates that



Phase I has removed 96% of the PCBs in this stretch of the river.

Stirring up trouble?

One of the major issues debated during the past year was how to protect the public water supplies of certain towns that take water directly from the Hudson or from wells that are hydraulically connected to

the river (Stillwater). These towns were concerned that the dredging would stir up PCBs and contaminate their drinking water.

What town officials and residents did not realize was that they were already drinking a low level of PCBs entrained by the natural flow of the river before any dredging started. Where the Hudson was the source of drinking water, PCBs were generally below 50 parts per trillion (PPT) prior to dredging — well below the 500 PPT that the NYS Health Department deems safe for public drinking water supplies.

EPA has responsibility to ensure that PCB levels do not exceed 500 PPT during dredging, and they did this by extensive monitoring of the water flowing from the dredging area and by controlling the dredging process. When PCB levels upriver did exceed 500 PPT, the dredging was halted and/or modified until readings returned to safe levels.

Public may participate

The current plan, to dredge to the federal dam in Troy, will be reviewed and modified throughout next year. A peer review panel will examine the results of phase one. A public comment period will be held. EPA will notify GE if it intends to change any performance standards. For those who want to see a clean Hudson, it is important to encourage the continued safe cleanup of the river; you can participate.

Observing the massive cleanup and its thousands of man-hours and hundreds of million of dollars, one thing is clear: it would have been much easier, cheaper and safer to recycle or properly dispose of the PCBs originally. As we take PCBs from the Hudson and dump them in a Texas disposal site (where Sierra Club's Lone Star Chapter has protested their burial), we are reminded: there is no "away," as in "throw away."

Bill Koebbeman is a member of the Hudson-Mohawk Group and a representative on the Community Advisory Group for the Hudson River PCB Dredging Project.

Just in time for the holidays

Study: PVC packaging contains toxic metals

A new study by the Toxics in Packaging Clearinghouse found toxic levels of heavy metals in more than 50 percent of PVC packaging tested.

The report, *An Assessment of Heavy Metals in Packaging: 2009 Update*, tested more than 400 packaging samples with support from the U.S. Environmental Protection Agency. Fifty-two percent of flexible PVC packaging was found to contain lead or cadmium, violating laws in 19 states across the country.

"The widespread adoption of sustainable packaging practices is an important step in the greening of America. But this new report reminds us of how much of the pack-

More than half of PVC packaging tests positive for lead or cadmium, banned in 19 states

aging we bring into our homes is toxic to our health," said Mike Schade, PVC campaign coordinator at the Center for Health, Environment & Justice.

"With the holidays approaching, families across America will see an influx of PVC clamshell packaging that will put toxic lead and cadmium under the Christmas tree."

The Center for Health, Environment & Justice (CHEJ) has long advocated against the use of toxic PVC plastic in consumer products and packaging. CHEJ has worked with major retailers such as Target, Wal-Mart and Sears Holdings to develop PVC phase-out plans to protect consumer health.

"We all know that lead is dangerous to young children, and yet we are wrapping our kids' toys in toxic PVC," said Lois Gibbs, executive director of CHEJ. "Given the alarming nature of this new report, we hope to see more retailers take a proactive approach to keeping this poison packaging off store shelves."


Already retailers like Wal-Mart have begun requiring suppliers to provide a certificate of compliance with state toxics in packaging laws or submit packaging samples for testing. Other retailers have recalled products packaged in the lead-contaminated PVC.

An assessment of Heavy Metals in Packaging: 2009 Update is available from the TPC website at www.toxicsinpackaging.org.

Join the Action Alert listserv

You can sign up for Atlantic Chapter action alerts on legislation and other key issues. Send an e-mail to: listserv@lists.sierraclub.org with the message "Subscribe ATL-ACTION-ALERTS@LISTS.SIERRACLUB.ORG" your first name and last name.

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Get Out There

There's nothing like learning about nature with fellow Sierrans. New York's Groups offer a great variety of activities — and lots of them — for you to have fun while expanding your understanding. For an up-to-date list of Sierra Club outings, go to <http://newyork.sierraclub.org>, and click on "outings" on the menu bar at the top of the page.

Or, subscribe to the Chapter's Impromptu Outings listserv. Log onto <http://newyork.sierraclub.org/outings/> and scroll down to the waving hikers. Then click on "Join or leave the list" and follow the links. For more info, call Bob Susser at 212-666-4371.

SIERRA CLUB

Accelerating polar meltdown makes Copenhagen follow-up critical

No matter what the outcome of the historic climate change negotiations in Copenhagen, which were scheduled to begin a week after this is being written, it is clear that the nearly 200 nations meeting there will need to very rapidly change rhetoric into action.

In late November, a new global scientific synthesis prepared by some of the world's top climate scientists reported that climate change is accelerating beyond expectations and that urgent emissions reductions are required.

Global ice-sheets are melting at an increased rate; Arctic sea-ice is disappearing much faster than recently projected, and future sea-level rise is now expected to be much higher than previously forecast, according to a special report, "The Copenhagen Diagnosis." Its 26 researchers, most of whom are authors of earlier reports published by the Intergovernmental Panel on Climate Change (IPCC), conclude that several important aspects of climate change are occurring at the high end — or even beyond — of the expectations of only

Data on rising sea levels, carbon emissions and melting polar ice show climate change is accelerating faster than IPCC scientists expected.

a few years ago.

The report also notes that global warming continues to track early IPCC projections based on greenhouse gas increases. Without significant mitigation, the report says global mean warming could reach as high as 7 degrees Celsius by 2100. Copenhagen negotiators were hoping to limit global warming to 2 degrees Celsius above pre-industrial levels.

The newer evidence, which has emerged since the IPCC's Fourth Assessment Report in 2007, includes:

- Satellite and direct measurements now demonstrate that both the Greenland and Antarctic ice-



sheets are losing mass and raising the sea level rise at an increasing rate.

- Arctic sea ice has melted far beyond the expectations of climate models. For example, the area of summer sea ice melt during 2007-2009 was about 40% greater than the average projection from the 2007 IPCC report.

- Sea level has risen more than 5 centimeters over the past 15 years, about 80 percent higher than IPCC projections from 2001. Accounting

for ice-sheets and glaciers, global sea-level rise may exceed 1 meter by 2100, with a rise of up to 2 meters considered an upper limit by this time. This is much higher than previously projected by the IPCC. Furthermore, beyond 2100, sea level rise of several meters must be expected over the next few centuries.

- In 2008 carbon dioxide emissions from fossil fuels were about 40% higher than those in 1990. Even if emissions do not grow beyond today's levels, within just 20 years the world will have used up the allowable emissions to have a reasonable chance of limiting warming to less than 2 degrees Celsius.

The report concludes that global emissions must peak then decline rapidly within the next five to ten years for the world to have a reasonable chance of avoiding the very worst impacts of climate change.

To stabilize climate, global emissions of carbon dioxide and other long-lived greenhouse gases need to reach near-zero well within this century, the report states.

HAL SMITH

Best holiday gifts for thinking people — media on the crisis of our time

by Moisha Blechman

While most of the media does little to help a confused and ill informed public understand the fundamental problem of our time — global warming — a cornucopia of arresting and very informative books has arrived in time for holiday gift-giving.

A good book is the best way to send our friends and families straight to the people who know the most, know how to deliver information on the science, can tell us about everything else connected to it, and whose only motive is their profound love of this planet.

Books are much more rewarding than a whole slew of articles. When you give people an important book, they are usually flattered and pleased that you took them seriously as thinking and caring persons.

It took an operation and a long stay in a hospital to give our greatest atmospheric scientist, James Hansen, the time to write from the heart, as a scientist, about global warming. It resulted in a book just off the presses, "Storms Of My Grandchildren: The Truth About The Coming Climate Catastrophe and Our Last Chance to Save Humanity."

Although Hansen is the leading climate scientist, reading any of his articles is easy to understand and absorbing.

