

NATURAL RESOURCES

Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest.(LWVUS *Impact On Issues*, 2014-2016, p. (44-57)

While much of the action taken by LWFVNY in this area relies on national positions, LWFVNY has developed its own positions on Watershed Protection, Land Use, Urban Sprawl and the Erie/Barge Canal.

Recent League Activity

On June 30th, 2015 DEC Commissioner Joe Martens announced his departure. No replacement for Commissioner Martens has been announced.

Over the last several years the issue relating to the proposed presence in New York and expansion elsewhere of the lifecycle associated with high volume hydraulic fracturing combined with horizontal drilling ("high volume gas drilling") has been a pressing issue so a substantial amount of the efforts of the League's Committee on Energy, Agriculture and the Environment have been focused on that topic. This included educational forums and in 2014 commissioning a study by petroleum geologist Arthur Berman and petroleum engineer Lyndon Pittinger on the economically recoverable shale gas in New York State which we sent to Governor Cuomo and DEC Commissioner Martens. In December 2014, Governor Cuomo announced that based on the results of a health assessment that had been performed by the New York State Department of Health, New York State would not issue permits for high volume gas drilling in New York State. The Committee considers this a successful outcome to its long-term efforts in this area..

In the 2015 legislative session, the Committee recommended passage and the League supported passage of New York legislation (identical bills: S884 and A6859) which would characterize and require the treatment of waste from gas drilling as "hazardous waste." This bill was not passed but is expected to be reintroduced in the next legislative session..

New York State continues to accept waste from out of state high volume gas drilling operations. In addition, gas pipeline expansion, gas storage and train transport of oil through New York and the potential export of liquefied natural gas present formidable challenges which the League has been taking action to meet.

In January 2015, within weeks of announcing the ban on high volume gas drilling, the League wrote to Governor Cuomo to request that imported waste from these gas drilling operations ("frack waste") be included within the ban. No definitive action was taken on this point in the final EIS issued by DEC. The League will therefore continue to support passage of proposed legislation to ban the importation of this waste which has not yet made it to the floor of the state legislature. The League has also been involved at a municipal level with the passage of local laws (in a dozen or more locations statewide) which prohibit the acceptance from out of state of the hazardous frack waste into our waste treatment facilities, our landfills or for road spreading to melt ice or control dust, as this unregulated material ends up in the very water supplies we

seek to protect. New York City currently has a bill to ban frack waste under consideration which is supported by the New York City League. We will continue to pursue the local approach until passage of a statewide ban on frack waste.

If the Port Ambrose Liquefied Natural Gas (LNG) Import Port Final EIS and License Application is released, the New York City League would like to comment and testify on the License Application at a public hearing and perhaps comment on the EIS with the state League.. After this public hearing, Governors Cuomo and Christie must decide within 45 days to support or not support this LNG Port. The state League and the New York City League have already asked Governor Cuomo to disapprove this potentially dangerous Port which would be situated among the shipping lanes coming into the Port of New York and New Jersey, in the same area as a proposed wind farm which has been in the developing and regulatory review processes for some time. If either Governor disapproves this LNG Port, this application will be turned down.

In 2014 The LEAGUE OF WOMEN VOTERS OF NEW YORK STATE supported PASSAGE of (i) the Hazardous Waste Bill A1046/S674 (ii) a Bill which Suspends Hydraulic Fracturing for the Extraction of Natural Gas or Oil; Suspends the Issuance of New Permits for Such Drilling (S012010); and legislation which encourages the development of solar energy throughout NYS. None of those bills made it to a full vote. The League has supported in our written comments to the draft supplemental generic environmental impact statement (known as the SGEIS) and the proposed regulations, a moratorium for a period of 120 days after completion of the EPA's water study on hydraulic fracturing and its potential impact on drinking water sources as well as the results of New York's health review.. The EPA water study and New York's health review are each still in process.

Since fracking was introduced as a topic of importance in New York State, several League chapters throughout New York have been engaged in ongoing public education on the topic by inviting experts to speak on issues relating to potential environmental impacts, health impacts and economic impacts. In certain instances, the League's attention to unconventional gas drilling is addressed at the local level, such as the Algonquin/Spectra and Constitution pipelines-and proposed compressor stations, the proposed Port Ambrose LNG facility and the interstate transport by rail through Albany of crude oil. This coming year proposed legislation which addresses agriculture and renewable energy will be a focus of the committee on energy, agriculture and the environment.

There is also a robust interstate collaboration. For example, the states of New York, New Jersey, Pennsylvania and Delaware work together on matters impacting the Delaware River Basin and the Susquehanna River Basin, such as joint letters to the respective River basin Commissions. We also coordinated with the national League on issues of national importance relevant to our issues. On September 21, 2014 LWV chapters from across the country joined together for the People's Climate March in New York City to support the national League's goal to curb climate change.

New York State was introduced to High Volume Hydraulic Fracturing (fracking) at the 2009 State League convention through Susan Multer who lives in Horseheads, Chemung County. Susan, who was a founding member of and is still active in the LWV of Steuben County, invited

Earthjustice managing Attorney Deborah Goldberg to address the environmental and health effects of fracking. The rest is history. The Hydraulic Fracturing committee (now known as the Committee on Energy, Agriculture and the Environment) has established itself as a leader in New York and within the League network on this topic.

