

VETO MESSAGE - No. 60

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 8349, entitled:

"AN ACT to amend the environmental conservation law, in relation to the protection of certain streams"

NOT APPROVED

This bill would amend Article 15 of the Environmental Conservation Law (ECL) to add Class C streams to the list of streams for which a DEC-issued permit would be needed prior to disturbance of the bank or bed of such streams. Under the classification system used by the Department of Environmental Conservation (DEC), Class C streams can support fisheries and their best usage is for non-contact activities. The lowest classification of a state water body is Class D.

While well-intentioned, this bill would have a tremendous fiscal impact on state and local government. It would more than double DEC's existing planning and oversight role, adding approximately 40,000 miles of Class C streams over and above the 36,600 miles of streams class A &

of Class C streams over and above the 36,600 miles of streams class A & B subject to DEC permitting authority currently. The workload on DEC alone, associated with reviewing, issuing and enforcing permits associated with disturbance of these resources, cannot be accomplished without adding significant numbers of full-time staff. Moving forward with such a significant expansion of the DEC's water program without addressing the funding needs would lead to lengthy permitting delays, and jeopardizing the thorough and necessary review of all projects.

Although the ECL does not currently require DEC-issued permits for all Class C streams, these streams nevertheless 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. Absent a full plan for funding these changes, I am constrained in this fiscal climate to veto the bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

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