The book itself is an urgent and provocative call to action and is the full story of what we need to know about humanity's last chance to get off the path to a catastrophic meltdown, and why we don't know the half of it. While the truth may be uncomfortable, it is also exciting to learn so much that is essential. Here it is in one book. It is number one on my list for both myself and a few friends.



A note about James Hansen: he is both an important scientist at the forefront of climate research and a man who values life so much that he is willing to write and go to public demonstrations at the risk of arrest.

Al Gore has written a deeply researched sequel to "An Inconvenient Truth" called, "Our Choice: A Plan to Solve The Climate Crisis." Don't ever let anyone tell you that it can't be done or that it takes a long time. "Where there is a will, there is a way," as the saying goes. It is especially true with solving energy use. So far, our governments just simply are not trying. Gore's book is a compendium of ideas and technologies. Putting them to work is positive and could be a joyous world community enterprise. Insisting on them should be our mission. "Our Choice" will give us the ammunition to say, "Oh yes, we can."

"Dire Predictions: Understanding

Global Predictions," by Michael Mann and Lee R. Kump, is a must-read on the major findings in climate science. It is a powerful and straightforward guide written in lucid language that shows how scientists, economists and engineers understand the problem of global warming. It is well illustrated with photos and graphics.

"Climate Change: Picturing the Science" is a collaboration by NASA scientist Gavin Schmidt and photographer Joshua Wolfe. It includes the work of 16 scientists in their areas of expertise. It is particularly appropriate for teenagers and young people for its broad outlook and explanation of the Earth's complex systems and finely-calibrated checks and balances.

Reading these will convey how these systems, so interdependent, are really inviolate laws. The book also discusses how we are changing the planet to make the Earth less sympathetic to or supportive of life altogether. The struggle for life is intensifying beyond what has been normal.

In the midst of this sobering reportage, the authors manage to appeal to our fascination with epic challenges. The book combines arresting images with lucid explanations and is a masterful account of the science as well as in awe of the Earth we inhabit.

We must not overlook the other half of the CO₂ equation, i.e., how increased CO₂ has been absorbed by the oceans and is turning them into an acidic medium. This newly changed chemistry is a hostile environment for the creatures of the sea. "A Sea Change" is a very beautiful documentary film, directed by Barbara Ettinger, which takes us on a journey of exploration about the consequences of acidifying the oceans. At the same time, the film shows us the grace and fragile beauty of sea creatures. It tells the

story of a man and his grandson as they learn about the seriousness of an ocean that increasingly is unable to support life.

You can purchase the DVD by going to: www.aseachange.net. This is a beautiful and moving film which you can share with others either at home or school or in other small groups. It is suitable for children and young people. This is an issue of vital importance and yet, amazingly, outside the consciousness of our culture.

Happy Holidays and good reading.

Moisha Blechman co-chairs the Chapter's Global Warming Committee and chairs the Publications Committee.

Create an Environmental Legacy.

Bequests have played a key role in the Sierra Club's environmental successes over the years.

Planning now may make your gift more meaningful and reduce taxes on your estate. We have many gift options available. We can even help you plan a gift for your local Chapter. For more information and confidential assistance, contact:

John Calaway
Director, Gift Planning
85 Second Street, 2nd Floor,
San Francisco, CA 94105
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planned.giving@sierraclub.org

Albany Update



by Roger Downs, Conservation Associate



DEC’s natural gas drilling plan fatally incomplete

The much-anticipated Draft Supplemental GEIS for Marcellus Shale was released September 30, inching New York closer to a new wave of natural gas drilling in the Catskills and Southern Tier.

But the 800+ page draft plan is meeting great public criticism; it’s being panned as overly technical, poorly organized and substantially incomplete. At a recent state Senate hearing, former NYC DEP Commissioner Al Appleton called it the worst draft environmental impact statement he has ever seen in his decades of land-use planning.

At the heart of the study’s deficiency is the DEC’s refusal to conduct an assessment of **cumulative impacts** — how the development of multiple gas wells, pipelines, and compressor stations across NYS will contribute, as a whole, to environmental degradation. By placing the focus solely on the individual well pad, the DEC’s best intentions in assessing impacts and establishing mitigations do not translate into a working plan, such as a full build-out scenario, that protects New York’s resources in a comprehensive, state-wide manner. Remember: Thousands of wells will be consuming and degrading millions of gallons of water, spewing tons of hazardous air pollutants, and transforming the natural landscape into a grid work of pipelines and access roads. The state should not be allowed to defy SEQRA and conclude that all these activities do not have a larger impact when factored together.

The public has until December 31 to submit comments, and all Sierra Club members are encouraged to participate. In addition to including a full build-out, cumulative impacts analysis, please ask the DEC to:

- Make the conclusions of the SGEIS part of a formal rule-making process.** The DEC has not updated oil and gas regulations since 1985, and relies on

- a confusing mix of forms and conditions to supplement what is currently on the books. The SGEIS on Marcellus Shale would continue this pattern of adding permitting “suggestions” rather than enforceable regulations. The results of the dSGEIS need to be clear, binding, and transparent to the public.
- Address the critical issue of staffing and oversight.** Seventeen state permitting staff and inspectors is grossly insufficient to oversee the development of thousands of gas wells. No amount of regulation can protect New York if we cannot enforce best practices and punish bad actors.
- Make findings of the SGEIS consistent with all well permits.** Improvements to the Environmental Assessment Form and permitting conditions for Marcellus horizontal applications will not be applied to vertical well permitting or other geologic formations, creating an unjustified imbalance in environmental standards. New permit conditions that are not unique to Marcellus shale development and were ignored in the original 1992 GEIS, such as climate change considerations, invasive species mitigation, or best practices, must now be applied to vertical wells.
- Give an accurate picture of New York’s wastewater treatment deficiencies.** Of the 134 waste water pre-treatment plants listed in the SGEIS as viable treatment centers, only three accept waste “flowback” water from the natural gas industry and in a limited capacity. There are no new injection wells or industry wastewater treatment plants proposed, yet drilling permit applications are mounting. Failure to address this issue will lead to unpermitted releases and the exporting of wastes to Pennsylvania and Ohio, states struggling with their own wastewater issues.
- Include pipelines in SGEIS analysis.** In spite of SEQRA obligations, DEC will not factor in the impacts of pipelines, gathering lines and compressor stations as an integral part of Marcellus development. A study that does not include issues of habitat fragmentation from pipelines or emissions from compressor stations ignores key sources of environmental degradation associated with the industry.
- Allow local governments more control and involvement.** In spite of initial promises to find ways to engage local governments in decision-making, the dSGEIS advances little improvement in how municipalities interact

with land use in the context of natural gas development. Individual well permits will continue to be issued without input from the public or compliance with local zoning or ordinances. To compound the problems facing municipalities, the dSGEIS suggests that local health departments will handle issues of contamination and municipal wastewater treatment plants will bare the brunt of remediation upgrade costs.

Extend the comment period to March 31, 2010. The final outcome of the Supplemental dGEIS will have profound implications for New York’s energy and environmental future. Extending the comment period to 180 days, as has been advocated by 41 members of the NYS Assembly, is the least the state can do to ensure that citizens have a voice and stake in the outcome.

While the SGEIS does offer some improvements to the current well permitting system, including an evolving chemical disclosure requirement for fracking fluids, expanded reporting requirements for the handling of wastewater, and general on-site mitigation plans, the lack of focus on the “big picture” renders the plan fatally incomplete. The Atlantic Chapter hopes that with some prod- ing the DEC will withdraw this draft plan and start over.

To read the Atlantic Chapter’s comments on the dSGEIS go to http://newyork.sierraclub.org/gas_drilling.html

To read the dSGEIS go to <http://www.dec.ny.gov/energy/58440.html>

To send comments go to <http://www.dec.ny.gov/cfm/xtapps/SGEISComments/>

Chapter unveils improved website

The Atlantic Chapter launched a new website in October. The address is the same (www.newyork.sierraclub.org), but the format and most of the content are new. Our Chapter On-Line Media Committee has worked very hard to make this new website user-friendly, timely and with links to many other sources of information.