At the 2010 national convention in Atlanta, the Tompkins County, New York League of Women Voters presented a resolution calling for strong regulation of drilling and mining for energy resources. League members from around the country helped with the caucus, the information table, and the lobbying for passage of the resolution, which passed by unanimous consent. (LWVUS Impact on Issues, 2010-2012, p. 46)

Committee member Catherine-Kay-Wagner helped to spearhead this effort.

Since fracking was introduced as a topic of importance in New York State, several League chapters throughout New York have been engaged in ongoing public education on the topic by inviting experts to speak on issues relating to potential environmental impacts, health impacts and economic impacts. Other state Leagues are involved in educating on the issue, as described below. There is also a robust interstate collaboration. For example, the states of New York, New Jersey, Pennsylvania and Delaware work continuously together on matters impacting the Delaware River Basin and the Susquehanna River Basin, such as joint letters to the respective River basin Commissions.

In the summer and early fall of 2010, the E.P.A. held hearings in four states in order to gather information they can use for their study of fracking. Their main focus was to be on the use and risks of pollution of water supplies, but many at the hearings urged them to have a broader scope for their study. Members of the June caucus held at the national convention in Atlanta testified at the hearings in Colorado, Pennsylvania, and Texas. Several local Leagues from around NYS prepared and submitted written statements to the E.P.A. and also gave oral testimony.

In the fall of 2009 local League chapters gave written and oral testimony on the first version of the Draft SGEIS and again in 2011 several local Leagues gave written and oral testimony in response to the updated Draft SGEIS concerning fracking that was produced by the DEC. In January 2013 local Leagues responded to the corresponding proposed regulations written by the DEC and made public in late November 2012.

The LWVNY committee on Energy, Environment and Agriculture has members from counties located in upstate and downstate New York and remains in continuous close contact. When issues or questions arise on the topic from chapters elsewhere in the state or Country, this Committee shares its resource material. Susan Multer keeps an archive of material on the topic. Mary Beilby has a veritable library on any issue related to the topic. This committee has submitted formal written comments to the DEC with respect to the Draft SGEIS in 2009 and 2011 and proposed regulations in 2012 and 2013.

In addition, this committee presented two workshops at the convention held in Albany in May 2011. The workshops were led by committee chair Elisabeth-Beth- Radow (Westchester County) and presentations were also made by Mary Beilby (Cortland County), Susan Multer (Chemung County), and Kay Wagner (Tompkins County) on issues related to fracking. During

the convention they also took the opportunity to brief members of the Cuomo staff on fracking, with emphasis on the complex environmental and economic issues involved. At the 2012 National Convention Beth Radow and Beth Kelley (New York County) collaborated with Roberta Winters (Pennsylvania) and Linda Phillips (California) at a caucus to discuss the environmental impacts of various forms of extractive mining.

LWVNYS wrote memoranda of support for moratorium legislation in 2010, 2011 and 2012; for hazardous waste legislation, in 2012 and 2013 (A1046/S674). The hazardous waste bill, which has not made it to the floor of the Senate for a vote, would require hazardous waste produced from oil and natural gas activities to be subject to the requirements for treatment of hazardous waste, from which they are currently exempt. In a June 2013 letter to the editor of the Times Union, the League urged the Senate majority coalition to bring the hazardous waste bill to the floor for a vote, noting that it had the bipartisan support of 33 senators. However, the session ended without a vote being allowed on the bill.

During the spring of 2013, the LWVNY committee on Energy, Environment and Agriculture has been reviewing information relating to the proposed Liberty Natural Gas Liquefied Natural Gas (LNG) facility (Port Ambrose) which would be located off the New York/New Jersey coast. They are in the process of composing a letter to Governor Cuomo about the committee's findings.

The League has also continued action on natural resource issues other than fracking.

In 2012, the League supported the EPF Enhancement Act (A.10519/S.7525) and recommended that Governor Cuomo sign the bill into law. The bill, which the governor vetoed, would have provided much-needed additional funding for the state's Environmental Protection FUND (EPF).

In 2010, the League joined a number of environmental and cancer prevention organizations in urging Governor Patterson and Governor-Elect Cuomo to reconsider the state's decision to suspend its role in the federal Superfund sites cleanups in NYS.

Earlier in 2010, on the matter of the final environmental impact statement for decommissioning and/or long-term stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center, the League supported the Department of Energy's decision to shorten the time frame for decision-making as stated in the draft EIS, from 30 years to ten years, if the Phased Decision-Making Alternative was chosen. However, the League still favored Site-Wide Removal of the radioactive and other chemical and hazardous waste at the site, maintaining that the site was unsuitable for storage of such waste because of the high precipitation rate in the area and the geographic instability of the terrain, subject to erosion.

