



NEW YORK STATE SENATOR

Thomas F. O'Mara

Area state legislators welcome veto: Warned that measure would overburden property taxpayers and jeopardize local ability to accomplish critical projects

THOMAS F. O'MARA November 29, 2020

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Opponents warned that the expanded permitting process would result in time delays and higher costs that would jeopardize stream stabilization, flood mitigation and prevention, bridge and culvert maintenance and rehabilitation, soil erosion prevention, farmland preservation, forestry management, infrastructure protection, and other projects vital to local communities, economies, environments, and property taxpayers.

Elmira, N.Y., November 29—Senator Tom O'Mara (R,C,I-Big Flats) and a group of state lawmakers representing the Southern Tier, Finger Lakes, and Western New York are welcoming Governor Andrew Cuomo's veto of legislation that they had recently warned would jeopardize the ability of local governments to accomplish critical stream and infrastructure protection projects if enacted.

The governor vetoed the legislation (S.5612/A.8349) late Friday.

In a November 23rd letter to the governor, State Senators Tom O'Mara, Fred Akshar, George Borrello, and Pam Helming, and State Assemblymembers Phil Palmesano, Marjorie Byrnes, Chris Friend, Joe Giglio, Andy Goodell, and Brian Kolb called on Cuomo to reject the legislation. They and other opponents argued that the measure would force the reclassification of tens of thousands of miles of New York State streams and result in a more time-consuming, costly, overregulated, redundant, and impractical state-level permitting process for stream-related projects involving flood repair and mitigation, bridge and culvert maintenance, farmland protection, and other public works priorities.

In their letter, the area legislators wrote, in part, "We strongly urge you to veto S.5612/A.8349 in the best interests of the local stakeholders we represent and work closely with, as well as to protect local governments, local environments, local economies, local communities, and local property taxpayers from this overregulation that would only serve to stagnate, not strengthen, the well-earned and well-monitored quality of our waterways."

The legislation was also strongly opposed by the New York State Association of County Highway Superintendents (NYSCHA) and the New York State Association of Town Superintendents of Highways (NYSAOTSOH), as well as a broad coalition representing the agricultural and forestry industries, including the New York Farm Bureau and the Empire State Forestry Products Association.

Local soil and water conservation districts also warned against taking the action. In its own memorandum of opposition, the **Chemung County Soil and Water Conservation District** stated, “Currently, Soil and Water Conservation Districts are leaders in their local communities assisting public entities and private citizens with thousands of stream habitat, stabilization, flood remediation, and flood mitigation projects on an annual basis. We oversee and install these projects and go through an arduous permitting process that we can assure you has not been dissolved...This bill, while intended to preserve and protect water quality, would inadvertently set conservation efforts back 50 years.”

The legislators and other opponents warned that the legislation's enactment would result in significant barriers preventing local soil and water conservation districts, county and town highway departments, public works departments, builders, utilities and others from undertaking and completing stream-related projects. Opponents also feared that the expanded permitting process would result in time delays and higher costs that would jeopardize stream stabilization, flood mitigation and prevention, bridge and culvert maintenance and rehabilitation, soil erosion prevention, farmland preservation, forestry management, infrastructure protection, and other projects vital to local communities, economies, environments, and property taxpayers.

In his veto message (Veto Message No. 60), Cuomo recognized the merits of the opponents' arguments, stating that the legislation would “have a tremendous fiscal impact on state and local government” by adding approximately 40,000 miles of streams to the permitting process and more than doubling the state Department of Environmental Conservation's (DEC) existing and planning oversight role. Such a move, the governor stated, “would lead to lengthy permitting delays, and jeopardizing the thorough and necessary review of all projects.”

Recognizing the existing oversight provided by local Soil and Water Conservation Districts, the veto message states that under the existing regulatory process streams “receive substantial benefits from oversight by the State's Soil and Water Conservation Districts. The Districts have ably worked to address nutrient runoff from agricultural activities, implement flood recovery programs and provided technical expertise to municipalities to address infrastructure needs. The existing conservation efforts accomplished by the Districts will continue to ensure that adequate environmental controls are placed on these streams.”