The site is still in the shakedown phase. We are planning to add a lot more information on key conservation issues and Chapter events, and explain how you can participate. Links to the national Club and Group websites also provide a wealth of information on conservation issues and Group activities.

If you have comments, questions or suggestions, please e-mail them to webmaster@newyork.sierraclub.org.

Bravo and thank you so much to all the members of the On-Line Media Committee who worked tirelessly to get the new site up and running. Members of the committee are Chair Jessica Helm, new webmasters Noel Kopf and Emily Ryan, Tom Reynolds, Don Pachner, and Bob Kerr, with support from staffer Bobbie Josepher.

Many thanks to Tom Reynolds for his past services as our webmaster.

SUSAN LAWRENCE

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Gas man speaks out: don't let them destroy Allegany State Park

Editor's note: Recently a Colorado oil and gas man who knows and loves Allegany State Park privately voiced his objections to pending drilling in the park. On condition that we protect his identity, he gave the SIERRA ATLANTIC exclusive permission to publish his remarks.

COLORADO — With recent discoveries of a large pool of natural gas in the Marcellus Shale formation, gas companies are moving into NE Ohio, Pennsylvania, and the Southern Tier of New York (and under Lake Erie).

Mineral owners have the right to develop the subsurface minerals even if they do not own the surface. This is possible because landowners have the right to separate and sell off mineral rights, which has been more common here in the West. But as property is bought and sold over the years, the fact that mineral and other subsurface rights are separated does not necessarily get recorded at the courthouse when a transaction occurs, at least not in Colorado.

However, the people who purchased those mineral rights do not lose track.

When Alleghany State Park was put together in the 1940s, the state acquired land from a lot of individual landowners, many of whom probably did not own the subsurface mineral rights. Do you know where and when the first successful oil well was drilled? Titusville, PA, 1859. Just as they sold their timber to loggers, many folks sold mineral rights for what seemed like good money then to slick oil company representatives.

But selling your timber is a one-shot deal, and it grows back. Not so with mineral rights — you sell those off and it's permanent. You can buy them back, but once new gas or oil is discovered in the area, the price goes way up beyond the means of ordinary Joes and state parks departments. And if the department in charge of New York parks is anything like the Colorado Division of Wildlife, it has no idea who owns the minerals under certain state lands. It's one of those things that no one gets resolved because of other priorities.

It's my understanding that New York is reviewing and rewriting its drilling rules. And that there is a public comment period [which ends December 31]. We just did a similar thing here in Colorado, and the gas



Just across the border in Dimock, Pa., toxic wastewater is pumped into a Marcellus Shale "frack pit" with such force that it splashes over the lower bank (note darker edge). These pits can be larger than a football field and are filled with wastewater that includes carcinogenic chemicals, endocrine disruptors, radioactive material, heavy metals, arsenic, etc. Only a temporary plastic liner, which carelessness easily breaks, prevents the hazardous waste from seeping into groundwater. Heavy rains can cause the pit to overflow, and the pits are generally not fenced to keep out wildlife. Thanks to photographer J. Henry Fair for his ongoing efforts to document this unfolding disaster. (www.industrialcars.com)

companies and pro-gas politicians are still screaming bloody murder, saying that the new rules are what has driven the precipitous drop in drilling over the last year. Never mind that the price of natural gas has dropped from \$14 per thousand cu. ft. to \$2.25 nationwide, independently of the fracas in Colorado, or that over the last year, drilling dropped 65% in Wyoming and many other places. I've been hearing that a lot of the gas drilling rigs are moving your way. Apparently the gas is easier to extract than it is here, and is more profitable given current prices.

Out here, over the last 10 years, gas prices rose, drilling boomed, and things got a little crazy, and some companies didn't follow weak state rules. Land surface owners had very little recourse because the state Oil & Gas Conservation Commission was, by statute, made up of individuals who had to be from the industry itself. (The argument was made that the business was so complicated that

you had to have people that were in the business on the board that regulates it. Oddly, there is no requirement that anyone nominated to serve on the Colorado Wildlife Commission know anything about wildlife.)

The drill rigs give off lots of fumes, there's a ton of truck traffic, the drilling can cause problems with groundwater, domestic water wells can go dry or be fouled, etc. Sometimes people don't even know that anything is going to happen on their property until a guy shows up with something for you to sign, saying you have no choice. Landowners who have mineral rights or royalty rights have a lot more influence on what goes on, but if you don't have that, your surface rights are essentially worth very little. The value of your property declines, life becomes a hassle, etc.

This was very illuminating for a lot of people who are very big on the concept of property rights, a very big rallying cry for conservative, anti-government, anti-zoning people in the West. "We don't want the gummint telling us what we can or can't do with our land." A valid concern, but only to the point where it infringes on the rights of a neighbor or the land downstream.

Out here that point is not recognized by folks who seem to think they have the right to do anything with their property just short of detonating a nuclear weapon on it. But it's hard to hold to that view when the guy next door, who owns the gas rights on his property, directs the gas company to put the well on the edge of his property, farthest from his house, but right next to yours.

Eventually there was enough of a public groundswell that the Colorado General Assembly passed a new law

requiring new rules for oil and gas development. This was done by a Republican Senate, Democratic House, and signed by a Republican governor in 2006. The governorship and the Senate both went to the Democrats in the 2006 election. People were fed up with how long it took for the Republicans to get the message.

The key issue for me in this is that drilling could take place in Allegany State Park. It is already happening just across the state line in the Allegheny National Forest. Rules tend to be stricter on federal land, and there is a mandate for multiple use there as well. But I just can't bear the thought of Allegany getting torn up with new roads, well pads, pipelines, compressor stations, and all the rest that comes with that.

I am aware that there have been wells in the park for years, but if it gets to the kinds of well pad densities we have in western Colorado — one per 40 acres, or less in some areas — it wouldn't be much of a state park anymore.

The leaseholders do have the rights to get their gas, but it needs to be done right, and a way should be found to exempt Allegany.

Take a look at western New York on Google Earth, and you'll see that the largest patch of relatively undisturbed forest there is Allegany. When you're driving around, everything seems forested, but when you fly over it, or look at the aerial imagery on Google Earth, not so much. Large, intact, unfragmented forests are extremely important to — and required by — many species of songbirds. So Allegany is a very important place to protect. Follow this issue, and let your state legislators know how you feel.

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DEC ignores Super Fund loophole — Who would clean up drillers’ mess?

by Rachel Treichler

Critics of the oil and gas industry frequently note that the industry enjoys sweeping exemptions from provisions in each of the major federal environmental statutes. However, it is still not widely understood that the industry is essentially exempt from the Super Fund law.

Petroleum is excluded in the definition of hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), more commonly called the Super Fund law. CERCLA regulates the cleanup of hazardous substances released into any part of the environment, including air, water, and land.

Section 101(14) of the act lists the hazardous substances that are covered, including benzene, toluene, xylene, and ethylbenzene, each of which is an element of petroleum. *Inexplicably, however, the last clause of section 101(14) excludes crude oil and petroleum.* Thus, hazardous chemicals that would otherwise be covered by CERCLA are immune from the statute when encompassed in petroleum or crude oil.

The Environmental Working Group (EWG) stated in testimony to the NYC Council that the leading reason to prevent natural gas drilling and hydraulic fracturing near drinking water supplies is the industry’s use of petroleum distillates, including diesel fuel, which are likely to contain benzene.

EWG notes that the NYS Department of Environmental Conservation (DEC) did not consider diesel-based fracturing fluid in the draft Supplemental Generic Environmental Impact Statement (dSGEIS). (The DEC

It would take all the water used by New York City in a day, and maybe even all the water used daily by the entire state, to dilute to a safe level one spill by a natural gas driller

will finalize the dSGEIS after reviewing public comment, which it will receive until December 31.) The dSGEIS states on page 7-41 that diesel-based fracturing fluid “is not proposed or reviewed by this supplement.” However, the dSGEIS identifies at least 14 different petroleum distillates that are used or proposed for use in the Marcellus Shale formation in New York. The dSGEIS also identifies aromatic hydrocarbons as chemicals that are likely to be found in petroleum distillates, used or likely to be used, in the Marcellus formation.