In 2009, the League provided testimony before the New York State Committee on Environmental Conservation regarding clean water. The League testimony called for:

- A regional watershed approach requiring regulations that cross municipal boundaries
- Requiring communities to keep their water and sewage infrastructure in good working condition

- Limiting the use of pesticides, herbicides, and fertilizers; and
- Improving coordination between the various agencies charged to protect our drinking water supplies.

Also in 2009, the League saw a major victory with the passage of the Bigger Better Bottle Bill (see Waste Management section for more information).

AIR QUALITY

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016 p. 47-48)

Over the years, the League has lobbied the New York State Legislature to bring New York's laws and regulations into compliance with federal laws. The League was directly involved with defeating the first proposed New York Clean Air Compliance Act (NYCACA); also known as the NY Dirty Air Bill, and the successful passage of the final NYCACA. This brought the state into compliance with the 1990 Amendments to the Clean Air Act (CAAA). However, each year until 2015 regulatory changes will have to be put in place; and League members will have a role to play guaranteeing their timely implementation. The federal Environmental Protection Agency (EPA) will also be releasing rulings on environment standards that New York will need to adopt in a timely fashion. In 1997, the emphasis was on limiting smokestack emissions to reduce ground level ozone and reduction in the size of particles that could be trapped in the lungs. The League and others also argued that southern and midwestern states should not be excluded from the CAAA, as pollution knows no boundaries.

For discussion of clean indoor air, see the **Health Care**

Over several legislative sessions, the League has actively lobbied for burn barrel legislation, which would ban outdoor burning of substances such as leaves, tires, and other toxic materials. This legislation passes the Assembly, but has been stalled in the state Senate.

League participated in the development of state air regulations and the State Implementation Plan (SIP); and members served on the Air Toxics Task Force as one of only two environmental groups. The League will continue to give written and oral testimony as needed to protect air quality.

ENERGY

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016, pp. 50)

For the past few years we have placed increasing emphasis on the role of renewable energy and sustainable practices which address the impacts of a changing climate. The presence of large utility plants raises the issue of upgrading our electrical grid so that it can support renewable energy. We have supported proposed legislation on community solar and will continue to support this legislation as it makes its way through the state legislature. The League has also undertaken research which includes development of a revised grid system which makes sourcing renewable energy more democratic.

In 2015, the League joined other organizations in a letter to Governor Cuomo and speakers of the Assembly and Senate expressing support for the Microbead-Free Waters Act (A. 5896 Schimel / S. 3932 O'Mara). This legislation was not passed in the 2015 session and is expected to be reintroduced in the next legislative session, with bipartisan support. Local ban bills are being passed while the state legislature continues to deliberate on this statewide bill.

Our work also includes ongoing initiatives to make community living more sustainable and resilient through energy choices, conservation and waste management. This includes support for local "solarize" programs, and diverting food waste through public education and community efforts among other things. In the coming year, the League intends to further expand public education on renewable energy options and conservation efforts.

In 1995-97, we continued our support for energy conservation, by serving on a Federal Energy Regulatory Commission (FERC) and a Department of Environmental Conservation (DEC) Collaborative Cooperative Process (CCP) team to re-license the St. Lawrence Dam for the New York Power Authority (Hydropower).

The CCP team process is an experimental idea to regulate sources requiring a FERC license. It allows all interested parties to present issues of concern at the onset—allowing changes only for grammar, content, or consolidation, and only with the consent of the interested party. All interested parties means that if you show up or submit a written statement, you are an official interested party. The purpose is to reduce controversy, limit litigation, and promote understanding. This process should decrease time and money spent on the regulatory process. Several small projects were successful; several were less successful. The team process to re-license the St. Lawrence Dam was the largest project. League principles got quite a workout, mainly because League is the only organization that studies the open process.

Deregulation of the electric utility industry is an area of significant concern at both the state and local levels of League. Trying to sort through the process is difficult because of all of the interests involved. New York continues to have some of the highest utility rates in the country primarily due to the regulatory process and the impact of air pollution. One of the issues addressed in the 1997 Clean Water/Clean Air Bond Act was the purchase of electric vehicles; the state was a pioneer in this area. Since gasoline powered vehicles are the largest source of air pollution, the state has taken an active role in encouraging other low emission vehicles with its support for natural gas-powered buses and cars.

WASTE MANAGEMENT

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016, pp. 50)

Since 1980, the League has supported legislation to encourage source separation and recycling of solid waste. Passage of the Bottle Bill was the League triumph of 1982, the result of an eight-year campaign. We continued to support General Municipal Law (GML) 120AA which mandates municipalities to source separate certain materials such as glass, metals and some papers. Leagues around the state urged local officials to implement and enforce this legislation. In the 1980s, the League adopted the state's solid waste hierarchy of Reduction, Reuse, Recycle, Incinerate and Landfill. In 1991 LWVUS proposed a moratorium on incinerators until fiscal,

health and recycling impacts were fully examined. We have lobbied extensively for an environmentally sound packaging act, which would reduce the amount of packaging, reduce the use of virgin materials, and create recycling markets. This is an area where League members have shown true leadership with the development of the environmental shopping program and school education projects. In this process, League members have joined boards, committees and encouraged solid waste management activities at the local, state, and national levels.

