

SOUTH SHORE SKIMMER



VOLUME 25, NUMBER 9 — SOUTH SHORE AUDUBON SOCIETY

JUNE, JULY & AUGUST 1995

PRESIDENT'S MESSAGE

Carole A. Adams

This past April 28–30, Porgy Smith and I represented South Shore Audubon Society at the Northeast Regional Conference in Middlebury, Vermont. The conference theme was “Celebration of Audubon Chapter Life — Conservation at the Community Level.”

The Northeast Regional Council is made up of sixty Audubon chapters from New York, Connecticut, Vermont, and Maine. These chapters provide stewardship for forests, mountains, rivers, lakes, wetlands, meadows, and seashore habitats. As a result of these major bioregions, the Northeast Council has four primary regional campaigns: Long Island Sound, Great Northern Forest, Adirondacks, and the Connecticut River. The Council’s mission, in part, is to continue to provide consistent and cohesive support for these campaigns as a sign of our strength, caring, and dedication. Remember what I said in April — we may be outspent but we aren’t outnumbered!

The conference agenda provided us with the opportunity to attend workshops on making our chapter more successful, migratory bird decline, forests, wetlands, endangered species, oceans, education, computers, and more. Peter Berle, who will soon be leaving National Audubon, reflected on his ten years as President and CEO, and there were presentations by several chapters on projects in their communities. Senator Patrick Leahy of Vermont spoke — and his message was very clear — we need to speak up and be heard or we’ll lose everything we gained environmentally over the past 25 years!

Of course, Porgy and I went out on an owl prowl. Keep in mind it was a cold and rainy weekend. There we were, walking through wetlands, getting our shoes sucked off our socks, light rain falling, then of course thunder. We did get to hear a Saw-whet Owl — a first for both of us — just before the hailstorm started. What a night!

There is so much more that I want to tell you, but if I go on too long Michael will not be a very happy editor! Suffice it to say there was a lot of discussion on the many back-door problems in the “Contract with America” (some are calling

NEXT MEETING — OUR ANNUAL DINNER

DATE: Tuesday, June 13, 1995
TIME: 6:30 P.M. for Cocktails
7:30 P.M. for Dinner
PLACE: Pompei Restaurant & Catering
401 Hempstead Avenue
West Hempstead, NY

Join us for our 24th annual dinner as we celebrate SSAS’s 25th anniversary with slide shows, displays, and prizes for everyone. See page 7 to register if you’re not one of the hundred members and friends who have already signed up. Our regular free monthly meetings at the Freeport Memorial Library will resume on the second Tuesday in September.

it the “Contract on America”), concern that most people don’t know that this “Contract” is actually an assault on environmental laws. There was also some beautiful Robert Frost poetry read (think about our location) and ample opportunity to meet and share with fellow chapter representatives. We both came away from the conference with new ideas on how to approach the modern communications network, how to improve educational programs and our *Audubon Adventures* outreach, and a new project. The Audubon Council of New York State will be meeting in the fall on *Long Island*; Ginny Fields, President of Great South Bay Audubon Society, has taken the lead in organizing the conference, which will be co-hosted by all the Long Island chapters. You will be hearing more about this. Enough for now.

See you at the dinner on June 13th — hope to see you out on our walks.

RARE BIRD ALERT (212) 979-3070

WILDLIFE POISONING HOTLINE (800) 356-0560

AUDUBON MEMBERSHIP STATUS (800) 274-4201

CONSERVATION REPORT

Betty Borowsky

It is interesting that the recent celebration of the 25th anniversary of Earth Day may mark a fundamental change in how we manage our environment. As you have undoubtedly already heard, much legislation is being considered which will alter the scope and the impact of current environmental laws. You need to appreciate that these laws have been phenomenally successful. Industries, businesses, and homeowners have had to adhere to strict antipollution regulations, with the result that there has been a genuine improvement in the quality of the water, the air, and the land, and we have retained, and in some cases expanded, the wildlife areas of the country. In order to orient us, I will use this month's column to describe conditions before 1970, to outline the major pieces of legislation that were passed beginning in 1970 (many of them amended and strengthened in the mid '80s), and to indicate what effect the laws have had on the environment.