Dusty Horwitt, EWG’s senior counsel, discussed several of EWG’s findings regarding petroleum distillates in his testimony to the NYC Council on Oct. 23. He said that EWG’s research shows that petroleum distillates are likely to contain benzene, and that the EPA has found benzene to be a known human carcinogen that is toxic in water at levels greater than five parts per billion. Petroleum distillates are also likely to contain all of the so-called BTEX chemicals: benzene, toluene, ethylbenzene and xylene. The EPA has concluded that all of these substances are toxic in water at very low levels.

To put the toxicity of benzene in perspective and to demonstrate the risks to water supplies for New York City and other towns, Mr. Horwitt observed that the dSGEIS estimates that the amount of water used to hydraulically fracture a single well will range from about one million to eight million gallons. The DEC estimates that the amount of friction reducer mixed with the water will comprise about 0.08 percent of the total fracturing solution.

Mr. Horwitt stated that petroleum distillates are commonly used as friction reducers and are also used in other components of fracturing solutions. Therefore, the amount of petroleum distillate used for fracturing a well in New York is likely to range from 800 gallons to 6,400 gallons (0.08 percent of between one and eight million gallons of water). Published levels of benzene in petroleum distillates with names similar to those used or likely to be used in New York include up to:

- 700 parts per million for flash aliphatic solvent,
- 1,000 ppm for Stoddard Solvent,
- 4,000 ppm for kerosene, and
- 93,000 ppm in naphtha solvents.

In other words, as Mr. Horwitt observed, these levels of benzene range from 140,000 times the EPA’s safe



level to 18.6 million times the EPA’s safe level. Thus, if 800 gallons of petroleum distillate were to contaminate a water supply, depending on the benzene concentration, it would likely take somewhere between 112 million gallons (800 X 140,000) and 14.9 billion gallons (800 X 18.6 million) of water to dilute the benzene to EPA’s safe level. If 6,400 gallons of petroleum distillate were to contaminate a water supply, it would likely take somewhere between 896 million and 119 billion gallons of water to dilute the benzene to EPA’s safe levels.

For comparison, Mr. Horwitt said, the total amount of water used daily by New York City, according to the DEC, is 650 million gallons, or less than the amount of water that would be needed to dilute the benzene in a spill of petroleum distillates in many scenarios. In some cases, even the total amount of water used each day by the entire state (9-10 billion gallons per day) would not be enough.

Mr. Horwitt noted that petroleum distillate in the form of diesel fuel will be used to power drilling equipment even if diesel fuel is not used in hydraulic fracturing. The DEC reports

that an average of 29,000 gallons of diesel fuel was required to complete fracturing jobs in the Marcellus Shale in West Virginia and Pennsylvania. The result is that, somewhere in the process, petroleum distillate will spill or leak, threatening drinking water.

The permitting process provided for in the dSGEIS does not protect against such spills. Gas drilling companies are required to disclose the chemicals they use in their drilling operations, but they are not precluded from using toxic chemicals. Under the dSGEIS, the DEC will not take responsibility for cleaning up a spill, nor for treating the toxic water produced from drilling operations or the “flowback” from hydrofracking.

Those responsibilities are left to local governments, which are already struggling to maintain basic services during a severe recession.

Please join with your local Sierra Club Group as we reach out to Governor Paterson and each state senator and assembly member to alert them to the dangers of unregulated gas drilling in the Marcellus Shale.

Rachel Treichler chairs the Chapter’s natural gas task force.

Gas skirmishes grow

continued from page 1
be unable to help these landowners.

In a possibly related development, Fortuna later said it would take its operations to a more hospitable Marcellus state, but at roughly the same time it was making that statement a Fortuna landman was approaching Broome County landowners.

NYC watershed safer?

At the end of October, Chesapeake Energy, perhaps the largest natural gas company in the nation, announced that it would not drill on land it has leased in the New York City watershed. This was hailed as a signal that the watershed will be spared.

However, it is common practice in the gas industry for companies to lease as much land as possible when leases are cheap, i.e., before landowners know the value of their mineral rights. Then the companies may “flip” leases and get, say, \$10,000 per acre for leases that cost them \$100 per acre. Last year at about this time, Chesapeake sold a one-third stake in its Marcellus Shale leases to a Norwegian energy company for \$3.38 billion.

So, Chesapeake may have decided not to drill in the NYC watershed,

but it is still free to flip its Catskill leases to another firm.

DEC extends comment period


After the Atlantic Chapter of the Sierra Club sounded the alarm on horizontal hydrofacturing more than a year ago, Governor Paterson directed the DEC to review its regulations regarding gas drilling, which had not been updated since 1985. The result has been a one-year de facto moratorium on gas drilling as the DEC set about writing a Supplemental Generic Environmental Impact Statement (SGEIS).

But soon after the DEC released its voluminous draft at the end of September, it became clear that the SGEIS doesn’t come close to addressing the concerns of those who fear development of the Marcellus Shale would come with unacceptable consequences.

After hearings this fall, and in response to broad public criticism of its effort, the DEC extended the 60-day public comment period for 30 days (until December 31), but many activists are asking that the DEC take back its plan and start over. (See Roger Downs’ Albany Update, page 5.)

“Every good thing, great and small, needs defense.” — *John Muir*

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Club fights blockage of key Adirondack paddlers' wonderland

by Charles C. Morrison

In an extensively documented letter dated August 27, the Chapter's Adirondack Committee asked DEC's Commissioner Alexander B. "Pete" Grannis to enforce the state's public nuisance and public navigation rights laws by requiring that the Brandreth Lake Association remove intimidating posted signs and a cable strung across Shingle Shanty Brook in the Town of Long Lake, Hamilton County.

This blockage of an eminently navigable waterway on which the state, in effect, holds a navigational easement in trust for the public, forces paddlers to make a one-mile carry over a very rough trail in the Adirondack Forest Preserve to avoid paddling on Mud Pond, its outlet stream and the lower part of Shingle Shanty Brook, all of which flow through private land known as the Shingle Shanty Preserve.

The Brandreth Lake Association owns an 8,200-acre property adjoining Shingle Shanty Preserve, and it claims recreation rights on the 15,582-acre preserve itself. Brandreth contends that its greatly exaggerated deeded recreation rights include exclusive use, for recreational purposes,



Susan Bibeau photo, courtesy of Adirondack Explorer

Brandreth Lake Association is blocking access to a section of Shingle Shanty Brook, in the Adirondack Town of Long Lake, forcing canoers such as the editor of "Adirondack Explorer," Phil Brown, above, to make a difficult mile-long portage.

of all of the surface waters on the preserve, including rights on streams and ponds that are navigable under state common law. Brandreth has chosen to ignore the state's easement, even though in truth it supercedes all deeded rights.

The NYS Department of Environmental Conservation (DEC) has never addressed this challenge by Brandreth to the state's ownership

interest. The Chapter's letter, signed by Roger Gray and John Nemjo (co-chairs of the Adirondacks Committee) and Charles Morrison, a committee member, asks DEC to do so now.

After learning of the Club's complaint, Brandreth wrote to Commissioner Grannis on October 9, offering a defense. In early November, the DEC indicated it

would soon send an interim reply to the Adirondack Committee.

Shingle Shanty Brook is a critical link between the Little Tupper Lake area and Lake Lila, in the Whitney Wilderness of the Adirondack Forest Preserve. From these lakes, paddlers can access Lows Lake and the Bog River, the Five Ponds Wilderness and the Pigeon Lake Wilderness. The major watersheds of the Adirondacks join here — the divide for the Hudson and St. Lawrence rivers.

There are hundreds of lakes, ponds and streams in this water wonderland, an area that is second only to the Boundary Waters Canoe Area in Minnesota for recreational and wilderness paddling in the Lower 48. It is the heart of the area for which the Atlantic Chapter has proposed creation of the 500,000-acre Great Oswegatchie Canoe Wilderness Area as a world-class paddling destination.

For more information, contact Charles C. Morrison, 88 Court Street, Saratoga Springs, NY 12866; CharlesCMorrisonJr@gmail.com; 518-583-2212.

