

Proposal To Allocate Portions Of The New York City Land Acquisition Program Funds For Flood Mitigation Watershed Affairs

Legislators Richard Parete, Shapiro, and Petit and Co-Sponsors: The Governmental Services and Administration Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Ronk, Robert Parete, Madsen and Rodriguez) offer the following:

WHEREAS, New York City Watershed communities have experienced devastating floods of record in 1996, 2006 and again in 2011 in addition to severe localized flooding in 2004, 2005, 2007, 2008, 2009 and 2010, and

WHEREAS, due to changing weather patterns, New York City Watershed communities are experiencing significant, frequent and intense storms that result in severe flooding, and

WHEREAS, the flood events of 1996, 2006 and 2011 delivered record levels of pollutant loading including nutrients, sediment, microorganisms, raw sewage, organic and inorganic chemicals from agriculture, homes and businesses along with debris such as fuel tanks, lumber, homes, businesses, automobiles and livestock to the New York City Reservoirs west of the Hudson, and

WHEREAS, many municipalities and property owners in the watershed have suffered catastrophic damage to property from these flood events reducing individual, business and community financial viability and severely impacting the long-term sustainability of the Watershed Region, and

WHEREAS, the significant, frequent and intense storms and their associated flooding and pollutant loading (if they continue into the future) pose a far more significant threat to the City's Filtration Avoidance Determination than the threat posed by the regulated activities of the existing humans living within the West of Hudson Watershed, and

WHEREAS, upon information and belief, the pollutant loading from flood events far exceeds any long-term pollutant load reduction derived from the land acquisition program as currently administered, and

WHEREAS, as currently administered, the land acquisition program provides little, if any, flood mitigation benefits, and

WHEREAS, many of the communities within the NYC Watershed remain in a state of emergency; many of the major streams and water courses are filled with debris, sediment and trees along large reaches. If those materials are not removed and the stream bed/banks are not restored, the debris will block culverts and block stream channels causing the streams to again jump their non-existent banks, and

Resolution No. 253 November 15, 2011

Proposal To Allocate Portions Of The New York City Land Acquisition Program Funds For Flood Mitigation Watershed Affairs

WHEREAS, FEMA provides funds to local municipalities (reimbursement) to repair and clear municipal property; there are very little funds, if any, to clear stream beds and stream banks along private property, and

WHEREAS, FEMA provides funds to local municipalities to repair and clear municipal property, flood plain regulation required by FEMA preclude and/or restrict property owners whose property damage exceeds 51% of its value to rebuild within the flood plain, and

WHEREAS, local municipalities with severe damage from the flood are concerned that many of the property owners with severe damage will abandon their property due to an inability to rebuild; an inability to afford to rebuild; due to a fear of the next flood and/or due to an inability to obtain financing to rebuild, and

WHEREAS, the local communities would like to allow these property owners to rebuild within the community outside of the floodplain but those property owners need funding, critical infrastructure (water, sewer, electric, telephone, road) and land suitable for development in the vicinity of their existing home and hamlet all at a price that they can afford to finance, and

WHEREAS, in order to prevent NYC from having to expend billions of dollars for filtration, NYC should invest in projects to mitigate and avoid the catastrophic impact on future floods and intense storm events. Such measures include clearing the streams of debris and gravel bars and maintaining those stream corridors on an ongoing basis; to stabilize the stream banks where feasible and practical; and to construct structures (where possible and practical) to slow and mitigate the impact from intense storm events; work with watershed communities to ensure affordable housing for its residents outside of floodplains, and

WHEREAS, Ulster County, as a watershed partner and a municipal government responsible for the welfare of its residents, wants to pursue flood mitigation throughout the county and wants to partner with NYC on these projects along with other resources, and

WHEREAS, there is a sentiment growing among the residents of the watershed that the status quo is no longer sustainable; the flood/storm damage has been too great; the risk of another flood too real; the cost to local residents to build a new home unaffordable; and the funding (including the local cost share) to protect the value of the NYC water supply allocated to controls has little, or no, measurable benefit, and

Resolution No. 253 November 15, 2011

Proposal To Allocate Portions Of The New York City Land Acquisition Program Funds For Flood Mitigation Watershed Affairs

