Sierra Club 2022 Legislative Priorities

From a climate perspective, the 2022 legislative session represents a window of opportunity that may swing shut should progressives fail to retain the Governor’s mansion or the NY state senate in 2023. Two processes are unfolding that will shape how NY responds to the climate crisis for decades to come.

Right now, the State’s 2022-23 budget negotiations, which must conclude by April 1st, are happening concurrently with New York State’s public comment period on the scoping plan for the draft regulations that will implement the Climate Leadership and Community Protection Act (CLCPA). This landmark legislation, enacted in 2019, commits the state to a zero emissions grid by 2040 and near carbon neutrality by 2050. The release of the Draft Scoping Plan, available at climate.ny.gov, initiated a 120-day public comment period beginning January 1, 2022. It is this comment period that will help shape the creation of rules and regulations governing our climate law, which will be implemented in 2024. With the intensifying climate crisis permeating almost every aspect of our lives, there is a tension between waiting for the final rules 2 years from now and knowing that there are immediate actions the legislature and governor must take if we are to avoid the worst aspects of this catastrophe. The Sierra Club has urged the Governor and the legislature not to view this budget season independently of the CLCPA process, but to see it as an integral part of its implementation, both financially and legislatively.

Policies we would like to see enacted in the Budget:

- $400 million Environmental Protection Fund (EPF) with a pathway to reach $500 million in the next 3 years
- $1 billion Clean Water Infrastructure funding (increase of $500 million to both improve drinking water infrastructure and mitigate PFAS contamination)
- $1 billion to fund all-electric and electric-ready affordable housing in disadvantaged communities
- More DEC staffing to accommodate additional work from CLCPA and enforcement of new laws.
  New York should reinvest in our state environmental agencies by increasing staffing levels. The state budget should establish a path to restoration to their 2008 levels, including:
  - 3,300 FTEs at the Department of Environmental Conservation
  - 2,300 FTEs at Office of Parks, Recreation and Historic Preservation
  - 10 additional FTEs at the Department of Agriculture and Markets
  - 36 FTEs for the recently-created Office of Renewable Energy Siting

Protecting New York’s Wetlands: Budget Part QQ

(S.8008/A.9008): To prevent catastrophic flooding, safeguard drinking water, and build ecological resiliency.

(All part of a broader spending package to support the implementation of the Climate Leadership and Community Protection Act, per recommendations of the Climate Action Council and NYSERDA)

Policies we would like to see enacted in the budget:

- $4 billion revamped “Clean Water, Clean Air, and Green Jobs Environmental Bond Act,” to fund climate change adaptation and resiliency programs to go before voters in 2022
- Increase NYS bottle deposit to $.10 and expand coverage to a broader category of beverage containers

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From the Conservation Chair
by Ellen Cardone Banks

It’s an understatement and a cliché that 2021 was a very memorable year. Twelve months of a relentless pandemic that seemed to ebb and roared back twice. Endless anticipation of a return to normalcy followed by disappointment that normal meetings, social gatherings, concerts, summer festivals and visible faces in public were not going to be back soon. (At least schooling was back, though shaky.) Reversion at new manifestations of systemic racism. An unprecedented attack on the Capitol and the Constitution.

And positives: Covid-19 Vaccines at last. Inauguration of a President who has a grasp of climate crisis and racial justice. Environmental Protection Agency, Department of Interior, State Department and other federal agencies staffed again by people competent and committed to their missions. Our State and some others continuing to make progress, however imperfect, on climate protection against the national tide of continued apathy, opposition, and distraction by trivia.

Throughout 2021 working groups of the Climate Action Council designed to implement the 2019 Climate Leadership and Community Protection Act met with public online access, but it was difficult to determine where things were really going, though we know our allies on the working groups faced challenges from representatives of the status quo. On December 30, 2021 their scoping document was finally released, including a summary with few details and an 800+ page document that is going to take us longer than January to fully understand. Meanwhile our new Governor released a massive administrative budget document that is responsive to some of our requests but will also take more time to review.