You should understand that there were two goals for these laws. First, and foremost, the laws were an attempt to reduce or eliminate environmental pollution in order to enhance human health. The second goal was to retain wilderness areas and open spaces to prevent the loss of habitat for threatened species. Often the two goals were accomplished by the same regulations.

The most significant improvement in human health that occurred as a result of improving the environment began about the turn of the century, as sanitation was improved in urban areas. Life in the tenements was indescribably filthy, and crowding compounded the spread of infectious diseases. With the introduction of better living conditions, there were sharp reductions in the incidence of such diseases as typhoid fever, cholera, dysentery, malaria, and yellow fever. This occurred before there were strong national laws to regulate these matters.

However, by 1970 it was clear that uncontrolled development and industrial activities were creating a new, and perhaps more pervasive, threat to human health. So, in 1970 the country turned its attention to controlling the onslaught of domestic and industrial pollution, and several far-reaching pieces of legislation were passed that deeply affected the way development could occur. First, a new agency, the *Environmental Protection Agency (EPA)*, was formed. Its principal responsibility was to regulate environmental contaminants. In addition, the first significant environmental law, the *National Environmental Policy Act (NEPA)*, was passed in 1970. This law stated that certain specified development projects required filing an *Environmental Impact Statement (EIS)*. EIS's described how projects would (or would not) alter or affect the environment. Unless activities associated with a project fell within certain guidelines, they would have to be altered or not allowed to occur. In addition, the law established the *Council on Environmental Quality (CEQ)* to assist in coordinating all of the federal government's environment-related activities.

Shortly after that, several laws were passed that dealt with cleaning up or protecting specific parts of the environment. These included the *Clean Air Act of 1972*, which established *national ambient air quality standards (NAAQS)*, set an array of emissions standards for motor vehicles and industrial facilities, and required states to design and implement plans for air quality. The *Water Pollution Control Act (Clean Water Act)*, also passed in 1972 [and being trashed by the House as your editor types this], imposed strict controls on industrial, municipal, and other sources of water pollution; established a program for wastewater discharge; and expanded grants available for wastewater facility construction. There were other laws passed as well.

Well, did all of this do any good? The answer is that they did a lot of good. They not only stopped the progressive deterioration of our environment; they actually helped clean it up. Listen to this: Between 1975 and 1984 there was a tremendous improvement in air quality. There was a:

- ✦ 33% decline in emissions of total suspended particulates,
- ✦ 16% reduction for all sulfur oxides,
- ✦ 14% reduction in ambient carbon monoxide, and
- ✦ 10% reduction in nitrogen dioxide.

During the same time period, surface waters improved greatly. There was a significant reduction in lead, an increase in dissolved oxygen, and a decrease in fecal coliforms and streptococci in waters around New York (these are bacteria which, when they are present, indicate fecal contamination). Let me give you some personal examples. In the early 1970s, I was studying invertebrates in Jamaica Bay's intertidal zone. I would find sewage (human feces) and garbage deposited on the shore all the time. Swimming and fishing were prohibited. In New York Harbor, pollution was so bad that one of the toughest marine creatures, the teredo worm, which destroys marine piers by burrowing into the wood, could not survive.

That's all changed now. While clamming is still not recommended, the shores are clean, fishing for some species is permitted, and the teredo worm is back (the good and the bad news). Jamaica Bay now contains a rich and abundant variety of fish and invertebrates, and I don't have to tell you the Osprey is back.



The cleanup wasn't free; two percent of the gross national product (GNP), or \$557 billion, was spent between 1972 and 1984 alone. However, there is no evidence that this adversely affected the nation's economic growth; during that same period of time, the nation's GNP *increased* about 50%.