While many New York State localities are doing an excellent job of recycling, and encouraging reuse and reduction, other places have never heard of the Solid Waste Hierarchy or GML 120AA. Therefore, League members continue to advocate and educate.

In 1995-96 most of the legislation raised at the state level was minor. With the stronger incinerator regulations enacted in the year 2007, this issue will become more important. Legislation is still actively being proposed at both the state and federal levels to limit the transport of solid waste across state lines. Business groups continue to try and have regulations repealed, an attempt to pass on to the taxpayers the costs of doing business. For years, waste disposal has been borne by taxpayers and consumers, rather than the manufacturers that produce it. Several communities have passed laws preventing the importation of waste for disposal within their municipalities. However, there is still no real pressure to reduce the amount of solid waste and this will continue until the DEC starts to enforce the recycling regulations. In 2007, Governor Eliot Spitzer appointed an environmentally strong Commissioner of DEC. Our hopes were renewed that recycling regulations would be better enforced.

During the 2003 legislative session, the League revisited an issue from the early 1980's. Because of strong League leadership, in 1982 New York State passed the "bottle bill" that requires a deposit on soft drink containers. Since that time, the use of plastic water bottles, juice bottles, and other non-carbonated beverages has proliferated, and there have been numerous attempts to pass a "Bigger Better Bottle Bill" to include these containers. Passage of a BBBB has been a priority since 2004. With a new governor in office in 2007, there was a major effort by a large coalition, including LWVNYS, to pass a BBBB that would have recycled an estimated two billion additional containers, and generated \$100 million for the Environmental Protection Fund. Governor Eliot Spitzer had included the bill in his budget; but it was removed by the legislature. Governor Spitzer promised to introduce the "Bigger Better Bottle Bill" as separate legislation. Following Governor Spitzer's resignation in March 2008, Governor Patterson came into office and promised to get the legislation passed. The League continued to lobby vigorously for this legislation through to 2009 when the legislature passed the bill and Governor Patterson signed it into law.

SUPERFUND

Funding for Superfund continued to be an ongoing issue in the legislature. Whether the reliance for cleanup was based on engineering controls (creating hazardous waste landfills) or institutional controls (using deed restrictions), this issue fell off the negotiating table following the September 11, 2001 attacks. Late in October, during a special budget session, \$30 million was restored to keep the program running through the 2001 fiscal year.

In the fall of 2003, New York Governor Pataki signed into law new measures to refinance and reform the State's Superfund and Brownfield programs in an effort to clean-up thousands of contaminated properties, and to encourage new investment and redevelopment for local economies. The legislation provides \$120 million a year to refinance New York's bankrupt State Superfund, and expands the program to include additional sites such as dry-cleaning facilities.

The new Brownfields Program offers liability reform, tax incentives, and a predictable process for cleaning up hazardous waste sites throughout the state. By the summer 2007, the environmental community was concerned that tax incentives to developers in the Pataki law far exceeded the actual benefits of the brownfields clean up. It is anticipated that the new Spitzer administration will revisit this issue with new legislation in the 2008 legislative session.

HAZARDOUS WASTE

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016, pp. 50)

Throughout the 1980s and the 1990s, League members have lobbied for a wide range of legislation such as the NYS Superfund Environmental Quality Bond Act, the Hazardous Substances Bulk Storage Act, the Pesticide Reporting Bill, and other regulatory measures necessary to track the use of hazardous substances within the state. Of primary concern has been the disposal of these toxins in a safe and traceable manner. League members have supported upgrades of enabling legislation, commented on proposed regulations, opposed many beneficial use concepts, (designed to hide or disguise the hazardous content of the waste) and supported the rights of citizen suits. We support recognition of Household Hazardous Waste and have worked for public education and safe collection programs.

During the 1995 legislative session, the League gave testimony supporting the use of "volunteer developers" to cleanup polluted sites known as "brownfields," so that they could be used. In 1996, we supported the Clean Water/Clean Air Bond Act, which allocated funds for this purpose. Once signed by the governor, it then appeared on the November ballot for passage by the voters. The League educated voters (pro and con) and encouraged the bond's passage. Following passage, the League worked with other organizations to ensure an open and accountable process for projects selected. This was to ensure that there was equitable management of the allocated funds to promote sound environmental policy.

We are opposed to holding owners of polluted sites liable for cleanup, if they truly are an "uninvolved party." i.e. did not cause the pollution. The League continues to require the state to find the "actual polluters" and require them to pay for the cleanup costs, rather than the taxpayers. The League is concerned about the waste of taxpayer dollars and the time wasted in determining responsibility for brownfield cleanup, and has pushed for a procedure that would serve the best interests of the public.

Pesticide Notification Law

This law was passed in 2000, went into effect in July 2001, and was a major League accomplishment. This is enabling legislation that must be adopted at the local level. This could mean a lack of action because of local costs for implementation.

However, part of the law is mandatory. It requires notification for schools and day care centers. After July 1 2001, public and private schools must notify parents at the start of the school year if pesticides will be used. Parents may request 48-hour notification and the school must make it known three times a year when and where pesticides are used.