In 2021 we celebrated:

- Permit denials for repowering the Danskammer and Astoria gas plants, while remaining vigilant about any further reopening plans.
- New York City and other municipalities made progress in mass transit electrification. Niagara Frontier Transit Authority held a symbolic “groundbreaking” for a recharging station for an eventual all-electric bus fleet, funded by the federal infrastructure bill and attended by Labor Secretary Marty Walsh.
- New York City’s legislation to phase out fossil fuel in new construction, which we will work to replicate state-wide in our building electrification agenda.

Among the concerns needing vigilance and action that will continue into 2022:

- Cryptocurrency mining using repowering of fossil fuel plants and hydropower diverted from the power needed to electrify transportation and buildings.
- The false promise of “green” hydrogen as hydrogen fuel cell plants continue to open, including one our chapter opposed in Genesee County that is poorly sited near indigenous territory and wildlife preserves, consuming hydropower and likely to add to fossil fuel emissions for transport as there are no nearby uses for fuel cells.
- Continued support for ORES approval of new large-scale solar and wind projects to meet CLCPA goals, including continuing to confront opposition-spread lies about the safety and efficacy of renewable energy.

Submissions: We welcome our readers to submit brief timely articles for consideration in the SA. Send your requests and ideas to the Sierra Atlantic Committee: Email: elizabeth.ahearn@sierraclub.org, or US Mail: Sierra Club Atlantic Chapter, P.O. Box 58225, Albany, NY 12203. Please write “Sierra Atlantic” in the subject line. Submission deadline for Spring Issue: April 11, 2022.
• In response to opposition from developers and some labor sources, new and creative ways to inform the public that electrification of buildings is feasible, affordable (if the legislation we support is passed) will reduce illness from emissions, and crucial to eliminate 30% of greenhouse gas emissions.

• Continued vigilance against harmful and unnecessary development plans that encroach on our forests, wetlands, and other open spaces.

• Increasing environmental activism among our members and potential members, including using our pandemic-acquired distance communication capacity to involve members who live beyond the usual meeting places of our groups.

• With mid-term elections in 2022 that are critical not only for our environmental agenda but for the survival of democracy, our members will need to support the best candidates both in New York State and other states that are enacting voter suppression and interfering with counting votes.

So for 2022 let’s give it our best efforts. Quoting Bill McKibben, “Climate change is the single biggest thing that humans have ever done on this planet. The one thing that needs to be bigger is our movement to stop it.”

Update: Pollinators and Pesticides

On January 24, 2022, the NYS Department of Environmental Conservation (DEC) announced action to reclassify products containing certain neonicotinoids (neonics) insecticides as “restricted use.” This means that starting in January 2023, only certified applicators will be allowed to use these products. This action enables better tracking of just how much of these insecticides are being used, monitoring where they are used, while also limiting overall exposure to pollinators as well as NY’s air, water, and communities.

In response to this announcement, the Sierra Club Atlantic Chapter issued the following statement: “Reclassifying the neonic insecticides imidacloprid, thiamethoxam, and acetamiprid as ‘restricted use’ takes these dangerous pollinator-killers out of circulation for the everyday consumer and helps to curb their misuse and overuse,” said Caitlin Ferrante, Conservation Program Manager, Sierra Club Atlantic Chapter. “The Sierra Club Atlantic Chapter commends Governor Hochul and DEC for this important action to help reverse the pollinator crisis and we hope today’s announcement will lead to further restrictions of this dangerous insecticide, and recovery of plummeting bird and insect populations.”

Additionally, the Sierra Club has been supporting The Birds and Bees Protection Act - A.7429/S.699B. The bill would ban neonic-treated corn, wheat, and soybean seeds, ban the use of turf and ornamental neonic uses, and would require DEC, in consultation with the NY Department of Ag and Markets and Cornell to identify “practicable and feasible” alternatives to nemonic products. The January 2022 action taken by the DEC would not prevent most use by landscapers, pest control specialists, or seed treatment uses—all of which are large contributors to neonic pollution. While DEC’s move is a good first step in addressing this pollution, much more still needs to be done. Thankfully, the Birds and Bees Protection Act does exactly that by eliminating the high-cost/low-benefit neonic uses identified in the 2020 Cornell Report (found here: bit.ly/NY_Neonic).