Let me repeat my call for action by all of us. Call or write to all your representatives to urge them not to vote for the new anti-environmental laws. Join our telephone chain and the Armchair Activist program (call me), which will help keep you apprised of issues which warrant some immediate action. Call the **Audubon Hotline, 1-800-659-2622**, which is the most current source of information about pending legislation. Call anybody on the SSAS Board.

Elected officials listen to their constituents — let's tell them how we feel.

WELCOME NEW MEMBERS

Marion Yavarkovsky

We are happy that you have joined our chapter of the National Audubon Society. Please make an effort to join us at a bird walk, general meeting, or special event. You will find a wonderful group of friendly and interesting people. Join us.

[For information on joining the South Shore Audubon Society, please call our Membership Chairperson, Marion Yavarkovsky, at 379-2090. The best time to call is after 4 P.M., Monday through Friday.]

- Atlantic Beach Maxwell Stein
- Baldwin Sonja Codrington, Vivian Husser
- Bellmore Barbara M. Ryan
- Bethpage Denis Gaita,
Mr. & Mrs. Mitchell B. La
- Cedarhurst Mr. Robert Feinland
- East Meadow Janet Carosella
- East Norwich Rosemary Cosgrove
- East Rockaway Babs Tucker
- Elmont Elizabeth M. Zapp
- Floral Park Mr. Robert Ondrus
- Freeport Alberto Howell
- Garden City Mary Trump
- Glen Oaks Jennifer Chen,
Mr. Michael Izworski
- Hempstead Mrs. Dianne Capers,
Michael Knowles
- Hicksville Mrs. Walter J. Hanau
- Levittown Ms. Gail M. Charest
- Long Beach Kathleen Donnelly
- Lynbrook Mr. Agapito P. Aquino,
Ms. Leslie I. Pihas
- Malverne Ellen Goldberg
- Massapequa Mr. Palmer Hamilton, Carol C.
Kaufman, Ms. Christine Kirsten,
Doris B. Murphy, Richard
Sprague, Diane Stratigos
- Massapequa Park Patricia O'Connor, John L. Turner
- Merrick Kathleen A. Kehl, Mr. Thomas F.
McLoone, Rita M. Smyth,
Ms. Joann Tonon
- Oceanside Ms. Eileen Ferris, John Hay,
Mr. Jordan Meyers,
Mrs. Harriet Rothstein
- Plainview Ms. Jeanette Mosca,
Mrs. Joyce Wasloff
- Rockville Centre Dr. Seymour Albus,
Ruth C. Di Somma
- Roosevelt Ms. Elsa Degazon
- Seaford Bob Haley, Mr. H. Short
- Uniondale Mr. Thomas M. Regina
- Valley Stream Howard C. Holbrook, Mrs. Daryl
M. King, Ms. Phyllis Linker,
P. Rogers



- Wantagh Craig Kuchynskas, Christina Prete
- West Hempstead Mr. Frederick Avis,
Ms. Barbara A. Keilty
- Woodmere Malcolm Basner,
Ms. Natalie Combs



THE SSAS BOOKSHELF

Carole A. Adams

A recent query by Doris Pirodsky, our Corresponding Secretary and Historian, resulted in confirmation that SSAS has been donating books to the Freeport Memorial Library since 1971 (actual book purchases and monetary contributions for the purchase of environmental books).

Jean Scanlon, Public Relations Coordinator for the library, was gracious enough to provide us with a list of twenty books donated by SSAS in 1993 and 1994. Some of the titles included are *Insects in Flight*, *The Audubon Ark: A History of the National Audubon Society*, *Glacier Panorama*, and four field guides by Spencer — *Birds of America*, *Flowers of America*, *Insects of America*, and *Trees of America*.

Mrs. Scanlon also included a copy of the bookplate used on these donated books. It is a graphic of a bird, neither National's Egret or South Shore's Skimmer. Your Board of Directors agrees that it's time for an update. The question is, does anybody know how the original bookplate came about?



