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Joseph Martens, Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany NY 12233-1011

Assemblyman Robert Sweeney
Chairman, Environment Committee
NYS Assembly, District Office
640 West Montauk Highway
Lindenhurst, NY 11757-3708

Office of the President
SUNY School of Environmental Science and Forestry
1 Forestry Drive
Syracuse NY 13210

Also By Email where possible

Dear Commissioner Martens, Assemblyman Sweeney, and ESF Leadership:

I am an environmental activist on Long Island. My website Planet-in-Peril.org shows some of my current activities. I am a native New York State resident. I have been active in several state and local environmental issues, such as the Adirondack Club and Resort proposal. I also published a newspaper in Queens for a time. I am working in a local policy arena presently, including litigating for the environment.

I am extremely concerned about the loss of trees in various ecosystems around the state that I have encountered.

I want to appeal to you to get a handle on the issue and create a mix of statewide policies with the goal of protecting trees and re-foresting suburbs with the next generations of trees.

I feel the loss of trees in suburbs is somewhat of a stealth issue, that suffers from inattention versus more massive open space issues -- but cumulatively is a big issue as well. It also affects considerable vestigial wildlife, and of course lots of people.

I think it is vital that state-wide law and policy place tree protection on a higher footing, perhaps even requiring localities to create and enforce their own tree protection laws, as many have already done with limited degrees of commitment, like the villages of East Hills, Garden City, Munsey Park, Williston Park, and Old Westbury, and the Town of North Hempstead, near me.

(I quote from two of the laws below in describing the undeniably essential nature of trees in our ecosystems -- a concept belied by the lack of protection they have in practice.)

In addition, to ensure that the laws are enforced, I strongly believe the state needs to change its standard of 'legal standing' in environmental matters to allow any person to sue based on the public interest in environmental protection.

In my personal experience, legal 'standing' issues allow serious deficiencies in environmental enforcement to go uncorrected -- see *Brummel v. East Hills et al.*, NYS Supreme Court, Nassau County, Index # 3109/13.

My website has original documents from the lawsuit; the Memoranda of Law and ill-formed decision give clear treatment to the 'standing' problem. (See Planet-in-Peril.org/easthills/east-hills-court-battle-1.html.)

Statewide there are multiple issues that are destroying our trees, as well as open areas, which in my opinion demand attention and policies to mitigate and correct:

Loss of Trees Through Storms and Climate Change

In Long Island and New York City there was a loss of trees after Hurricane Sandy and the Nor'easter not only from the storms themselves but also from a delayed salt-water -reaction even away from the immediate shoreline .as recently documented in the NY Times (Bare Trees Are a Lingering Sign of Hurricane Sandy's High Toll, The New York Times, August 18, 2013).

It is expected that global warming will have extremely destructive impacts on the Adirondacks, and likely other areas of the state ("Savoring Bogs and Moose, Fearing They'll Vanish as the Adirondacks Warm," The New York Times, December 1, 2011).

Loss of Trees Through Local Policy Decisions

Now, large numbers of property owners, irrationally panicked over the fear of trees, have been cutting down or largely stripping bare large trees around their properties. Even in areas with tree-preservation laws like my own Village of East Hills, such wholesale tree removals occurred, with the acceptance of official policy-makers.

Municipalities like the Village of Mineola apparently have policies (un-reviewed under environmental law) of cutting down street trees of a certain mature size

regardless of their health. Through a Freedom of Information inquiry I discovered that the village -- a highly developed semi-urban area -- had cut down at least 1,000 trees in the past four years, to the dismay of many residents. Even an arborist's letter failed to stop them from cutting seven massive and largely thrivingly healthy Sycamore/London Plane trees in my presence (see Planet-in-Peril.org/mineola/mineola.html).

It appeared furthermore that after the hurricane last year, contractors for Nassau County improperly removed large numbers of trees from the Welwyn Preserve and Searingtown and Shelter Rock Roads. Likely this has been repeated elsewhere.

Utility Destruction of Trees near Power lines

The Long Islands Power Authority/National Grid has been cutting down or severely topping trees as well without a logical need in many cases -- and without a clear environmental review as mandated by the State Environmental Quality Review Law (SEQRA) (see Planet-in-Peril.org/http://planet-in-peril.org/lipa/lipa-tree-killers.html).

Suburban Redevelopment and Clear-cutting

Suburban re-development construction in areas like my own -- the Town of North Hempstead and Village of East Hills -- has led to large numbers of lost trees as developers clear-cut what were substantially tree-rich properties to facilitate construction and to minimize maintenance. (See planet-in-peril.org/easthills/over-development.html.)

Many new homeowners do not share the original ethos of these suburbs as a place of trees and nature. Again, even tree protection laws -- such as those in my Village and Town do not act to effectively preserve these trees. A statewide environmental policy and vision would help rebalance this thinking.

I recently passed through Amsterdam and Colonie, NY and saw similar situations as once tree-lined thoroughfares like Route 30 in Amsterdam and Central Avenue in Colonie are bulldozed on either side for strip development. This is foolhardy from an ecological standpoint.

Occasionally the issue comes into the media spotlight: former Det. Frank Serpico, a real NY hero, had his small oasis rudely damaged and degraded by development next door about which he was powerless, according to The New York Times: "In Rural Oasis Serpico Finds New Adversaries," July 4, 2013.

Ironically NY is 'blessed' compared to states where droughts, wildfires, and insect infestations destroy thousands of acres of woods (although the implications of global warming as the Adirondack coverage showed will be serious). Is it not our obligation to protect our good fortune of healthy environment, rather than to allow it to be further destroyed?