To read the full DEC announcement, see here: https://www.dec.ny.gov/press/124619.html.

To learn more about getting involved on neonics, contact Caitlin Ferrante at caitlin.ferrante@sierraclub.org.

Get Involved with Your Chapter and Group!

This past fall, the SCAC Nominating Committee was proud to present five very qualified candidates for the Executive Committee who have extensive experience with Sierra Club at the chapter and group levels.

You, too, can acquire this kind of experience by getting involved with the Atlantic Chapter and your local group! There’s never been a better time to work with us to create a just, climate-friendly future for New York.

As a member of the national Sierra Club, you are also automatically a member of your chapter and local group (there are 10 groups in New York State’s Atlantic Chapter).

Visit our website or email atlantic.chapter@sierraclub.org. Help us make a difference!
resiliency against the ravages of climate change - NYS desperately needs to reform how the state protects wetlands and in a way that prioritizes the ones that provide the greatest ecological services without relying upon significant new staffing resources.

The Repeal of Fossil Fuel Sales Tax Exemptions: A.6882 (Cahill)/S.4816 (Krueger): In a time of economic uncertainty, NYS should be eliminating wasteful state tax exemptions and subsidies to fossil fuel companies. These long held entitlements represent hundreds of millions of dollars. The state is bleeding away every year to the benefit of corporations that endanger public health and thwart our climate goals.

Green the Grid and Electrify Everything. 2022 will be the year that NY makes great strides in electrification of all that was once fossil fueled. The Sierra Club will be supporting the following bills:

- All Electric Building Act (S.6843-A) for buildings; banning new gas hookups by 2024
- Advanced Building Codes, Appliance and Equipment Efficiency Standards Act (S.7176/A.8143) for building codes and energy efficient electric appliances
- Clean Futures Act: (S.5939)/(A.6761-A) Prohibits the development of any new major electric generating facilities that would be powered in whole or in part by any fossil fuel
- Fossil-Free Heating Tax Credit (S.3864/A.7493) and a sales tax exemption (S.642-A/A.8147) to provide credits for geothermal heating units and also bill exemptions from sales taxes for the units.
- Mandates certain watercraft, aircrafts, and trains to be zero emissions (S.6906), sets timeframes for full electrification and creates monetary incentives to transition to those clean energy vehicles
- Gas Transition and Affordable Energy Act Krueger S.8198 (no same as): Eliminates the 100-foot rule for gas service subsidies, reprioritizing electric service to encourage all-electric buildings. Requires to develop an all-electric transition plan, after which the commission shall take any such action as is necessary to facilitate the achievement of the climate justice and emission reduction targets of the CLCPA.

Cryptocurrency Mining Center Moratorium S.6486-B (Parker)/A.7389-A (Kelless): Proof of work cryptocurrency operations, like Bitcoin, have targeted shuttered gas generating facilities and other underutilized power supplies in New York to feed their energy consumptive computer processors, with the capacity to undermine our climate goals. This legislation creates a pause in POW cryptocurrency mining until an environmental review is conducted of this unregulated activity.

Fair Labor Practices in Green Transportation Jobs: A.2083 (Dinowitz)/S.3405 (Kennedy) and Zero Emission Buses: A.3090 (Dinowitz): These two bills, as a package, set the goal of 100% electric bus procurement by 2029 and provide mandates for fair labor practices for mechanics and drivers transitioning into the all-electric era.