WHEREAS, the residents of Ulster County and the NYC Watershed do not understand why they are required to spend tens of thousands of dollars to address the sediment loading in storm water from a building lot in watersheds scarce in impervious surfaces and new development while little is done to prevent or reduce the potential harm to existing structures and land from significant, frequent and intense storms, and

WHEREAS, the residents of Ulster County and the NYC Watershed do not understand why USEPA and NYSDOH require NYC to spend hundreds of millions of dollars to buy potentially developable land outside the floodplain in communities that have had either stagnant or decreasing populations for over 150 years while, at the same time, not requiring any funds to be spent to prevent the existing hamlets from being severely damaged and carried away downstream to the reservoirs, and

WHEREAS, Governor Andrew Cuomo has come to the Watershed communities (and other communities impacted by the flood) on several occasions in recent weeks (more than any other Governor in recent memory) and he has promised his and the State's support in the rebuilding of our communities -not only to restore - but to make them better than before the recent flood and we thank him for his pledge of support, now, therefore, be it

RESOLVED, that the Ulster County Legislature requests that the New York State Department of Environmental Conservation, New York State Department of Health, the USEPA and New York City revisit the Water Supply Permit and recommend that funding from the Land Acquisition Program be allocated to support flood mitigation that will reduce the long-term risk from pollutant loading caused by major flood events, and be it further

RESOLVED, that the pilot Riparian Buffer Program be specifically tailored for flood mitigation efforts thereby enhancing its effectiveness in reducing pollutant loading caused by flood events, retaining local community character and local sustainability, and be it further

RESOLVED, that the Ulster County Legislature respectfully requests that USEPA, NYSDEC and NYSDOH acknowledge that no amount of land acquisition (not even the acquisition of 105,000 acres over the next 15 years) is going to have a measurable impact on water quality unless flood mitigation is given the highest funding priority and measures are implemented to protect the communities and land from future flood events and intense storms, and be it further

Resolution No. 253 November 15, 2011

Proposal To Allocate Portions Of The New York City Land Acquisition Program Funds For Flood Mitigation Watershed Affairs

RESOLVED, that this resolution be sent to Governor Andrew Cuomo, Kevin McCabe, Senator Kirsten Gillibrand, Senator Charles Schumer, Congressman Hinchey, Congressman Chris Gibson, NYS Attorney General Eric Schneiderman, NYS DEC Commissioner Joe Martens, NYSDOH Commissioner Nirav R. Shah, NYC Mayor Bloomberg, NYC DEP Commissioner Carter Strickland, NY State Senate Majority Leader Senator Dean Skelos, NYS Assembly Speaker Sheldon Silver, EPA Region 2 Director Judith A. Enck, NYS Senator John Bonacic, New York State Assemblyman Clifford Crouch, New York State Senator James Seward, New York State Assemblyman Steven F. McLaughlin, New York State Assemblyman Peter Lopez; Wayne Speenburgh, Chair, Greene County Legislature, James E. Eisel, Chair, Delaware County Board of Supervisors, Harold Vroman Chair, Schoharie County Board of Supervisors, Jonathan Rouls, Chair, Sullivan County Legislature, Watershed County Executives and Managers, Watershed Town Supervisors and Village Mayors, Dennis Lucas of CWT, CWC Board of Directors, James E. Tierney Assistant Commissioner for Water Resources, Thomas Snow DEC NYC Watershed Coordinator, Pamela Young Acting Chief, NYC Watershed Section, Alan Rosa Executive Director of CWC, the Catskill Center for Conservation and Development, Natural Resource Defense Council, Riverkeeper, Nature Conservancy, NYPIRG, Open Space Institute, William Harding, Executive Director, Watershed Protection and Partnership Council, Gene Kelly, Region 4 Director, NYSDEC and William Janeway, Region 3 Director, NYSDEC and the U.S. Army Corps of Engineers,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Felicello, Frey and Sheeley)

FINANCIAL IMPACT:
NONE

Resolution No. 253 November 15, 2011

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15th day of November, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of November in the year Two Thousand and Eleven.

/s/ Karen L. Binder

Karen L. Binder, Clerk
Ulster County Legislature