Comparative Risk Project to Prioritize Pollution Prevention Activities

The NYS Assembly Legislative Commission on Toxic Substances and Hazardous Wastes issued a publication critical of the Department of Environmental Conservation's report on Comparative Risks. This project was to evaluate and compare the risks associated with toxic chemicals in the state in order to set priorities for the DEC's pollution prevention activities. The project divided work groups into various categories such as Human Health, Ecosystems, and Quality of Life. The steering committee released a Phase I Final Report and charged the Risk Reduction Strategies Work Group with carrying out Phase II. They will build on the risks identified in Phase I to develop a pollution prevention strategy for the state.

The Commission is concerned that the Project has focused too exclusively on the hazards that are well known, while placing little emphasis on problems and chemicals that are less well known. The analysis was limited to quantitative data, and this data is not available for many non-cancerous effects, such as hormone disruption. Out of 1,300 chemicals listed as hazardous by DEC and 70,000 chemicals used in the workplace, the Project evaluated only 220.

As a result, the Project overlooks many of the risks for which little quantitative data is available, such as the risks posed to children by chemical exposure, as well as the risks of developing non-cancerous disease, such as neurological damage, and birth defects.

WATER RESOURCES

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016, pp. 49)

Since 1965, League members have had a continuing interest in water issues leading in 1997 to our state position on WATERSHED PROTECTION. We continue to push for legislation protecting the state's waters. Members serve on water resource advisory committees at all levels. The League works with other environmental and conservation groups statewide to support regulations conserving our resources and protecting the riverine systems (all source waters that lead to a river system) to prevent overuse and pollution. We support statewide strategies as well as financial aid that would rehabilitate water supplies, cleanup wastewater, eliminate watershed threats, meter all sources, and oversee water discharge permits.

As a result, of our position supporting regional management of water resources, the League created:

- The Lake Erie Basin Committee composed of Leagues from New York, Pennsylvania, Ohio, and Michigan.
- The Tri-State Committee (before 1996 - it was the Tri-State League) composed of members from the New York Metropolitan area, New Jersey and Connecticut.

These organizations monitor and advise on water management in their areas. They have alerted other Leagues to take action on legislation or problems that affect their water basins. We support

funding for the Great Lakes Commission, and are following the proposed Great Lakes Water Initiative (better known as the Great Lakes Water “Guidance”). The Guidance will result in a major change in NY’s water regulations. For the first time terrestrial and aquatic resources will have to be taken into consideration when considering regulations. Until 1997, human impact was the only consideration guiding the regulatory process. The importance of the whole ecosystem in maintaining human health is just receiving the attention it deserves.

Through the Tri-State League, we supported the Interstate Sanitation Commission (ISC) which advocates for improved water quality through regulation enforcement, research and monitoring for the Long Island Sound, lower Hudson River Valley and other tri-state waters.

At the 1995 Convention, the League adopted a mini-study: *“Need For Measures to Achieve Watershed Protection for Drinking Water, Including Pesticide Issues.”* The basis for this study was the BOCC League watershed study, which was adopted for concurrence by the Westchester ILO. Upon examination of issue, this study was expanded to two years.

**NEED FOR MEASURES TO ACHIEVE WATERSHED PROTECTION
OF DRINKING WATER, INCLUDING PESTICIDE ISSUES.**

Statement of Position

As announced by the State Board, April 1997

The League of Women Voters of New York State's position is based on the League of Women Voters of the United States water resources position in support of:

- Water resource programs and policies that reflect the interrelationships of water quality, water quantity, ground water, and surface water and that address the potential depletion or pollution of water supplies;
- Stringent controls to protect the quality of current and potential drinking water supplies, including protection of watersheds for surface supplies and recharge areas for ground water.

New York should continue to set standards, determine classifications, and issue permits; in addition, localities may impose more stringent permit limits than the state standard.

The League supports state enforcement compliance with a strong role for county and local government.

In New York State the quantity of water is not an issue; however, there is a need for comprehensive ecosystem management within each watershed. This should include a regional approach to water regulation. League members recognize that management of water supplies will entail higher costs and restrictions.

Additionally, they recognize the need for strengthened contingency plans to provide for alternative supplies of water.

Water quality in New York State is adequate but threatened. Therefore members support strong regulations to reduce nonpoint source pollution. There is a need for education and technical assistance to address issues of best management practices to control nonpoint source pollution. Best management practices should be applied to all sources of nonpoint pollution.

**NEED FOR MEASURES TO ACHIEVE WATERSHED PROTECTION
OF DRINKING WATER, INCLUDING PESTICIDE ISSUES.**

Statement of Position

As announced by the State Board, April 1997 (continued)

The League supports:

- **A regional watershed approach requiring regulations that cross municipal boundaries;**
- **Requiring communities to keep their water and sewage infrastructure in good working condition;**
- **Limiting the use of pesticides, herbicides, and fertilizers; and**
- **Improving coordination between the various agencies charged to protect our drinking water supplies.**

The League is opposed to any proposal by the state for self-monitoring and/or self-determined compliance for water regulations.