Other (non-budget) Priorities

Birds and Bees Protection Act S.699-B (Hoylman)/A.7429 (Englebright): New York State's pollinators are in trouble. Field surveys and exhaustive accounts from professional beekeepers reveal that in only the past few years, populations of honeybees in hives have reduced by at least 40% due to what has been termed "colony collapse syndrome." Scientific consensus is now laser focused on the impact of a powerful class of insecticides, known as neonicotinoids. "Neonics," used to kill leaf, fruit and root chewing agricultural pests, are extremely toxic to bees and other pollinators. This bill would ban neonic-treated corn, wheat, and soybean seeds, ban the use of turf and ornamental neonic uses, and require DEC, in consultation with the NY Department of Ag and Markets and Cornell, to identify "practicable and feasible" alternatives to nemonic products.
Including Environmental Justice in SEQRA Reviews

S.1031-B (Stewart-Cousins)/A.2103-A (Pretlow):
There has always been an inequitable pattern in the siting of polluting facilities in minority and economically distressed communities, which have borne a disproportionate and inequitable share of public health ailments and other negative environmental consequences. This bill would require NYS to factor in disproportionate or inequitable burdens on minority communities or economically distressed areas under the State Environmental Quality Review Act.

Fixing SEQRA Standing A.3510 (O'Donnell)/S.2798 (Kavanagh):
The Atlantic Chapter's legal challenges related to new fracked gas pipelines and new power plants, egregious water withdrawals, landfill expansions to accommodate fracking waste, development of "forever wild" lands, and violations to the Clean Water Act have yielded significant decisions that have shaped environmental policy across New York. But we still face enormous hurdles in challenging violations to the State Environmental Quality Review Act purely on the court's unreasonable tests for who has the right to sue. This bill would grant standing to any litigant who can demonstrate they have or will be affected by an environmental injury.

Sierra Club Endorses South Ripley Solar
by Ellen Cardone Banks

The Sierra Club Atlantic Chapter has announced its first endorsement of a large-scale solar power project: South Ripley Solar, a 270 Megawatt (MW) photovoltaic plus a 30 MW battery storage facility proposed by ConnectGen in Chautauqua County. The project area is on the Chautauqua Ridge, well above the vineyards along Lake Erie, and on the part of the NY/Pa border that runs north and south. It could generate enough electricity to power 44,000 homes and is under review by the new Office of Renewable Energy Siting (ORES) established under the 2019 Climate Leadership and Community Protection Act.

As most Sierra Club members know, large-scale solar and wind are essential components of the transition to renewable energy to meet New York State’s climate goals. In 2019, chapter volunteers and Sierra Club National Beyond Coal Campaign NY lead organizing representative David Alicea worked on an evidence-based assessment procedure for wind and solar projects greater than 25 MW. While National Sierra Club policy supports “responsibly sited” large-scale renewables (LSR) there has not been a clear definition of “responsibly sited.” The resulting document was approved in 2020 by the Atlantic Chapter Executive Committee, and may serve as a model for other state chapters to evaluate clean energy projects.

The process starts with volunteers from one of our ten regional groups collecting information about projects proposed in their areas, which may include reviewing ORES applications, visiting project sites, attending community meetings, and reaching out to municipal elected officials. South Ripley was evaluated by two Niagara Group volunteers who toured the project area and reviewed applications and other evidence. Other projects are under review by the Rochester Regional Group and the Hudson Mohawk Group.

Topics included in the LSR review process are: Impact on forested land, wetlands and riparian (river and stream) areas, wildlife, and food production and workers; community benefits, tax base, local labor agreements, community engagement and listening, and wider community benefits. Each topic is given a score, with total points determining whether endorsement is recommended, with the proviso that a very deficient score on one area could lead to non-endorsement. The committee has the option to withhold approval pending redesign of aspects that raise environmental or social concerns. The review committee’s findings are then reviewed by a working group composed of chapter leaders and a National staff member assigned to our state.

South Ripley Solar has earned Atlantic Chapter endorsement with high marks in each evaluation area, and we anticipate a favorable review from ORES and a permit to begin construction of an environmentally sound project that will replace fossil fuel-generated energy with the unlimited power of the sun.
The annual election for the Club’s Board of Directors is now underway. Those eligible to vote in the national Sierra Club election will receive in the mail (or by email if you chose the electronic delivery option) your national Sierra Club ballot. This will include information on the candidates and where you can find additional information on the Club’s website.