Charles Morrison sits on the Chapter's Adirondacks Committee and heads its public navigation rights project.

How Babylon created a successful green homes retrofit program

by Dorian Dale

Before it launched what would be a nationally recognized energy efficiency retrofit program for homes, the Town of Babylon had to find innovative ways to fund and administer the trail-blazing Long Island Green Homes (LIGH) project.

The first step was the addition of a few words to Babylon's standard solid waste code. By citing carbon as energy waste, the LIGH gained access to \$2 million from its waste reserve fund.

The next issue the town faced was how the program would bill for the completed work once each deep retrofit was completed. A dozen or so other pilot projects around the country apply the principles of PAYS (pay-as-you-save), using "on-bill financing," usually utility bills. A NYSERDA white paper had endorsed on-bill financing and so the town asked the regional power authority if it would provide this service, but it declined.

The town was obliged to devise an alternative. Many community improvements, such as road work or sewer installations, are commonly billed as benefit assessments. So Babylon decided that once a home retrofit had been completed, the town would pay the contractor and bill the homeowner a monthly benefit assessment, usually a sum slightly less than the actual savings on the utility bills. If the homeowner were delinquent in payment, the balance would be added to the property tax.

Thus, Babylon established a property assessed clean energy (PACE) program at approximately the same time as the City of Berkeley, Califor-



Encasing hot water pipes with insulating foam is an easy and inexpensive way to reduce heat loss and save on the cost of heating water.

nia, which is generally credited with 'pioneering' PACE. As the town already billed waste collection via a robust software platform, it was a simple matter of creating another invoice. It should be noted that Berkeley has focused on solar versus Babylon's insistence on energy efficiency first.

This past summer, carbon waste legislation introduced by Assemblyman Bob Sweeney and Senator Owen Johnson affirmed that any municipality in New York which did not have a waste improvement district could create one for the purposes of financing the reduction of energy waste in residences. Signed into law in August, the legislation establishes, in part, that, "*Such charges (energy efficiency improvements installed or implemented on residential properties) shall be a lien upon the real property. A refuse*

and garbage improvement district created pursuant to this article may include the prevention or reduction of waste matter consisting of carbon components of energy waste from residential properties."

The foundation of PACE programs is the property assessment. PACE is agnostic on the variety of financing as long as the retrofit loan is secured by the property. The financing can be derived from various types of bonds, commercial lending, power purchase agreements, and municipal operating budget or, as in the case of Babylon, a waste reserve fund.

How will PACE programs be financed moving forward? Berkeley and Boulder, Colorado fund their programs with taxable micro-bonds. Portland, Oregon, which is completing the first 40 units of its 500-house pilot, is offering terms that are at or below market interest rates with

longer than typical amortization periods. In going to scale, Babylon recognizes that its internal resources will be insufficient and that going to the bond market, particularly given current "moral obligation" provisos for municipalities, is untenable if the larger market appetite is to be served. Government obligation bonds are adequate for the short term but fall far short of being able to meet the magnitude of work.

Babylon is considering several mechanisms to fund its PACE programs over the long term. But financial formulations are only one component for PACE program success. Long Island Green Homes program succeeds because it provides *one-stop retrofits* that make it easy for homeowners to make their house more comfortable and affordable. Because of their unique relationship to property, municipalities are ideally constituted to deliver this kind of service to property owners. Previous efficiency programs consistently failed to optimize the parts and deliver them as a working whole.

The landscape is spattered with low-interest energy loan programs that didn't make it out of first gear. For example, in 2007, Fannie Mae underwrote 1,007 low-interest energy efficiency mortgages nationwide. NYSERDA's Home Performance with Energy Star financing program, offerings loans of 4.9% to 5.9%, attracted an average of less than 700 loans per year from 2001-07. The recently passed Green Jobs/Green New York legislation has staked out a goal of one million retrofits over five years. This objective clearly will not be met if it relies ex-

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Explore, Enjoy, Protect

Apalachicola: Old Florida’s gem of biodiversity

by Hal Smith

Many of us associate Florida with urban sprawl, endless strip malls, gated ghettos for retirees, and high-rise condos on crowded beaches devoid of plants and wildlife. Dizzyland. That stereotype may apply to large portions of Florida, but it doesn’t describe Old Florida enclaves such as Apalachicola, one of the state’s few remaining fishing towns. It is a quaint village on the Gulf Coast of the state’s panhandle, with one traffic light, fewer than 2,500 residents and more than 200 homes and buildings on the National Register from the period when “Apalach,” as the locals call it, was the third-largest port on the Gulf. In the 1800s, the rowdy boomtown had the state’s first opera house as well as its first race track.

What makes Apalach a special place for eco-tourism is the Apalachicola River, which drains one of the last pristine watersheds in the U.S. and feeds one of the most productive estuaries in North America — shallow Apalachicola Bay, which supplies 90 percent of Florida’s oysters and ten percent of those consumed in the U.S. The river made the town a commercial success in the 19th century, when about 200 steamboats brought cotton from the Deep South to the Gulf. Today the river draws sport fishers and eco-tourists to what is arguably the most biodiverse ecosystem in the nation.

Apalach is the seat of Franklin County, more than 87 percent of which is either state- or federally-protected land. With so much undeveloped acreage, the river/bay watershed remains one of the most impor-

Green retrofit

continued from page 8
clusively on attractive loan rates. Federal loan guarantees would no doubt be helpful. But the vicissitudes of the marketplace have undermined previous approaches, including Clean Renewable Energy Bonds and Qualified Energy Conservation Bonds, which haven’t filled the bill. Federal PACE legislation will bring clout to the process so that lenders can’t claim discomfort with PACE as untested. One thing is certain. All the attention being lavished on this efficiency sector can’t help but contribute mightily to the most important part of this equation: consumer awareness and market movement. On November 17, the New York legislature unanimously passed what was ballyhooed as PACE legislation, ostensibly the 16th state to do so, adding a welcome layer to Sweeney-Johnson’s property-assessed/waste law. Vital federal loan support, in the form of PACE legislation, is now on deck in Washington, sponsored by Congressman Steve Israel. *Dorian Dale is energy director and sustainability officer for the Town of Babylon.*



Harbors that once received steamboats bearing cotton are now home base for fishing, shrimp and oyster boats in historic Apalachicola, on the Gulf coast of the Florida Panhandle.

Dorinda White, Susquehanna Group

tant bird habitats in the Southeast, where both the Mississippi and Atlantic flyways converge. The longleaf pine savannah in the Apalachicola National Forest shelters the world’s largest population of the “recovering” red-cockaded woodpecker. Prothonotary warblers, stunning yellow birds that excite birdwatchers, breed here, too, and don’t seem especially skittish around people. And more species of fish live in the Apalachicola River (about 130) than any other river in the state. The county is also home to the threatened Florida black bear, the endangered West Indian manatee and gray bats.

Apalachicola hosts one of 25 sites nationwide designated as a research reserve by the National Oceanic and Atmospheric Administration. According to the Apalachicola National Estuarine Research Reserve (ANERR), the second largest in the nation, the Florida Panhandle is one of the nation’s six “biological hot spots,” along with Hawaii, the southern Apalachians, San Francisco Bay area, Death Valley and Southern California.

For that reason, visitors will find more than a dozen local outfitters offering eco-tours, including canoe and kayak trips through shallow bays, sandy coves, black water cypress swamps and marshes. Campers and hikers can enjoy about one million acres protected as a national wildlife refuge, or state or national forests or parks.

The bay has the most diverse concentration of herpofauna — reptiles

If you go

Spring and fall are Apalachicola’s shoulder seasons, when crowds are thin, accommodations are plentiful, and moderate temperatures are ideal for hiking, bird watching, and paddling. Loggerhead nesting season starts in May.

