

Eric Siy, President
Lake George Association

Testimony of the Lake George Association

New York State Joint Legislative Hearing

Senate Standing Committee on Finance

Senate Standing Committee on Energy and Telecommunications

Senate Standing Committee on Environmental Conservation

**Public Hearing: To examine the legislative and budgetary actions necessary to
implement the Climate Action Council Final Scoping Plan**

Thursday, January 19, 2023, 10:00AM

Dear Chair Krueger, Chair Parker, Chair Harckham,

Thank you for the opportunity to provide testimony relating to budgetary and legislative action necessary to implement the Climate Leadership and Community Protection Act and the Climate Action Council Final Scoping Plan. My name is Eric Siy and I serve as President of the Lake George Association.

The Lake George Association (LGA) is the preeminent Lake-protection entity dedicated to safeguarding The Queen of American Lakes in Upstate New York. The LGA has architected an advanced science-guided, partner-driven model of freshwater protection designed for adaption and scaling across the state, country, and world-wide.

The LGA brings together the world-class science of The Jefferson Project freshwater research partnership and the Lake George Waterkeeper (a member of the Waterkeeper Alliance, an

international organization focused on the protection of water), with input from our Councils of Science and Business Advisors; the dedicated volunteer efforts of our Citizen Scientists; bold public and private partnerships; community education; public policy advocacy; and direct investments in protection programs and activities to deliver a comprehensive and unsurpassed level of commitment to a Lake unrivaled in its beauty and cleanliness, yet under increasing pressures compounded by climate change. New York State's Harmful Algal Bloom Action Plan for Lake George details the mounting threats and the actions required to reduce them by establishing new public policies and funding to curb worsening water quality trends, most visibly exhibited by the fast growing spread of Harmful Algal Blooms (HABs) that have finally reached the waters of Lake George. The Environmental Bond Act brings critical funding to the growing needs for measures fostering water quality resilience and improvements identified in the HABs Action Plan, with further climate focusing opportunities cited in these comments on the Climate Action Council Final Scoping Plan.

The LGA could not agree more with your statement, Chair Harckham, "it all starts with water." Indeed, the fate of water is the future of life in all dimensions, for ecosystem services, commerce, and quality of life, with Lake George being the centerpiece of a \$2 billion annual regional tourism economy. As featured in the Scoping Plan, protecting our waters through strengthened land use policies, programs, and funding will increase resilience to climate change effects and our collective ability to keep our waters clear and clean.

We applaud the work of the Climate Action Council and are eager to work with you to advance the strategies and recommendations detailed in their Scoping Plan. As has been the case for preventing Aquatic Invasive Species and reducing the use of excessive road salt, our integrated approach at Lake George provides an example of how to realize measurable and enduring results, working in partnership with New York State and Federal policymakers to ensure the pace and scale of progress required to confront climate change.

In the following comments we highlight those Scoping Plan recommendations of highest priority to safeguarding Lake George water quality, focusing on key strategies and recommendations on Land Use, Local Government, and Adaptation and Resilience. Each offer ready opportunities for replication and scaling.

Land Use

"Strategic open space conservation can help contain sprawl, direct development into more appropriate areas, and maintain large, vegetated natural lands that contribute to carbon sequestration and storage, while providing for an array of additional benefits including wildlife habitat, agricultural production, flood protection, clean water, wood products and recreation."

- LU1 Mitigate Carbon Emissions by Protection of Forest Lands
 - Establish programs to support local land acquisition - The FUND for Lake George (since merged with the LGA) partnered with the Lake George Land Conservancy and the Town of Bolton to protect "The Pinnacle" from a residential subdivision to purchase the mountain and gift it to the Town of Bolton to create one of the highest use hiking destinations in the Lake George basin. As such, it is but one example of

the opportunity and need for continued protection of forest lands in a region of the state considered critical to holding and capturing carbon. More funding and improved policies will ensure this role is maintained and strengthened.

- LU2 Afforestation and Reforestation
 - Prioritize locations for afforestation and reforestation – The LGA/Waterkeeper have created a Low Impact Development (LID) Certification System that is a credit-based system to guide and reward sustainable development and the use of green infrastructure. Considered a natural complement to LEED Certification for green buildings, design specifications of this novel program—<https://lidcertification.org/>—provide for contiguous forests and for reforestation associated with development projects. Additionally, the Waterkeeper chaired a Low Impact Development Subcommittee for the Town of Queensbury and prepared a Draft Ordinance for the Town to adopt for their Town Code.