The Sierra Club is a democratically structured organization at all levels. The Club requires the regular flow of views on policy and priorities from its grassroots membership in order to function well. Yearly participation in elections at all Club levels is a major membership obligation. Your Board of Directors is required to stand for election by the membership. This Board sets Club policy and budgets at the national level and works closely with the Executive Director and staff to operate the Club. Voting for candidates who express your views on how the Club should grow and change is both a privilege and responsibility of membership.

Members frequently state that they don’t know the candidates and find it difficult to vote without learning more. You can learn more by asking questions of your group and chapter leadership and other experienced members you know. Visit the Club’s election website: https://www.sierraclub.org/board-directors-election-2022. This site provides links to additional information about candidates, and their views on a variety of issues facing the Club and the environment.

You should use your own judgment by taking several minutes to read the ballot statement of each candidate. Then make your choice and cast your vote. Even if you receive your election materials in the mail, please go to the user-friendly voting website to save time and postage. If necessary, you will find the ballot is quite straightforward and easy to mark and mail.

The Atlantic Chapter recommends a vote for Kathryn Bartholomew, Allison Chin, Michael Dorsey, and Aaron Mair in the upcoming election for the Sierra Club’s Board of Directors.

SUPPORT CHAPTER’S WORK IN NYS

We need your help to maintain the Chapter’s critical conservation efforts in NY and continue print publication of the Sierra Atlantic. Your membership dues primarily support the Club’s national priorities. Your additional support is needed to strengthen the Chapter’s work in the Empire State. Please use the coupon below to send a donation. Contributions and dues to the Sierra Club are not tax deductible. Thank you for your generosity. To learn more about a 501c3 tax deductible donation, call our office at 518-426-9144.

Yes, I want to help the Atlantic Chapter preserve and protect the environment of New York State. I am enclosing my gift of:

___ $500  ___ $250  ___$100  ___$60  ___ $35  Other $____

___ Check made payable to Sierra Club Atlantic Chapter is enclosed

___ I’d like to make a single payment by credit card

___ I’d like to become a sustainer with $____ monthly or $____ quarterly credit card donation.

Credit Card #:_______________________________________________

Card Type:  ___ Visa ___ Mastercard ___ Discover     Exp. Date: ___________

Signature: ___________________________________________________________________

Name: ________________________________________________________________

Sierra Club Membership number: ____________________________________________

Street:______________________________________________________________

City: ____________________________ State: ___________ Zip: __________________

Mail this completed form with your check or credit card information to:

Sierra Club Atlantic Chapter, PO Box 38225, Albany, NY 12203

A copy of our latest financial report can be obtained by writing to Sierra Club Atlantic Chapter, PO Box 38225, Albany, NY 12203, or the NYS Attorney General.
NYC Enacts Legislation to Promote All-Electric Buildings  
by Lisa DiCaprio, Sierra Club NYC Group

NYC is now the largest city in the U.S. to enact legislation relating to the electrification of buildings.

On December 15, 2021, the NY City Council voted in support of Int. 2317A-2021, which effectively mandates the electrification of most new buildings by prohibiting the on-site "combustion of a substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy."

Former Mayor Bill de Blasio, a proponent of legislation to promote the electrification of NYC buildings, signed Int. 2317A-2021 (subsequently Local Law 154 of 2021) on December 22, 2021.

Local Law 154 of 2021 is the amended and enacted version of Int. No. 2317 introduced by Council Member Alicka Ampry-Samuel (D-City Council District 41) on May 27, 2021. The law, which expanded the number of exceptions in the original bill, now applies to new buildings less than seven stories for which an application for the approval of construction documents is submitted after December 31, 2023, and to new buildings seven stories or more for which an application is submitted after July 1, 2027. Emergency or standby power is allowed for all covered buildings, which is an important option, especially for critical infrastructure and high-rises in NYC. Local Law 154 of 2021 also includes the following exceptions:

- Buildings (excluding those classified as R-3) in which the allowable amount of carbon dioxide emissions is exceeded in order to provide hot water and for which the approval of construction documents is submitted on or before July 1, 2027. (R-3 refers to one of 10 residential zoning districts in NYC. R-1 is the lowest density and R-10 is the highest density. For details on R-3 residential districts, see this NYC Planning website on Zoning.)

