

Inter-County Association of Western New York

Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.

RESOLUTION NO. 2020-4-IC

RESOLUTION REQUESTING SOIL AND WATER CONSERVATION DISTRICTS BE EXEMPT FROM THE PROPOSED AMENDMENT TO THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW SECTION 15-0501 AS IT RELATES TO THE PROTECTION OF CERTAIN STREAMS

Offered by: the Inter-County Association of Western New York

WHEREAS, the County Soil and Water Conservation District reports that the New York State Assembly has passed legislation A08349 that adds Class "C" waterways, which are regularly used by people for boating, fishing, and other activities, to the list of protected streams and will require an Article 15 permit through the New York Department of Environmental Conservation (DEC) necessary for any and all streams statewide, and

WHEREAS, the Soil and Water Conservation Districts already apply for permitting on these added streams through the Army Corps of Engineers and will be required to continue to do so, and

WHEREAS, Soil and Water Conservation Districts have established extensive stream remediation and habitat improvement programs for private and public stream work in our communities, utilizing their education, experience, equipment, and relationships with both public and private entities and individuals to conserve millions of tons of sediment, hundreds of thousands of pounds of nitrogen, phosphorous and other nutrients from impacting our pristine water quality through these programs on an annual basis, while protecting billions of dollars of public and private infrastructure annually through these programs, and

WHEREAS, the additional permitting processes anticipated under the proposed amendments to Subdivision 2 of section 15-0501 of the Environmental Conservation Law, while well-intentioned, are likely to have the unintended outcome of creating a lengthy backlog for permit approvals, causing delay and potentially preventing the abilities of New York State Soil and Water Conservation Districts to implement needed programs, such as those described above, and

WHEREAS, as a result, it is anticipated that flooding impacts will increase exponentially and billions of dollars of public and private infrastructure will be lost, and

WHEREAS, New York State organizations, such as, New York State Department of Transportation and New York State Department of Environmental Conservation have been exempted from this proposed law, and

WHEREAS, the New York State Soil and Water Conservation Committee, under the Department of Agriculture and Markets, provides oversight and maintains standards for the Districts and their programs; the Committee also distributes state aid based upon annual financial reports submitted by the Districts, now, therefore be it

RESOLVED:

1. That the Inter-County Association of Western New York hereby requests an amendment to the proposed law to exempt Soil and Water Conservation Districts from the proposed changes, prior to further action and any enactment of the proposed amendments, and

2. That the Inter-County Association of Western New York Secretary is directed to send a certified copy of this resolution to state representatives and all others deemed necessary and appropriate.

This is to Certify that I, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 8th day of May 2020 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated May 8, 2020.

Jodi Adams



Jodi Adams, Secretary
Inter-County Association of Western New York

Sponsored by: Schuyler County, Moved by: Rondinaro (*Schuyler*), Seconded by: Pastrick (*Chemung*)