

Sierra Club v GOSR: Article 78 Hempstead Lake State Park Response to Preliminary Injunction and Stipulation October 24, 2020

Sierra Club v Governor's Office Storm Recovery (GOSR) Timeline: Action	Date	Document if applicable	Link if applicable
Living With The Bay (LWTB) Rebuild by Design	September 2017	LWTB Resiliency Strategy	https://stormrecovery.ny.gov/sites/default/files/documents/lwtb/Resiliency%20Strategy.pdf
Amendment 26: SEQRA Lawsuit and Environmental Justice Issues	May 19, 2020	Amendment 26 Approved by HUD September 11, 2020	https://stormrecovery.ny.gov/sites/default/files/crp/commu nity/documents/20200911_NYS_APA26_HUD_Approved.pdf
Sierra Club Article 78 filed against GOSR and others	August 28, 2020	30+ documents; "our case"	Sierra Club Long Island Group https://www.lisierraclub.org/
Stipulation	October 14, 2020		“(It is)...important to us to get something for this community... especially because this lawsuit was initially proposed to our national decision makers as an Environmental Justice issue with impacts to that community.” National Sierra Club Legal Team
Court Date	November 5, 2020		
Plaintiffs			SIERRA CLUB-Long Island Group, The Concerned Citizens of the Mill River Flood Plain and GOSR Co-Chair Citizens Advisory Committee
Respondents			Governor's Office of Storm Recovery, New York State Office of Parks, Recreation and Historic Preservation, New York State Division of Housing and Community Renewal, New York State Department of Environmental Conservation and the Assistant General Counsel and Certifying Corporate Officer for the Governor's Office of Storm Recovery

Updated October 29, 2020

Take it to the people!

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PRELIMINARY STATEMENT

1. Petitioners bring this action to challenge the December 18, 2019 Negative Declaration and January 21, 2020 Final Environmental Assessment issued by Respondent Governor’s Office of Storm Recovery (the “Determinations”) approving one component of Respondents’ Living with the Bay Plan, which was designed to address flooding and pollution and foster resilience in communities within the Mill River Watershed by managing stormwater,

ARGUMENT

POINT I

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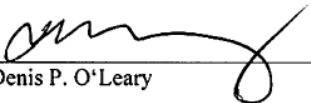
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limitations periods, the most recent being on August 5, 2020 Executive Order which tolled the statute of limitations through and including September 4, 2020. As such, the filing of this Petition is timely. See Executive Order 202.55.

3. Submitted in further support of the Petition are the following Affidavits:

- i) Affidavit of Dr. Charles Bevington, sworn to on July 30, 2020.
- ii) Affidavit of Linda Marshall, sworn to on July 28, 2020.
- iii) Affidavit of Joseph P. Forgione, sworn to on August 11, 2020.
- iv) Affidavit of David Stern, sworn to on August 22, 2020.
- v) Affidavit of James K. Dooley, sworn to July 30, 2020.
- vi) Affidavit of Paul Rubin, sworn to on August 21, 2020.
- vii) Affidavit of Carolyn Bauer, sworn to on July 30, 2020.

4. For the reasons set forth in the Verified Petition and the Affidavits which accompany the same, it is respectfully submitted that this Court issue an order annulling and vacating the Negative Declaration and the Final Environmental Assessment herein.



Denis P. O'Leary