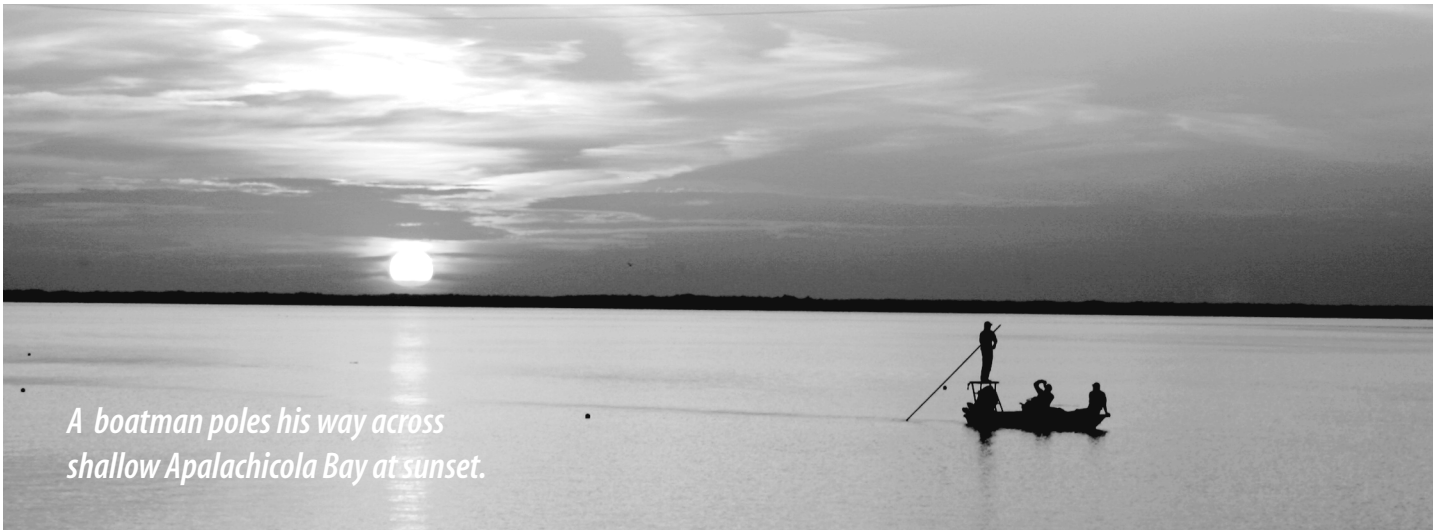
- For general information, contact the Franklin County Tourist Development Council, www.anaturalescape.com, 1-866-914-2068.
- Apalachicola National Estuarine Research Reserve, www.dep.state.fl.us/coastal/sites/apalachicola/info.htm

and amphibians — in the world, says Seth Blitch, ANERR’s manager. With the help of local volunteers, ANERR’s research includes the loggerhead turtles who nest on the beaches of St. George Island, a nearby barrier island. About 150 of the turtles, weighing up to 300 pounds, nest there every year. The southeastern U.S. has more loggerhead nesting sites than any place in the world, excepting a limited area in the Middle East. And the Panhandle is the best loggerhead site in Florida. Franklin County also has the world’s largest stand of tupelo trees (producing the only kind of honey safe for diabetics) as well as the larg-

est concentration of native carnivorous pitcher plants, covering hundreds of acres known as “bugle flats.” Of course, kayaking, sailing, hiking, swimming, fishing, birdwatching, and general barefoot living does work up an appetite. The area supports about 30 restaurants, from oyster bars to upscale fine dining. That’s a surprising number considering that it’s a 90-minute drive from the nearest small city, Tallahassee. But tourists, well-off retirees, and summer residents bring in enough revenue for the restaurants as well as the village’s art galleries, B&Bs, boutiques, and antiques shops. St. George Island, for example, is being colonized by folks who can afford second homes on the beach worth \$2 to \$3 million (at least before the last bubble burst on Wall Street).

Apalach, with the largest collection of pre-Civil War architecture in Florida, is one of the “distinctive destinations” cited annually by the National Trust for Historic Preservation. It’s sometimes called Florida’s “last frontier,” and, indeed, it is still the kind of place where you can walk everywhere, hang out on your front porch and pass some time with your neighbors. Conversation is apt to turn to Florida’s latest real estate collapse or, perhaps, the plummeting price of wild shrimp, which competes with “farmed” shrimp from Asia. And still the Apalachicola River just keeps on rolling along.

Hal Smith, a freelance writer, co-edits the Sierra Atlantic.



A boatman poles his way across shallow Apalachicola Bay at sunset.

Dorinda White, Susquehanna Group

'350' climate action: Metrics for success not always in turnout numbers

by Catherine Hiller

What are you hoping for?" asked David. Our Cool Cities group was discussing the climate change rally that was only three days away. In the previous weeks, we had worked hard, getting permissions and insurance, contacting other environmental groups, planning activities, preparing literature, inviting speakers. Now we were pondering: at the end of the International Day of Climate Action, what would victory look like? Or, as David, a banker, now phrased it, "What are your metrics for success?"

This was a tough question. When I organized a Step It Up rally in 2007 in support of limiting greenhouse gas emissions, I had been disappointed to get only 150 people to come to the beach on a warm spring day. It was nothing like the giant rallies of my youth.

So preparing for a 350.org action on October 24, with heavy rain in the forecast, I did not have great expectations. Still, I knew more about organizing this time around and had gotten promises of articles in local newspapers the day before the rally. And climate change was constantly in the news. People would come to our event because they cared about the future of the planet.

"I'd be happy with 200 people," I told David. I was assuming local families would want to be part of the most widespread political action in human history. (Final tally: 5,241 events in 181 countries.) I was betting that some of my non-environmentalist friends would show up, if only to create a sand sculpture on



Starr Warnow

Organizer Catherine Hiller was betting that some of her non-environmentalist friends would show up at the "350" rally on Long Island Sound, if only to create a sand sculpture on the beach and eat homemade cupcakes provided by the high school Eco club.

the beach at Harbor Island Park in Mamaroneck, and eat homemade cupcakes provided by the high school Eco club. I was thinking that because I wrote "Rain or Shine" on every flyer, people would flock to the stone pavilion by the beach even if it rained.

Well, it rained most of the day, and *The Journal News*, our regional newspaper, put our total attendance at 30.

But the newspaper also put a photograph of our sand sculpture 350 on the front page of their Sunday edition

and explained what the concept meant: 350 parts of carbon per million parts of air is the safe upper limit for the planet.

Our village newspaper printed a long story before the event and a two-page spread after it.

Our e-newsletter published our lengthy press release in advance and a story and photographs afterwards.

And I realized that the success of an action like ours is not only determined by the number of attendees it

attracts but also by its impact. We wanted to educate the community by drawing them to our rally, but instead we educated them when they saw a flyer, when they opened their newspaper, and when they clicked online. Our rally was admittedly small, but the media amplified its message so that tens of thousands of people learned more about climate change, the most important issue of our time.

The day after the rally, I called David to say, "My hopes were totally fulfilled. It met my metrics for success!"

Catherine Hiller was Chapter coordinator for the International Day of Climate Action on October 24.

Peddling into action for climate change

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Part of what he was doing was showing us how much we can all do to save the planet without making our lives miserable. In fact, his family's quality of life went up. In his new movie, "No Impact Man," there is a scene when the two-year-old daughter asks why the TV is being taken away, and the mom said, "Mommy is a little addicted to the TV." With everybody being tapped into electronics, they have less time to be together as families. But this family now had much more time to spend together, and they became a better family.

As he gained momentum, he got publicity. By the end of the year, many newspapers and talk show hosts had interviewed Colin, and now he has 1,500 people who are going to try to have no carbon footprint for one week. By having no impact on the environment, Colin made a huge impact on society.

Roz Savage is a petite English woman who basically had the dream life — plenty of money, a big house and a little sports car. But when she looked at where her life was going and where she wanted it to go, she realized that if she didn't do something fast, she would not be where she wanted. Roz decided to row

across oceans to raise awareness about plastic pollution and climate change. She has rowed solo across the Atlantic Ocean and half of the Pacific in a custom-built 1,000-pound rowboat. It has a closed bow and stern where she can store food like energy bars and beans for sprouting. She can go to the stern and buckle herself in if it's stormy, so the boat can just roll. At one of the islands she stopped at, global warming is very real. If the polar ice caps melt, the whole island would be under water. Many people don't care because they live far away from the sea, but is that really what we want for our fellow humans?