In 1998, the NYS Department of Health's Bureau of Public Water Supply Protection began the development of a Source Water Assessment Plan (SWAP) as per the guidelines issued by the US Environmental Protection Agency. Future federal funding for source water protection will require that an approved assessment program be implemented. Millie Whalen, LWVNYS Natural Resources off-board specialist served on the Public Policy Participation working group of the SWAP advisory committee. This working group was responsible for determining the most effective methods for facilitating public participation. Local Leagues were encouraged to participate in the development of the plan via the DOH's teleconference and public meetings held throughout the state. The SWAP was completed in 2000.

LAND USE

(Further Guidelines and Criteria, LWVUS Impact on Issues, 2014-2016 p. 52)

League members have been active in their communities in many land use issues. In 1976, the League did a state study that among other things supported establishing a statewide intergovernmental system for land resource management. This position has been re-examined over the years and found to still be valid. As a result of the 1996 Watershed study, "such as watersheds" was added.

The State Environmental Quality Review Act of 1975 (SEQRA), updated in 1996, was supported by the League. We strongly opposed attempts to weaken.

LAND USE
Statement of Position
As announced by the State Board, May 1976
As amended, (underlined), April 1997

The League of Women Voters believes that New York State must develop an intergovernmental system for land resource management. Such a system would require:

- 1. Local governments to adopt local land use plans under minimum state standards with direct or indirect financial and technical help from the state.**
- 2. Review by higher levels of government of those land use decisions which have larger-than-local impact, such as watersheds.**
- 3. The development of land to meet public needs (such as low and moderate-income housing, recreational and open space uses) under a system which fairly distributes the costs and benefits of such uses within a region.**
- 4. The strengthening of county and multi-county regional planning bodies.**
- 5. The use of regional commissions to represent larger-than-local interest in managing unique natural resource areas of the state.**

The League of Women Voters is concerned that inadequate planning at the state level wastes resources: natural, social and fiscal.

The state must coordinate functional plans of state agencies with each other, with federal programs, and with the budgetary process. The combined impact of state plans and actions upon land use should be considered.

The state must coordinate standards and guidelines in state programs to reduce inconsistencies, which frustrate citizens and local governments.

We supported the laws on Coastal Zone Management in 1981 and the update of these laws in 1992. In 1996, we supported the inclusion of funds of waterfront revitalization plans in the Clean Water/Clean Air Bond Act.

The League supports the inclusion of the principles of the Public Trust Doctrine into our land use laws. Because they have laws that date back to colonial times, New York and the Long Island region have unique status with rights and privileges granted to them. The recognition of these laws has resulted in opening up bodies of water for the public's use.

In 1978, LWVNYS agreed on key components of an intergovernmental process for managing land within the state and supported the Adirondack Park Agency (APA). The key features of the APA that the League supports include:

- 1. Support the Adirondack Park Agency and the State Land Master Plan, including the unit management plans for state-owned lands. This plan calls for comprehensive review every five years.**
- 2. Support the Land Use and Development Plan applied to the private lands in the Park.**
- 3. Support the concept of the state and local governments sharing the planning and control process over use of private lands in the Adirondack Park.**

4. Support local government in providing sound local land use planning throughout the Park.
5. Support preservation of open space, consisting of both private and public lands, and development of supporting facilities necessary to the proper use and enjoyment of the unique wild forest atmosphere of the Park.

The League continues to monitor changes to the Park, supporting some that we feel strengthen the original legislation and opposing proposed laws that weaken the purposes of protecting this unique natural resource.

The League supported legislation designed to improve the quality of land use planning and enforcement. Passage of these bills was an attempt to codify court decisions that have occurred over the years and to provide a uniform basis for zoning.

In 1990, we supported the Environmental Quality Bond Act, which was defeated by the voters. However, we continue to support the establishment of an Environmental Trust Fund/Act that follows the NYS Open Space Plan for land acquisition. This Trust Fund could be used for such environmentally necessary purposes as closing landfills, supporting recycling programs, and funding sewage treatment projects. We have also supported the creation of a dedicated fund to finance these activities. This dedicated fund has been subject to raids on the monies or non-disbursement of funds and has been the subject of much dispute.

Funding for the Environmental Protection Fund received no monies in the 2001 executive budget. It continues to be funded by fees (\$125 million this year). The legislation did not add any funds in the “bare-bones” budget and following the September 11 attacks; there was no impetus to include any new monies.

In the spring of 1999, the LWVNY was a co-sponsor of the National Audubon Society of NYS’s Smart Growth Conference held in Albany.

URBAN SPRAWL

At convention in 1999, delegates voted to review study materials necessary for concurring with a statement pertaining to urban sprawl. That review took place in Spring 2000 and the State Board announced the following new position:

**URBAN SPRAWL
Statement of Position
As announced by the State Board, May 2000.**

In order to conserve natural resources and improve the quality of life for its residents, New York State should take a proactive role in regional land use planning, enhancing urban neighborhoods, containing urban sprawl, and protecting agricultural land, open space, watersheds and other sensitive areas.