- LU3 Avoid Agricultural and Forested Land Conversions
 - Expand legislation – The LGA/Waterkeeper have created the LID Certification System that could be easily adopted to municipal regulation, which provides important design guidelines and specifications for the reduction of impervious coverage of roads and driveways to limit the loss of important forest land to other uses. The LID Certification System has been considered by the Towns of Bolton and Queensbury for municipal adoption.
 - Foster new datasets to support decision making – The LGA has recently created a new informative application, *Lake Protector Profiles* (<https://lakegeorgeassociation.org/lake-protector>) that provides detailed information and datasets, including the extent of mature tree coverage and impervious surfaces for all parcels in the Lake George basin to inform and equip landowners on priority actions to reduce land use pressure and increase resource protection. It offers a powerful tool for expanding use in watersheds throughout the state.

- LU4 Protect and Restore Wetlands
 - Prioritize protection and restoration of wetlands with the potential to sequester carbon – The LGA (and its merger partner The FUND for Lake George) contributed approximately \$2.0M and partnered with the Lake George Land Conservancy and local government to purchase and create the West Brook Conservation Initiative that now stands as a model providing both a recreational park with green infrastructure stormwater practices and a popular festival space for commerce with a total project cost of \$15M. Again, more funding directed to such partnered projects deemed of priority importance will result in accruing contributions to this strategy.

- LU5 Mapping, Research, Planning and Assistance
 - Update wetland and natural resource mapping – The LGA’s *Lake Protector* application (<https://lakegeorgeassociation.org/lake-protector>) informs landowners of wetland and other natural features to be protected and preserved.

- Assist local governments to establish effective land use practices – The Waterkeeper has worked with the Town of Lake George to implement LID Certification provisions into Zoning Code updates to make it a requirement for specific mixed-use developments. The Waterkeeper chaired a LID Subcommittee for the Town of Queensbury that created recommendations for Town Code updates currently being reviewed in their Comprehensive Plan update. Such municipal actions are ready-made for expanding implementation with expanding benefits.
- Provide conservation incentives to landowners – The LGA/Waterkeeper are proposing application of the existing RP-470 Form of New York State’s Department of Taxation to provide tax incentives to landowners by having municipalities adopt LID Certification (<https://lidcertification.org/>), a credit-based system—as noted above similar to LEED Certification. Incentivizing LID Certification that features specific techniques to conserve and restore forests, provides a low cost, high return strategy to protect ecosystems services.
- LU7 Increase Forest and Farmland Protection in Municipal Comprehensive Plans
 - Support the Development of local natural resource inventories – The recently created *Lake Protector* application provides landowners with important natural resources inventories on surface waters, wetlands, and forest cover to be utilized for smart growth planning.
- LU9 Regional and County Planning and Technical Assistance
 - Encourage local tax incentives for infill and downtown redevelopment – Here, too, integrating the LID Certification System through amendment of the state Department of Taxation’s RP-470 Form provides financial incentives to landowners by having municipalities adopt the certification system that, in turn, credits design specifications for infill and redevelopment practices.
- LU10 Direct Planning, Zoning and Pre-Development Assistance to Municipalities
 - Expand technical assistance programs to support municipal smart growth planning – The LGA/Waterkeeper has held six Low Impact Development conferences, full-day events with nationally renowned experts, in the past 10 years providing hours of training to municipal staff and review boards. These events demonstrated the need for a more systematic and widely applicable approach that led to creation of the LID Certification System and the opportunity now available to replicate and scale the program with tax incentives as proposed that will drive significant expansion.

Adaption and Resilience

- AR6 Evaluate Opportunities to Ensure Equitable Consideration of Future Climate Conditions in Land Use Planning and Environmental Reviews
 - Consider climate and biodiversity in Comprehensive Plans – The Waterkeeper is actively engaged in municipal planning board reviews and works to incorporate restricted clearing plans and reforestation plans to mimic natural diversity of tree

species. New online tools, webcasts/tutorials, as a clearinghouse and service for planning boards anywhere will scale the value of such efforts.

- AR7 Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding
 - Right-size culverts – The LGA has worked with several agencies and municipalities, such as Washington County and Soil & Water Conservation Services, receiving targeted funds to up-size culverts for increasing capacity, reducing flooding risk and improving habitat on important tributaries to Lake George such as Foster Brook. This is a practice that requires expansion, employing responsive prioritization criteria identifying those locations of greatest need.
- AR8 Develop Policies and Programs to Reduce Human Risks Associated with New Patterns of Thermal Extremes
 - Adopt green infrastructure – The LGA helped fund the urban reforestation project associated with the West Brook Conservation Initiative/wetlands reconstruction and administered a USFS Urban Reforestation grant for the project, a working example to be used widely for other locations to realize similar results.
- AR10 Develop Policies and Programs to Reduce Risks Threatening Ecosystems and Biodiversity
 - Improve local wildlife and aquatic connectivity – The Waterkeeper developed a comprehensive shoreline buffering restoration ordinance with the Town of Queensbury for any shoreline land use project that was based on the design specifications for the LID Certification System. Again, this approach offers another example that can be added to an online compendium of working examples for others to learn from and adopt.