State Road Building and DOT Property Preservation

The State Department of Transportation seems to have little concern with protecting trees and the environment. I have observed many devastating road projects as I travel the Thruway. I recall several years ago the Village of Canton in St. Lawrence County has to mobilize half the town in a petition drive to prevent the DOT from cutting all its trees down during a road project. This should not be happening.

I would also note the relatively recent very regrettable loss to development of small but rich forests around the Northern State and Meadowbrook Parkways, which may or may not have been under DOT control.

DOT property should be targeted for preservation not destruction.

Trees as Fuel and Wood Pellet Market as Incentive to Cut Trees

Other dynamics are also at play: wood as a heating source is apparently leading to much cutting upstate, so much so that when I left St. Lawrence County several years ago they needed to regulate outdoor wood furnaces.

Beyond that, the "wood pellet" industry has created a market for killing healthy trees -- much as ivory carving creates a market for elephant poachers. I note that a wood chip company in Massena recently received a green certification; "Massena mill wins industry certification for wood fuel pellets," Watertown Daily Times, 8/27/13. Note this 'certification' was not for being green or sustainable -- but for producing dense pellets.

Lack of Professional Standards

Lack of statewide standards for arborist and tree companies permit highly improper practices, like butchering trees outside accepted standards, topping trees, using spikes on live trees (a very common practice), and failing to advise homeowners and others about the alternatives to removal and the destructive impacts such actions have.

Vital Role of Trees for Ecology -- and for Animals

One only has to peruse what is basically boilerplate language in several local tree preservation laws to realize the officially-recognized profound role of trees in our ecosystems, particularly in the suburbs:

"...[I]t has been long recognized that trees provide a natural habitat for the wildlife of our area, absorb air pollution, provide us with oxygen, deter soil erosion and flooding and offer a natural barrier to noise, and that the wanton and indiscriminate destruction of trees could decimate the scenic natural beauty of the area, disrupt the

ecological balance in nature; cause erosion of topsoil; create flood hazards and erosion; reduce property values, resulting in the encouragement of substandard development; and increase the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters.” Town of North Hempstead, Town Code, Chapter 20A, Environmental Planning and Control of Trees, Section 20A-2.

“It is the further intent of the Village to have trees generally continue to stabilize the soil and control water pollution by preventing soil erosion and flooding, absorbing air pollution, providing oxygen, yielding advantageous micro-climatic effects, have intrinsic aesthetic qualities, preserve and enhance property values, offer a natural barrier to noise, provide privacy, and provide a natural habitat for wildlife, and that the removal of trees deprives the residents of the Village of these benefits and disrupts fundamental ecological systems of which trees are an integral part.” Village of East Hills, Village Code, Chapter 186, Tree Preservation and Protection, Section 186-1.

I would note that in my active experience over the past 2 years, some of it documented in the local media, the provisions of both codes and their administration overwhelmingly fail to protect trees, an issue I have raised repeatedly with both bodies. It is partially from this dismal experience that I appeal to the State to act.... (See Planet-in-Peril.org/easthills/tree-permits.html.)

Beyond the official language, which I am sure can be found in innumerable contexts, I make a special appeal for the wildlife which in the suburbs desperately needs the few remaining trees to live, namely the birds, squirrels, other small mammals, etc.

Lately I have watched squirrels in the beginning of fall, as they harvest the first nuts available, from Beech trees around my home. With industriousness that runs from dawn to dusk, they frenetically scramble and hang, sometimes upside down, from the tiniest branches of the fecund Beech trees near my home to consume every last kernel of seed in preparation for winter.

And yet, many of such trees have been removed, even on my own street, and others have been aggressively denuded of branches. So what will the animals eat, as this process of de-forestation grinds on? And what are they missing when each tree is finished?

NY State Policy Suggestions

I urge you to work on policies to protect the trees in our state, and particularly in the suburbs -- a largely unremarked area by major environmental movements -- among them:

- Set a state-wide policy of valuing and protecting trees and open space;

- Set tree protection laws in place at a state or state-mandated local level;
- Remove the impediment to citizens effectively policing tree-protection (and other laws and policies) by expanding legal standing for environmental issues, to allow any concerned person to have standing in court to stand up for environmental protection;
- Devalue the use of wood for fuel, particularly where industries like that for wood pellets provide a destructive economic incentive for the destruction of healthy trees;
- Create statewide standards for arborists and tree workers to prevent destructive practices like spiking live trees;
- Create a state policy of suburban re-forestation;
- Create a state policy against development outside established cores, in combination with elevation of regional planning. Certain elements of the Adirondack Park Act could be extrapolated for this concept;
- Create model legislation and policies to stop excessive suburban redevelopment and especially clear-cutting by developers in all circumstances;
- Restrict environmental bond expenditures to land preservation per se;
- Create oversight and regulation of utilities that destroy and seriously damage trees along their power lines to prevent this practice unless clearly justified by science;
- Change state DOT policies to value trees and protect them;
- Publicize the provisions of SEQRA and other environmental laws to allow citizens to defend the environment. Add such subjects to the state-mandated school syllabus;
- Create an annual survey of the state tree inventory and protection policies and activities.

Please note that I presented some of the same ideas in writing to Assemblyman Sweeney's committee when it took testimony about global warming in Babylon in January, 2013.

I look forward to hearing from you.

Thank you.

Sincerely,

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cc State Editor, Albany Times-Union