

1 **2022 Fall Seminar**  
2 **Standing Committee on Transportation and Public Works**  
3 **Resolution #2**

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5 **Resolution Opposing Legislation that Jeopardizes the Efficacy of the Water**  
6 **Quality Permitting Process by Unnecessarily Doubling the Volume of**  
7 **Permits that Must be Handled by the State**  
8

9 **WHEREAS**, the New York State Legislature passed a bill that seeks to reclassify class C  
10 waterways as “protected streams” and subject them to provisions of the New York State  
11 Department of Environmental Conservation Protection of Waters regulations; and

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13 **WHEREAS**, the proposed change would now include “C” streams in the same class as  
14 C (T) trout and other streams; and

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16 **WHEREAS**, C streams in most instances are inconsequential, having little if any  
17 impact on the environment; and

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19 **WHEREAS**, if signed into law, this bill will negatively impact local highway  
20 departments and departments of public works (DPW) as well as many farm operations;  
21 and

22  
23 **WHEREAS**, in many counties and towns, up to 80 percent of locally owned bridges  
24 and culverts could be located around C streams, requiring projects to now secure state  
25 approval and design a 150 percent span of the full bank—causing, for example, a  
26 \$90,000 culvert replacement project to become a \$1 million-plus bridge project; and

27  
28 **WHEREAS**, it is estimated that the volume of MOUs and permit applications as a  
29 result of this new law would double, overwhelming an already time consuming and  
30 burdensome process and could make many of these vital public works projects cost  
31 prohibitive; and

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33 **WHEREAS**, the magnitude of the number of increased applications for permits can be  
34 expected to render the water protection program unworkable or, at best, prevent timely  
35 processing of applications for critical projects that may have wider impacts such as those  
36 on AA and AA (T), A and A (T), B and B (T), and C (T) streams; and

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38 **WHEREAS**, local highway maintenance resources are already stretched to the limit,  
39 and the unnecessary burden and delay in permitting could be untenable for many local  
40 governments and could result in inordinate road closures, possible flooding and  
41 disruptions of travel within communities that would have to find ways around a failed  
42 culvert or bridge crossing for an extended amount of time before state permission may  
43 be granted and the additional funds become available, which could be never depending  
44 on competing priorities; and

45  
46 **WHEREAS**, an identical bill was vetoed in 2020 by the Governor, who wrote that  
47 while well intentioned, the bill would have a tremendous fiscal impact on state and local

1 governments by adding more than 40,000 miles of Class C streams over and above the  
2 36,000 miles of streams now subject to state review would lead to lengthy permitting  
3 delays for all projects; and

4  
5 **WHEREAS**, these C stream projects already receive significant oversight by the state’s  
6 County Soil and Water Conservation Districts (Districts) to address nutrient runoff from  
7 agricultural activities, implement flood recovery programs and provide technical  
8 expertise to municipalities to address infrastructure needs, and the existing  
9 conservation efforts accomplished by the Districts will continue to ensure that adequate  
10 environmental controls are placed on these streams.

11  
12 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
13 Counties (NYSAC) opposes this bill and requests that Governor Hochul veto the  
14 measure as unnecessary and burdensome to county efforts to maintain transportation  
15 infrastructure and, if signed, would double the volume of permits to be reviewed, issued,  
16 and enforced by the state, jeopardizing the thorough and necessary review of all other,  
17 more significant water quality projects; and

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19 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
20 of New York State encouraging member counties to enact similar resolutions; and

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22 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
23 the Governor of the State of New York, the New York Legislature and all others deemed  
24 necessary and proper.