THEODORE ROOSEVELT SANCTUARY

134 Cove Road
Oyster Bay, NY 11771
(516) 922-3200

Theodore Roosevelt Memorial Bird Sanctuary is owned by the National Audubon Society and operated by the Community and three local Audubon chapters, including South Shore Audubon. The following programs are open to the public. Space is limited and registration is required. All program fees are required at the time of registration.

Saturday, June 10th (7:30 A.M., ages 12 and up) — Monthly Bird Walk. TRS members \$2, nonmembers \$3.

Sunday, June 18th (1 P.M. to 2:30 P.M., ages 6 to 12) — Reptiles and Amphibians. Come meet and learn about these misunderstood creatures. You'll learn about what makes them different, special, and important. A great father and son activity. TRS members \$3, nonmembers \$5.

Thursday, June 22nd (8 P.M. to 10 P.M., ages 12 and up) — Owl Prowl. You'll see our captive owls close up and learn about their lives. We'll find some of the local wild owls and attempt to call them in. TRS members \$5, nonmembers \$7.

Sunday, June 25th (1 P.M. to 4 P.M., ages 12 and up) — Canoe the Nissequogue. Join us to canoe this special and beautiful river. An experienced naturalist will guide you and point out the various birds, reptiles, and plants. It's a pleasant canoe trip, not too strenuous and very picturesque. TRS members \$25, nonmembers \$30.

DID YOUR CONGRESSMAN VOTE TO DESTROY ENVIRONMENTAL PROTECTION?

Michael Sperling

As the scores at the end of this article show, the answer for almost every SSAS member is YES — most of us live in the 3rd or 4th NY Congressional Districts, and many of our members no doubt helped elect two guys who got every single vote listed below wrong (even a vote where the pro-environment side won). I'm printing the nonpartisan League of Conservation Voters' *100-Day Scorecard* in the hope that all of us will try to encourage our Congressmen to mend their ways and will also urge our U.S. Senators to vote against the similar (and in some cases even worse) bills being considered there. The scorecard starts with a message from LCV President Jim Maddy, whose predecessor Bruce Babbitt is now U.S. Secretary of Interior:

The end of the 100-day period of the House Republican "Contract with America" coincides with the 25th anniversary of Earth Day. The relationship between the two days is strong, for in this hectic 14 weeks the House has taken a running start at dismantling 25 years of federal environmental protection. The dismantling is not complete — the Senate must still consider several of these items. However, the scope of the House action is unprecedented. Future environmental legislation would be hobbled by new legislative and budgetary hurdles, and future agency-generated safeguards would be tied in red tape and legal challenges. But the House action does not just block new protections. It guts old ones. If House-passed bills become law they would:

- prohibit the Environmental Protection Agency (EPA) from enforcing rules to keep cryptosporidium, a parasite that killed over 100 people in Milwaukee in 1993, out of the nation's drinking water supply;
- double logging in some national forests by waiving federal environmental laws;
- excuse polluters from eliminating toxic waste sites by allowing them to claim public health is less important than their cleanup costs;
- redirect EPA and Department of Interior funds, used for environmental protection, to pay speculators, mining companies, and agribusinesses to comply with wetlands and Endangered Species Act requirements;
- enable power plants to challenge pending acid rain controls, potentially voiding Clean Air Act requirements to reduce emissions.

LCV has published this special scorecard for the 100-day period to help the public understand the House program to halt environmental protection. The House-passed bills are so broad, so extreme, and so destructive that most Americans may not be aware of the leadership's success in rolling back environmental protection. The text of the "Contract" does not mention environmental protection or resource conservation, so it is possible that most are not aware of the concerted, and so far successful, sneak attack on the environ-

ment. We have taken the 10 most important and most representative votes of the environmental aspects of the "Contract" from the dozens cast. We believe that they represent a balanced view of the House and its members on the expanse of environmental protections.