The League's natural resources positions on land use are based on positions reached from 1958 through 1986; on water in the 1960's; on equality of opportunity in 1968; and on access to transportation, and on regional and metropolitan planning to prevent haphazard urban growth from 1971 through 1988. The League's urban policy position to promote the economic health of cities and improve the quality of urban life was announced in 1979. In 1976, the state League did a study that led to a position in support of establishing a statewide intergovernmental system for land resource management. The position on watershed protection, arrived at in 1997, is the most recent.

Armed with its new position on Land Use, the League has followed pertinent developments around the state initiated by the governor, the legislature, and civic groups.

In early 2000 Governor Pataki issued an executive order creating the Quality Communities Interagency Task Force charged with studying community growth and with developing measures to assist communities in implementing effective land development, preservation and rehabilitation strategies. League members participated in the roundtable discussions held by the Task Force around the state. Its report entitled, *State and Local Governments-Partnering for a Better New York*, was issued on January 31, 2001. The report includes 41 recommendations for improving the quality of life in communities throughout New York.

The New York State's Quality Communities program, as developed in the report, emphasized collaborating with localities and a using bottom-up approach to curbing sprawl, rather than the State leading by articulating a coherent vision and taking action to support it.

An informal coalition of 30 organizations was established at the first Smart Growth Conference in 1999 to monitor and guide the next steps for achieving smart growth in New York State. The State League joined the Smart Growth Working Group (SGWG) in January 2001. In addition to monitoring the Quality Communities Interagency Task Force and its Advisory Committee, the SGWG lobbied the State Legislature on smart growth issues. Implementation of the Quality Communities Task Force Report was the focus of the Third Annual Smart Growth Conference held in April 2001 in Albany. The Conference, which the State League cosponsored, was held under the leadership of Audubon New York and the SGWG that it chaired. The SGWG and the Department of State jointly conducted a fourth Smart Growth Conference on May 25 and 26, 2004. The conference proceedings were published, but there has been little activity since then.

The State League worked with a coalition, the Campaign for CPA, in support of a statewide "Community Preservation Act" in 2006 and 2007. The act would allow local communities to create community protection funds to protect open space, support working farms, and preserve

community character using funds raised by a real estate transfer fee. Legislation for the five East End towns on Long Island was enacted 10 years ago and since renewed. Thousands of acres have been preserved. Warwick and Red Hook, Chatham and Fishkill have also worked to secure this same Community Preservation legislation. In August of 2007, Governor Spitzer signed into law the "Hudson Valley Community Preservation Act" for cities and towns in Putnam and Westchester counties.

In December 2007, Governor Spitzer established the Governor's Smart Growth Cabinet by executive order. The executive order recognized that state policies, practices and capital investments shape economic development and land use patterns throughout the state, and can have the unintended effect of encouraging sprawl, development of open space, shifting investment away from developed areas and abandoned areas. It stated, "New York State government can take affirmative actions to encourage communities to use "smart growth " to grow and develop in a responsible, efficient, and sustainable manner that enhances quality-of-life, environmental quality , and economic prosperity," marking a significant change in the role of the state regarding land use. The Cabinet consists of the commissioners of all state agencies that affect land use. It reviews state regulations, practices and policies and advises the governor on the most effective mechanisms to promote and facilitate smart growth in the state. A Smart Growth Office was also created within the Department of State's Division of Local Government to oversee the Smart Growth Cabinet. Governor Paterson has continued support for the Smart Growth in the state.

Smart Growth bills have been introduced in the legislature for the past several years. In 2008, for the first time, a smart growth bill, State Smart Growth Principles Act (S.8612, A.7335a), passed both the Assembly and the Senate. The bill "directed state agencies and public authorities to adopt and utilize smart growth principles." The LWVNYS sent out an action alert in support of this bill. However, Governor Paterson vetoed the bill stating that its "amorphous" definitions and weak language made it unenforceable and that the Smart Growth Cabinet was sufficient to accomplish the goals of the bill. The bill was a watered down version of the State Smart Growth Infrastructure Policy Act introduced by Congressman Sam Hoyt (A 7335) and reintroduced (A543) in 2009. This bill defined smart growth principles and requires state agencies to base funding decisions on these principles.

In early 2009, the League officially joined Empire State Future. Empire State Future (<http://www.empirestatefuture.org/>) is "a coming together of many civic improvement organizations, planning groups, and individuals interested in advancing the principles of "smart growth" and turning them into reality in cities, towns and villages all across the Empire State." Empire State Future monitors the activities of the governor's Smart Growth Cabinet and smart growth initiatives throughout the state. It is currently (2009) organizing regional smart growth groups bringing together organizations within a region which support smart growth principles. A

conference, cosponsored with the Department of State, titled, “Revitalizing NY: Building a New Economy through Sustainable Development” was held in Schenectady in October 2009.

With leadership from the State, the prospects for Smart Growth and sustainable development in New York are better than they have ever been.

While neighboring states are doing something about sprawl and preserving open space (Connecticut, Massachusetts, Pennsylvania and New Jersey have all adopted new legislation since 2000), New York has lagged behind.

ERIE/BARGE CANAL

ERIE/BARGE CANAL

Statement of Position

As announced by the State Board in 1994

The League of Women Voters of New York State supports the use of the Erie/Barge Canal for recreation purposes.