- Buildings less than seven stories in which 50% or more dwelling units are officially designated as affordable housing and for which an application for the approval of construction documents is submitted before December 31, 2025.

- Buildings seven stories or more in which 50% or more dwelling units are officially designated as affordable housing and for which an application for the approval of construction documents is submitted before December 31, 2027.

- Buildings “that will be primarily used by a utility regulated by the public service commission for the generation of electric power or steam.”

- Buildings where compliance with the allowable limit of carbon dioxide emissions is not feasible, such as those used for manufacturing, hospitals, laboratories, commercial kitchens, and laundromats.

Retrofits are not mentioned in Local Law 154 of 2021; however, the NYC BUILDINGS BULLETIN 2016-012 (nyc.gov) specifies when “an extension, elevation, renovation, etc. is to be considered a new building.” If a proposed retrofit is defined as a new building, the owner must obtain a new building permit from the NYC Department of Buildings and comply with Local Law 154 of 2021.

NYC’s more than one million buildings are responsible for two-thirds of greenhouse gas emissions in NYC, as related in the most recent 2019 NYC Greenhouse Gas Inventory. (Buildings comprise the largest sector of emissions because of NYC’s extensive mass transit system.)

All-electric buildings are technically and economically feasible. They require electric heating and cooling systems, such as ground source (geothermal i.e. geo-exchange), air-source, or water-source heat pumps; water heated by solar power, electric or heat pump water heaters; electric or electromagnetic (induction) stoves or cooktops; and electric washers and dryers.

Industry associations and companies that opposed the original Int. No. 2317 included the Real Estate Board of New York (REBNY), American Gas Association (AGA), American Petroleum Institute, National Biodiesel Board, and National Grid, which supplies electricity and natural gas to customers in New York, Connecticut, and Massachusetts.
Within the real estate industry, organizations of architects, such as New York Passive House (NYPH) and the American Institute of Architects (AIA) New York, advocated for Int. No. 2317 and called on their members to present statements in support of the bill at the November 17, 2021 City Council hearing. (See, for example, my article, "NY City Council Int. 2317-2021 Promotes Building Electrification," which was posted on the New York Passive House website on August 25, 2021, and the AIA Statement of Support for Int. 2317, Fossil Fuel Ban Bill.) Kenneth A. Lewis, the 2021 president of AIA New York, emphasized the significance of Int. No. 2317 in his August 20, 2021 New York Daily News OP-ED, "To build NYC's future, build clean," in which he stated:

As the first in line in the design process, we are calling on our colleagues across the construction and real estate industries to join us in backing this New York City bill and others like it…

We recognize that some across the various building industries are resistant to the pace the New York City bill would set — even though other cities that have enacted analogous requirements applied them within one year — claiming the proposal would cause major cost increases and disruptions.

We know they’re wrong: Constructing new buildings clean from the start no longer costs substantially more than building new gas infrastructure. In fact, avoiding reliance on fossil fuels avoids huge future costs for owners as the city tightens anti-pollution requirements.

Moreover, fears that the law would be disruptive are significantly overblown. The law would only address most new construction and gut renovations, and would not force anyone not already completely remodeling to stop using existing lines. In fact, it may ultimately lower costs for many New Yorkers, as electrifying buildings, especially when combined with measures to improve energy efficiency, offers significant potential cost savings that will only increase as prices continue to decline for renewable energy, battery storage, and highly efficient electric heat pumps…

The Sierra Club is playing a leading role in the all-electric building movement in the U.S., which encompasses a wide spectrum of advocates and practitioners: environmental activists and organizations, architects, engineers, policymakers, government agencies, industry associations for renewable energy and all-electric heating and cooling systems, manufacturers, and real estate investors and developers.

In New York State, the Sierra Club NYC Group endorsed the NY City Council bill Int. No. 2317, and the Sierra Club Atlantic Chapter Executive Committee voted at its October 16, 2021 quarterly meeting for this resolution that I submitted: “The Sierra Club supports local legislation in New York State that promotes the electrification of buildings and views the NY City Council bill Int. No. 2317 as a model for such legislation.”