Elections matter. The 1994 election which made the Republican Party the majority party in the House for the first time in 40 years resulted in 73 new Republican members. Led by freshman subcommittee chair David McIntosh (of Indiana), former head of Vice President Quayle's Competitiveness Council, the average freshman environmental score was 3%. More senior Republicans averaged 10%. Sixty-one of the 73 GOP freshmen scored zero. In addition, a group of 23 Democratic members formed a new caucus. Led by Rep. Billy Tauzin (of Louisiana), who is also a leader on many of the "Contract's" initiatives, this group of conservative Democrats is virtually defined by its opposition to environmental legislation. This caucus scored an average of 13%, compared to the remaining Democrats' average of 77%.

These two voting blocs have radically changed the fate of environmental legislation in the House of Representatives. In the 103rd Congress, the House contained a bipartisan majority in support of strengthening environmental protection. In the 104th Congress only a minority, albeit a bipartisan minority, is voting to maintain current levels of protection.

There are about 135 members, including many of the most senior and a handful of newly elected members, who have consistently supported strong environmental protection throughout the first 100 days.

If there is a silver lining to the first 100 days, it is the emergence or reemergence of a group of 22 moderate Republicans who have traditionally supported environmental legislation. This group, with an average score of 52%, improved as the 100-day period passed. But it is unlikely that the 104th Congress will be one where new protections are considered. Rather a process of legislative triage is developing, an attempt to save the most important protections until the voters revisit the issue in 1996.

[The following are the League of Conservation Voters' descriptions of the ten votes used to rate our Congressmen.]

1. *January 24, 1995. H.R. 5, the "unfunded mandates" bill / Maloney amendment.* As considered by the House, H.R. 5 would erect new procedural hurdles before Congress could pass legislation to create national standards (such as reducing chemicals or bacteria in water supplies) if the total cost would exceed \$50 million and if state or local governments were expected to implement the legislation without full federal funding. The bill exempted certain programs such as those relating to national defense or civil rights from the new procedural hurdles. Rep. Carolyn Maloney (D-NY) offered an amendment to add legislation protecting children's health to the list of exemptions. The amendment was defeated 161-261. YES is the pro-environment vote.

2. *February 24, 1995. H.R. 450, a bill to suspend federal rule making.* As passed by the House, H.R. 450 retroactively suspends federal government rule-making, the process by which laws which establish safeguards are implemented. New standards for environmental protection are blocked until December 31, 1995. The House passed an amendment to ban protections for newly determined endangered species for two years, and rejected amendments that would have allowed the government to continue to set standards for bacterial contamination of meat, and to safeguard tap water from pathogens. The bill passed 276-146. NO is the pro-environment vote.

February 28, 1995. H.R. 1022, "risk assessment" and "cost benefit" legislation. Rather than streamlining bureaucratic procedures, so-called "regulatory reform" legislation actually sets up a one-sided array of procedural and analytical roadblocks to environmental protection, while exempting pesticide companies and other corporate interests from these same requirements. In addition, industries resisting new safeguards can lodge legal challenges to the cost and risk assessments, potentially adding years of delay. Under the guise of sound science, this legislation gives corporations power to rewrite dozens of environmental statutes enacted during the past 25 years.

3. **H.R. 1022.** Rep. Tim Roemer (D-IN) attempted to amend the bill so that court challenges could not be lodged against the minute details of the many new procedures. He argued that "this bill could be called the Full Employment Bill for Lawyers and Lobbyists." His amendment would preserve existing legal rights. The Roemer amendment was defeated 192-231. YES is the pro-environment vote.

4. **H.R. 1022.** Reps. Joe Barton (R-TX), Billy Tauzin (D-LA), and Michael Crapo (R-ID) offered an amendment to apply H.R. 1022 to existing federal regulations as well as new ones by allowing businesses to force rollbacks of existing health, safety, and environmental rules. Agencies would have to respond to the corporate rollback requests immediately and if they are denied, the denial would be reviewable by the courts. The House rejected the Barton amendment 206-220. NO is the pro-environment vote.