Alison Gannett was a world champion free skier. She is known for her natural skill and guts for going down sheer slopes and jumping 50-foot ledges. She was putting out 20 metric tons of CO₂ per year, like the average U.S. household, until she suffered a career-ending injury.

All the time she had spent skiing, she decided she would put towards environmentalism. Alison now lives in a clay and straw house and gets and cooks as much of her food locally as possible. She drives a hybrid electric SUV that gets 100 miles per gallon, has solar hot water panels

and an indoor greenhouse. Alison travels the world by bike presenting her slide show that shows how you can become carbon neutral. She will fly to a speaking engagement only if she already has plans for somewhere in that area. Now she puts out only eight tons of CO₂ per year and hopes to get it down to two.

It's 2:00 in the afternoon, five days later, and all 150 of us have made it to Washington, D.C., and are huddled under the overhang of the Swedish Embassy three miles from the Capitol. It's raining again. The surface of the Potomac is covered in miniscule splashes. When the downpour ends, we start biking on Pennsylvania Avenue as one big mass, blocking two lanes of traffic and running red lights. Pedestrians and drivers are amazed when we tell them we biked from New York. At the base of the Capitol lawn, we bike around and around a statue chanting, "What do we want? Climate bill! When do we want it? Now!" Minutes later, the Capitol lawn is strewn with muddy bikes. I hold my bike over my head to celebrate the victory. I have been inspired on this trip to do something to help the planet and, in my turn, I hope I can inspire others.

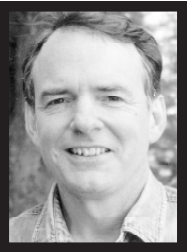
3,000 sign petition to curb climate change

The Atlantic Chapter's "Stop Climate Change" petition has been signed by nearly 3,000 people, showing significant support for the demand that the United States demonstrate leadership and responsibility in facilitating a science-based and internationally enforceable greenhouse gas emissions treaty at Copenhagen this December.

With atmospheric carbon dioxide levels at 389 parts per million, scientists predict we are climbing rapidly toward likely worldwide catastrophe.

Our chapter petition is only a modest effort to do something to halt the climb and begin to reverse a trend which will bring social, economic and environmental crisis. Copies of the petitions have been sent to some of our major American leaders.

HUGH MITCHELL, CO-CHAIR
GLOBAL WARMING COMMITTEE



Wheel of Seasons

by Rick Marsi

New mouse classic: ‘The Sloth and the Bow Saw’

They’ll say of me some day: “He made a career of bothering white-footed mice.”

With cold weather upon us, I’ve been remembering the most recent time it happened. It was last December, about 8 feet up in a Scotch pine tree. It’s happened before that, on woodpiles in which white-footed mice were living; at bird houses where white-footed mice also were living; in storage cans filled with sunflower seeds where white-footed mice were eating without permission.

Last December’s clash was arboreal. It featured me and two white-footed mice who were sleeping.

There I clung, wrapped around a resin-bearing organism in a jacket too good for the job. Two legs and one hand grasped the Scotch pine trunk. The other hand held a bow saw bent on surgery.

Moving slowly, feeling kinship with three-toed sloths, I maneuvered for position. Above me rose 6 feet of nicely tapering treetop. My task was to sever it without commotion and drag it to the living room, there to



adorn it with flying geese, elves playing tubas and other ornaments.

I maneuvered. I steadied myself. I began cutting the 4-inch trunk.

As pine wood is soft and bow saws are sharp, it wasn’t a wink before crashdown appeared imminent.

“Wait a minute.”

My better half was calling. She was standing on the ground, pondering marriage to a man who hugs pine trees, when something had

caught her eye.

“There’s a mouse in your tree,” she said. “See it up there?”

Hugging the trunk, with branches and needles poking me from all angles, I tried to look up and see mice. A blob of snow hit me in the face. I couldn’t see anything and told her so.

“It’s right above you, next to that nest.”

There it was all right, perched on a pine bough by a mass of dried grasses the size of a bowling ball: a tiny wonderful rodent staring down with luminous eyes.

“There’s another one,” said ground control. A brown shape, soft as velvet, dashed from the nest and scurried toward the top of the pine.

Great. Just great. In the name of Christmas tree hunting, I was about to ruin a mouse yuletide.

“There’s nothing I can do now,” I said. “I’ve just about cut through the tree. If I don’t finish, it’ll blow down with the first wind.”

Sad but true. The mice, industrious souls who often maintain more than

one nest anyway, would have to move elsewhere.

I shook the trunk a bit, hoping they would run from the tree we shared to another whose branches intermingled with it. The mice held their ground and stared, big ears perked forward, whiskers twitching. A second round of gentle shaking convinced them. Across the branches they ran, one following the other. Down the trunk of the neighboring tree, across frozen ground, into a snow-covered brush pile — these mice knew right where to go.

They must have been using “Mouse Plan B,” the one that states: “When primary nest is disturbed, fall back to nearby brush pile.”

I’m convinced they made out fine. White-footed mice eat things like hemlock, birch and maple seeds — food that’s available all winter. As for a nest, they can whip one together of milkweed fluff or thistledown in no time.

I’ll bet, within five minutes of our departure, they were cuddling under that brush pile, friends gathered round, recounting an exciting tale of how they met a monster face-to-face and survived. “The Sloth and the Bow Saw” they probably called it. No doubt it’s become a mouse classic.

Naturalist Rick Marsi, a member of the Susquehanna Group, is a journalist, public speaker and leader of eco-tours. His book of favorite nature columns is Wheel of Seasons, available at www.rickmarsi.com. ©2009 Rick Marsi

What’s a plant-based diet?

by Betsy Naselli

English ivy? Philodendron? How about African violets? These might sound like tasty dinner items to a white fly or Japanese beetle, but for humans a plant-based diet is something else altogether. A plant-based diet is a vegan diet, meaning one consumes no animal products, but a vegan diet may or may not be a plant-based diet. When a vegan eats vegan cupcakes with soy cream cheese frosting, soy dogs, Tofurkey, veggie burgers with non-dairy cheese and packaged vegan cookies he is not consuming a plant-based diet.

I’ve talked before in this column about eating whole foods and eliminating refined foods from your diet, but recently I watched “Eating,” a movie which made me focus on whole foods once again.

Two out of every three people in America will develop disease because of the SAD (standard American diet) — even following the government guidelines for a healthy diet! To learn more about “Eating,” check out www.ravediet.com.

Some facts about human nutrition:

- All cholesterol in the human diet comes from animal foods.
- The human body produces all the cholesterol it needs.
- The human body has no need for animal foods.
- The majority of saturated fat in the human diet comes from animal foods.

- Everything the human body requires for excellent health can be found in plant-based foods.
 - The main fuel that the human body utilizes for energy: carbohydrates and simple sugars.
 - Carbohydrates or simple sugars in meat: none.
 - For proper evacuation and a healthy colon, we need plenty of fiber in our diet. Amount of fiber in meat and dairy products: none.
 - Amount of protein a baby receives from mother’s milk: about 5-8% protein.
 - Too much protein is linked to osteoporosis and kidney problems.
 - Eating a diet rich in animal foods has been linked with heart disease, many cancers, including those of the breast and prostate, stroke, diabetes, and other degenerative diseases.
- Try these super easy recipes to get you started on a plant-based diet for the new year.

Artichoke Hummus Dip

one 14-oz. can artichoke hearts (canned in water), drained

one 15-oz. can garbanzo beans, drained

2 T lemon juice

1 garlic clove, chopped

2 whole green onions, chopped

1 tsp. cumin

1 tsp. coriander

pepper to taste

cayenne to taste (optional)

Combine all ingredients in a food processor and blend until smooth.

Lime Mango Salad

2 C cooked brown rice

1 can black beans, drained and rinsed

1 mango, peeled and diced

red or Vidalia onion diced to taste

cilantro

grated lime rind

1 lime, squeezed

Combine all the above.