On November 17, 2021, I testified at the virtual NY City Council hearing on three bills relating to the electrification of NYC’s buildings: Int. No. 2317, Int. 2196-2021, and Int 2091-2020. Statements in support of Int. No. 2317 were given by representatives of former NYC Mayor Bill de Blasio’s administration, architects, members of several environmental organizations, and representatives of industry associations and companies.

Environmental organizations and coalitions that advocated for Int. No. 2317 include WE ACT for Environmental Justice, Sierra Club NYC Group, NY Communities for Change (NYCC), SanE Energy Project, Food and Water Watch, New York State Renewable Heat Now coalition (in which the Sierra Club Atlantic Chapter participates), New York League of Conservation Voters, New York Policy Interest Research Group (NYPIRG), Alliance for a Green Economy (AGREE), National Resource Defense Council (NRDC), Earthjustice, Environmental Defense Fund (EDF), United for Action, 350NYC, 350 Brooklyn, Drawdown NYC, and Rocky Mountain Institute (RMI). BlocPower, which installs air-source and ground source (geothermal) heat pumps, and NY-GEO (NY Geothermal Energy Association) were among the company and industry associations that supported Int. No. 2317.

The implementation of NYC’s Local Law 154 of 2021 will depend on the outcome of a bill in the New York State Legislature to mandate the electrification of new buildings throughout the state. (NYS environmental legislation supersedes municipal laws unless the local laws are stricter.) In May 2021, State Senator Brian Kavanagh (D-Senate District 26, Manhattan, Brooklyn) introduced S6843 the “All-Electric Building Act” in the Senate Housing,
Construction and Community Development Committee and Assemblymember Emily Gallagher (D-Assembly District 50, Brooklyn) introduced A08431, the Assembly version. S6843/A08431, which was amended in late October 2021 to accelerate its timelines, "provides that no city, town or village shall issue a permit for the construction of new buildings that are not an all-electric building if the initial application for a permit was submitted after December 31, 2023, unless certain circumstances apply."

The Sierra Club Atlantic Chapter supports the "All-Electric Building Act" and participates in the New York State Renewable Heat Now coalition, which is advocating for S6843/A08431. This is one of five bills in the Renewable Heat Now Legislative Package. If the name of your State Senator and Assemblymember does not appear in the list of co-sponsors on the S6843 and A08431 websites, please write and/or call them to co-sponsor this bill. You may find the name and contact information for your representatives in the State Legislature on these websites: www.nysenate.gov/senators and www.assembly.state.ny.us. S6843/A08431 is currently in the Senate Housing, Construction and Community Development Committee and will be considered in the Spring 2022 New York State Legislative Session.


Should the Delaware Water Gap Receive National Park Status?
by Elizabeth Ahearn, Atlantic Chapter Conservation Staff

The Delaware Water Gap National Recreation Area consists of 70,000 acres of forest, mountains, and a forty mile stretch of the Delaware River. The area is located along the middle section of the Delaware River in New Jersey and Pennsylvania, spanning from the Delaware Water Gap northward in New Jersey to the state line near Port Jervis, New York and to the outskirts of Milford, Pennsylvania.

It is one of the most popular outdoor destinations in the country, with more than 4.5 million visitors annually. For comparison, roughly the same amount of visitors flock to Yellowstone and Yosemite National Parks each year. The recreation area features over 100 miles of hiking trails, swim beaches, and waterfall sites, all of which help attract visitors.

With the plan to build the Tocks Island Dam in the 1960s, buildings within the region were acquired by the Army Corps of Engineers through the use of eminent domain. After the federal government abandoned the dam project years later, the land was transferred to the National Park Service in 1978. At the time, the recreation area did not fit into the standard mold of a "National Park." Unlike the many undeveloped wilderness areas in the West that were easy to acquire because they were controlled by the federal government, the land in the Water Gap region had already been divided up by private ownership, making expansion more challenging. The Delaware Water Gap was classified as a "National Recreation Area" because it was in close proximity to bodies of water where recreational activities such as swimming, boating, and fishing could take place. In contrast, the sixty-three parks designated as "National Parks" are characterized by large land areas that also offer recreational opportunities, along with the addition of a focus on preservation of natural and cultural resources.