5. **H.R. 1022.** Rep. Sherwood Boehlert (R-NY) offered an amendment to prevent the new regulatory procedures from undoing existing laws such as the Clean Air Act of 1990. The amendment was defeated 181-238. YES is the pro-environment vote.

6. **H.R. 1022.** Over the unanimous objection of the national environmental groups, the House approved risk assessment and cost benefit legislation, 286-141. NO is the pro-environment vote.

March 2-3, 1995. H.R. 925, a bill redefining the legal concept of "takings." As approved by the House, H.R. 925 requires the government to use funds which would otherwise go to the Fish and Wildlife Service or other agencies to pay property owners to obey the Clean Water Act, Endangered Species Act, or other environmental statutes.

Currently, the Fifth Amendment of the Constitution guarantees that "Private property shall not be taken for public use without just compensation." The government, however, can reasonably regulate activities that have adverse impacts on communities, such as prohibiting the filling of wetlands to prevent flooding. Under H.R. 925, landowners who claim that any portions of their lands were reduced in value by 20 percent would be entitled to compensation from the taxpayers, or if the government cannot afford to pay, the landowner can violate the law. In addition to the potential costs of this radical new interpretation of the Constitution, the bill would require agencies to develop a new layer of bureaucracy to handle the challenges.

7. **H.R. 925.** As authored by the Judiciary Committee, H.R. 925 would apply broadly to federal law. Under a substitute version of the bill offered by Rep. Billy Tauzin (D-LA), the bill would directly target the Endangered Species Act, the wetlands protections of the Clean Water Act, and those federal laws that protect water flow in the arid West, potentially crippling them. The House approved the Tauzin substitute 301-128. NO is the pro-environment vote.

8. **H.R. 925.** The House approved "takings" legislation 277-148. NO is the pro-environment vote. **LCV considers this legislation so environmentally harmful and far-reaching that this vote is scored twice.**

9. *March 3, 1995. H.R. 9, a bill combining "takings," "risk assessment," and "cost benefit" legislation.* In addition to passing each bill separately, the House combined H.R. 925, H.R. 1022, and H.R. 926, Regulatory Impact Analysis, a bill which creates new levels of analysis for regulations and allows the Office of Management and Budget to block health and safety protections. Taken together, H.R. 9 overrides 25 years of environmental protection. The House adopted H.R. 9, 277-141. NO is the pro-environment vote.

10. *March 15, 1995. H.R. 1158, 1995 rescissions and emergency appropriations.* As part of federal appropriations legislation affecting previously approved spending for 1995, Rep. Charles Taylor (R-NC) authored a section to mandate increased logging, at increased cost, on Forest Service and Bureau of Land Management lands. In order to guarantee that the trees will be cut, the Taylor provision would suspend all federal laws which could otherwise prevent this logging. Supposedly providing for "salvage" logging of at least 6.2 billion board feet of trees affected by wildfire or insect infestation, the Taylor language expressly allowed cutting live, healthy trees. Rep. Sidney Yates (D-IL) offered an amendment to kill the Taylor provision and return the forest program to its previous 1995 levels under law. The Yates amendment was defeated 150-275. YES is the pro-environment vote.

Scores for New York's Congressmen. Editor's Note: I've reprinted all of the text that's included in the scorecard; however, I'm omitting the scores for the rest of the country and the vote-by-vote breakdown for each NY Rep. For

1994-1995 OFFICERS, DIRECTORS, AND COMMITTEE CHAIRPERSONS

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Richard Packert, Special Projects 437-9683
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Dolores Rogers, Welcoming Committee Chairperson 599-1224
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Porgy Smith, Environmental Information Chairperson 887-2054
Michael Sperling, *Skimmer* Editor 541-0805
Marion Yavarkovsky, Membership Chairperson 379-2090

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Americans Committed to Conservation



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