In addition LWNYS stresses the need for controlled economics and recreational development. Any development should maintain the aesthetic character of the canal in all its projects. Recreational development along the Canal should also balance historic preservation and public access.

The League favors the continuation of the regional planning process with full public participation to monitor and comment on the “Canal Recreationway Plan” as it evolves over time.

At convention in 1993, the delegates voted to study the Erie/Barge Canal System for concurrence with the Rochester Metro League’s position statement of: “Support of reconditioning of the New York State Erie/Barge Canal System and its development for recreational uses.”

Local Leagues responses, and adoption by the State Board enabled us to support the Recreationway Plan adopted in 1995. Members will continue to monitor its development and implementation. This has the potential to become the longest linear park on the east coast, and a historic asset for the public.

GREAT LAKES ECOSYSTEM

In September of 2011, the Michigan League of Women Voters contacted LWNYS, hoping to have New York and other states in the Great Lakes area adopt this position by concurrence. Council in 2012 agreed to put the question to local leagues. All local leagues who responded agreed to concur with the position and the geographic distribution requirements for concurrence were met. Accordingly, the state Board approved the following position in March 2013.

**Great Lakes Ecosystem
Statement of Position
As announced by the State Board in 2013**

The League of Women Voters of New York supports preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem.

We support the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution prevention. Water conservation should be a high priority of all governments in the Basin.

I. Protective Measures

To achieve protection and improvement of this valuable, international resource, the League of Women Voters of New York supports efforts to:

A. Limit uses of "fragile," historical, cultural and scenic shoreline areas.

B. Preserve wild and pristine areas within the watershed, with no new development in these special habitats without adherence to strict criteria as prescribed by federal, state, or local governments.

C. Provide for appropriate recreational opportunities in and public access to sensitive areas without destruction or harm to the ecosystem.

D. Protect the quality of the air and waters of the ecosystem by strict adherence to agricultural, industrial, residential, environmental, and commercial zoning regulations that prohibit the introduction of toxic or polluting discharges or detrimental land use techniques within the Basin.

E. Protect the remaining dune formations. Enforce strict regulations of sand dune mining or development on the dunes.

F. Strengthen upstream land management to eliminate sources of siltation and pollution.

G. Control the invasion and spread of non-native aquatic and terrestrial nuisance species.

II. Threats to the Ecosystem

The League of Women Voters of New York opposes the following activities as they can lead to the degradation of the special natural resources of the Great Lakes Ecosystem:

A. Inefficient or excessive water uses. Proposals for new or increased withdrawals within the Basin, e.g. for agricultural or municipal uses, should be carefully evaluated before being permitted. Withdrawals should be regularly monitored for potential or actual damage to the ecosystem.

B. Destruction of marshes and other wetlands throughout the watershed. Mitigation should be accepted only as a last resort. Mitigation proposals should be rigorously evaluated and projects should be strictly monitored to assure no net loss to the ecosystem.

C. New or increased diversions or transfers by any means of Great Lakes waters and adjacent groundwaters to a place outside the Basin. Projects already in place should be carefully monitored and restricted if there is evidence of damage to the ecosystem.

D. Dredging and filling of river inlets, harbors, lakes or wetlands except for tightly-controlled, non-degrading and non-repetitive activities.

E. Discharge to air or water of toxic pollutants and other material from industrial, agricultural, residential or commercial operations that may damage the ecosystem in violation of laws and ordinances.

**Great Lakes Ecosystem
Statement of Position
As announced by the State Board in 2013 (continued)**

III. Public Participation

The League of Women Voters of New York supports informed and responsible action on behalf of the preservation of the Great Lakes Ecosystem. Relevant information should be readily available to the public. Opportunities for public input should be timely, accessible, convenient and well-advertised.

IV. Role of Government

The League of Women Voters of New York supports:

- A. Coordination of functions among various governmental agencies charged with protecting the Great Lakes and elimination of unnecessary overlap.**
- B. Use of area-wide coordinated management plans and techniques in the solving of Great Lakes Ecosystem problems.**
- C. Participation by all affected governments in the Basin in review and decision-making on Great Lakes agreements and projects, facilitated in open meetings and hearings.**
- D. Strengthening of existing mechanisms for intergovernmental discussions and decision-making.**
- E. Separation of responsibility for submitting recommendations for governmental projects from issuing permits for such projects.**
- F. Monitoring and enforcement of treaties, ordinances, laws and master plans.**

V. Research Priorities

The League of Women Voters of New York believes that research on Great Lakes issues should focus on:

- A. Effective, non-toxic control and removal of invasive aquatic and terrestrial species.**
- B. Restoration of health to the overall resource.**
- C. Survival of native aquatic and terrestrial species and their nutrient sources.**
- D. Continual testing of Great Lakes water quality for impact from the following: pesticides and fertilizers, resistant bacteria, persistent pharmaceuticals and other chemicals.**
- E. Evaluation of water accountability systems, groundwater monitoring and water use planning and conservation efforts throughout the Basin.**