In recent years, there has been a push to elevate the Delaware Water Gap from "Recreation Area" to "National Park and Preserve" status for a multitude of reasons. Changing the status of the Delaware Water Gap would grant millions of people living in major urban metropolitan areas access to a National Park for the first time. Advocates argue that this is an environmental and social justice issue, and that the introduction of a new national park would create more equity for people living in underserved and underrepresented urban areas nearby. Of the sixty-three total National Parks in the United States, only nine are east of the Mississippi River, and there

See the electronic version of this article for references, an overview of the all-electric building movement in the U.S., examples of new and retrofit all-electric buildings, and my statement in support of Int. No. 2317 at the virtual NY City Council hearing on November 17, 2021.

*A special thanks to the architects and engineers who are advocating for and demonstrating the feasibility of new and retrofit all-electric buildings.

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See the electronic version of this article for references, an overview of the all-electric building movement in the U.S., examples of new and retrofit all-electric buildings, and my statement in support of Int. No. 2317 at the virtual NY City Council hearing on November 17, 2021.

*A special thanks to the architects and engineers who are advocating for and demonstrating the feasibility of new and retrofit all-electric buildings.
are zero National Parks located between Acadia (in Maine) and Shenandoah (in Virginia). Between New Jersey, New York, and Pennsylvania, over 60 million people live within a three-hour drive of the Delaware Water Gap region. The recreation area is an hour-and-a-half drive from New York City and two hours from Philadelphia.

The Delaware Water Gap, which sees the same number of annual visitors as Yellowstone and Yosemite, receives far less in annual appropriations, due to its status as a recreation area. Yellowstone National Park’s annual budget is $27.6 million, while The Delaware Water Gap National Recreation Area has a much smaller budget of $8.2 million. Making the transition to National Park would enable the park to compete more successfully for appropriated funds, as it would be one of only a couple National Parks in the Northeast Region. Being granted National Park status would also make the Water Gap eligible to receive funding for infrastructure upgrades and improvements through the federal Surface Transportation Reauthorization bill.

One major reason advocates wish to see the change to “National Park and Preserve” is to ensure that the park is recognized for its incredible natural & cultural resources. Between the Appalachian Trail weaving through over 20 miles of the area, the impressive Kittatinny Ridge, 12,000 years of human occupation in the homeland of the Lenape people, and 400,000 acres of conserved public lands, the region is remarkably unique and worthy of greater recognition. Renaming the park the “Delaware River National Park & Lenape Preserve” would honor and restore recognition of the sacred homeland of the Lenape people.

The recreation area currently allows for fishing and hunting activities. A switch to the designation of National Park & Preserve would not eliminate these traditional uses of the land, and many argue that it would result in an improved system of balancing hunting and fishing with conservation. It would establish a permanent nursery for wildlife that would simultaneously foster conservation efforts and enhance the quality of hunting and fishing in the surrounding Preserve. The “National Preserve” designation would enshrine hunting rights in a way the “Recreation Area” has not been able to do so.

The Delaware Water Gap already meets the criteria to become a national park, and it has been a “unit” of the National Park Service for over 55 years. Many groups have presented proposals to elected officials, Indigenous leaders, business owners, and local residents to garner and expand support on this effort. The next step is to bolster support in the U.S. House and Senate, as the designation requires Congressional approval. This successfully happened in December 2020, when the New River Gorge National Park and Preserve was created in West Virginia, to become America’s 63rd national park. Initially, the issue of hunting was a concern, so a portion of the park was designated as a national preserve to permit hunting. Supporters cite New River Gorge National Park and Preserve as a template for success, and hope the Delaware Water Gap will follow suit, and eventually be known as the Delaware River National Park and Lenape Preserve.

Sources:
Map of hiking trails within the Delaware Water Gap National Recreation Area

Source: National Park Service
https://www.nps.gov/dewa/planyourvisit/trails.htm
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