Sweet Potato and Lentil Soup with Shiitake Mushrooms

(Serves 4)

1 large onion, sliced thinly

6 garlic cloves, minced

2 C fresh or dried shiitake mushrooms, sliced (soak dried shiitakes for a half hour in warm water before slicing)

4 C vegetable broth

2 C water

1½ C lentils

1 large sweet potato, scrubbed and diced, skin ok to use

1 bay leaf

¼ C basil, thinly sliced

pepper to taste

In a large pan, saute onion, mushrooms and garlic for three to four minutes until leeks are soft.

Stir in broth, water, lentils, sweet potato, and bay leaf.

Bring to boil, then simmer uncovered until lentils and sweet potatoes are soft, about 30-40 minutes.

Remove bay leaf and puree two cups of soup until smooth; return to pot, stir in basil and pepper to taste.

Serve as is or over rice with a salad.

Remember, it is easy to keep canned beans in the pantry, cooked rice and some cleaned and diced veggies in the refrigerator. Add some vinegar or lemon or lime juice and a dash of oil and you have a quick healthy meal in a flash!

Betsy Naselli owns The Holistic Lifestyle Company in the Syracuse area. www.TheHolisticLifestyleCompany.com

The Atlantic Chapter encourages you to move toward a plant-based diet to protect the environment and human health and to make better use of natural resources. To learn more and to receive more recipes, contact the Biodiversity/Vegetarian Outreach Committee at ldestefano3@twcny.rr.com or 315-488-2140, and the Farm and Food Committee at FarmandFoodComm@yahoo.com, or go to www.newyork.sierraclub.org/ and in the “Select an Issue” dropdown list select “Biodiversity/Vegetarian Outreach” and “Agriculture.”

Free update improves ‘Don’t Eat a Cow, Man’

Linda DeStefano, chair of the Chapter’s Biodiversity/Vegetarian Outreach Committee, has updated a handout, “Don’t Eat a Cow, Man! How Animal Agriculture Adds to Global Warming.”

The new version includes some studies not included in the earlier one. It’s available from her in hard copy (call 315-488-2140, or e-mail ldestefano3@twcny.rr.com, or write to her at 5031 Onondaga Road, Syracuse, NY 13215-1403), or it can be downloaded at newyork.sierraclub.org/conservation/biodiversity/biodiversity.html.



Iroquois

Take time to look at what you’ve accomplished for the environment

While we all seem to be fighting the rulemakers to save something, it is good to think about the positive actions our group has taken for the environment. So here is our list:

- Cleaning the beautiful miles of beach on Lake Ontario each spring. Led by Rich Slingerland and a retired park ranger, the cleanup is always a rewarding experience (even if the amount of trash can be discouraging).
- Leading the recycling efforts at the Corporate Challenge race in June. The education of the hundreds in attendance and sorting huge amounts of recyclables are led by Lisa Daly. It can be a dirty job, but the positive results are a win: the recent cleanup of an old “party site.” The removal of two huge garbage bags of broken glass and rusty cans will make it possible for the elementary school to use the rest of its Nature Trail in safety.
- Iroquois Group really enjoyed the chapter meeting here in October. Many of our members were able to attend and remarked on the efficiency and accomplishments of the weekend. Bravo to all who helped make the meeting/retreat a success.
- With cooperation of the Onondaga Nation and others, we held an informational meeting on the hydrofracking issue in early November that, although planned with not much media lead, had more than 100 in attendance. We have scheduled two “action” meetings in early December to provide details on “how to” for contacting all elected leaders and the media to protest the poor planning and dangers of the direction this seems to be going.

As always, we are involved with the cleanup of Onondaga Lake and now the new long-term study of what to do with I-81 that bisects the city of Syracuse. It has to be fixed, and the decision on how will be better conceived than the original plan years ago. It probably will be as difficult as the lake cleanup has been.

MARTHA LOEW

Niagara

Plan to drill for oil in Allegany State Park spurs action

The plan of US Energy & Development, Inc., to drill for oil in Allegany State Park spurred the Niagara Group, led by Conservation Chair Larry Beahan, into action. Contact with local state legislators, testimony at public hearings, protest marches filmed by local television stations, letters to the editor and action through the Chapter all highlighted the dangers of the exploitation of our state parks for oil and gas development. A coalition has been formed opposing the newly developed mega-hydrofracturing for gas in Marcellus shale formations in state parks which endanger streams, forests and aquifers. The danger is evident in Pennsylvania, where US Energy & Development was cited for some 300 violations of environmental regulations, and where the destruction of water wells, agricultural land, and fish kills in streams by toxic chemicals have been documented.

Arctic organizer Kit McGurn spoke at the University of Buffalo and Daemen College at the invitation of Ron Missel of our Group. The fascinating presentation reached 80 people and spotlighted the Sierra Club’s efforts to protect caribou, polar bear, bird species and whales from oil drilling and exploration in Alaska’s North Slope. An increase in US automobile gas efficiency to 39 miles per gallon would in 40 years’ time save more than 10 times the amount of the total oil supply on the slope.

The Niagara Group joined a coalition of other environmental organizations for a 200-person turnout at the 350 Day rally and march in Buffalo October 24. Our members testified at state public hearings on the issues of oil and gas drilling in state parks, clean water, wetlands, the West Valley nuclear waste site cleanup, and the Chemical Waste Management hazardous waste site expansion plan. We have also endorsed, written letters, and made phone calls on behalf of local environmentally active candidates.

ROBERT CIESIELSKI

Cost-effective LID strategies save, repurpose water

by Robbyn McKie-Holzworth

Low impact development (LID) is one of the most cost-effective strategies to help states, cities, and individuals deal with water supply challenges, clean up water resources and curb global warming. LID was one of the key points delivered by speakers at a recent conference, Smart, Green and Clean: 21st Century Water Management in the Great Lakes, in Buffalo. It explored “greener and cleaner” means of dealing with storm water runoff. If water is saved and used where it falls, it reduces the amount of water that is pumped — an activity which is high on energy consumption and the production of CO₂. Additionally, capturing water can reduce the need for desalination and purification of ocean water — another high energy practice.

LID is a holistic solution to storm water concerns because water is saved and repurposed, thus minimizing the waste of our water resources and the stress on local streams, rivers and coastal waters.

Some of the tools that were discussed under the LID umbrella were:

- Permeable pavement that allows rainwater to filter into the earth to recharge local groundwater supplies
- Rain barrels that capture rainwater for use in landscaping, gardening and, in the future, use for home non-drinking water needs such as toilets
- Green roofs that reduce the “heat island” effect from solar radiation in urban settings, filter pollutants, allow for rain water evaporation, cut down on ground erosion and provide air quality improvements

Hal Sprague, from the Center for Neighborhood Technology (www.greenvalues.cnt.org), discussed how global climate change challenges our current storm water runoff management systems. During the second half of the 1900s we have already witnessed a 36% increase in the intensity of storms and weather systems which tax an already stressed infrastructure. Also, with an increase in development and land consumption without permeable surfaces, runoff increases and groundwater reserves are not recharged when rainwater is diverted. He added that his group found the following benefits to the “green” approach to storm water management:


- Green roofs provide thermal energy savings on public buildings, yielding cost and energy savings on heating and cooling.
- Planting urban forests to provide approximately a 10% increase in the canopy cover yields a 5-10% energy savings; trees absorb storm water runoff, aid in CO₂ absorption and increase property values.
- Rain gardens/vegetated swales aid in absorbing water runoff, can be located anywhere and can be done on a large or small scale. Plus, they add beauty to an area while improving air quality.

Sara Pesek, from the Environmental Finance Center at Syracuse University, cited the benefits of community involvement. Community rain gardens may be coordinated by a public organization but installed with volunteer help. Some successful examples have been established in Kansas City (www.rainKC.com), and in two New York communities: Fairhaven and Oswego.

Robbyn McKie-Holzworth, a member of the Rochester Group, serves on the Great Lakes Committee.

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