

National Audubon Society

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MEMORANDUM

To: Great Lakes United Board of Directors
From: David J. Miller, National Audubon Society *DJM*
Re: Governor Cuomo's Great Lakes Basin Advisory Council
Date: January 18, 1990

Happy New Year! Enclosed is a copy of our end of the year report to Governor Cuomo for the Great Lakes Basin Advisory Council. Next year we hope the report will be more comprehensive, but it is a good start in the few months we had to put it together. The diversity of the Advisory Council (from county executive to local businessperson, from union representative to agency official from water authority director to, of course, us) is great, and consensus is high. I look forward to any comments you may have on our progress.

In addition, there are three articles enclosed. One on the report and the others on a bond act proposal for New York. The bond act proposal is a priority issue across the state, and any assistance GLU can provide would be greatly appreciated.

Hope to hear from you soon, and best wishes.

DJM:mmk
Enclosures



STATE OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

THOMAS C. JORLING
COMMISSIONER

December 15, 1989

The Honorable Mario M. Cuomo
Governor, State of New York
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

On behalf of the members of the Great Lakes Basin Advisory Council, this letter constitutes our first end of the year report outlining our objectives and preliminary recommendations on Great Lakes management issues facing New York State. Since your appointments in July of 1989, the Council has held two meetings; September 26-27 in Buffalo, and December 4-5 in Albany. Attached is a current listing of Council members and the minutes of meetings held in 1989 are available for your review.

On Council membership, we still have three vacancies for academic, sportsmen and business representative slots. We respectfully ask you to pursue the necessary administrative procedures in order to finalize the full membership of the Council.

The Great Lakes-St. Lawrence River ecosystem is truly a jewel not only in New York State, but the entire world. Our responsibility to be stewards of this magnificent resource is of international importance. In the legislation creating the Council, it is mandated that we report to you and the legislature on our recommendations for Great Lakes programs to be pursued by New York State in the spirit of proper stewardship of the resource. The Council will utilize the legislative definition of the Great Lakes Basin including the entire drainage basin of the Great Lakes and St. Lawrence River upstream from Trois Rivieres, Quebec, within New York State boundaries. The Council in its deliberations has prioritized its management areas to fulfill this task.

The Council members will encourage cooperation and coordination among all state agencies providing for long-term management, planning and government policies to enhance the quality of Great Lakes Basin resources. The Great Lakes Basin Advisory Council will concentrate on the following four objectives in pursuing its legislative intent.

1. Review and make recommendations on the state's proposed 25 Year Plan for the management of the Great Lakes. This activity would be based on the draft Great Lakes Agenda, comments received at public hearings, expertise of Council members, inter-agency committee activity and input of state agency staff. The Department of Environmental Conservation has outlined a process for the Council's involvement over the next 18 months. Updating of the 25 Year Plan for the Great Lakes should be mandated later in the 1990's as new policies and information are generated.
2. Develop legislative recommendations at the end of each calendar year for upcoming sessions of the legislature. The Council would work with state agency staff in reviewing all Great Lakes related proposed legislative initiatives and propose new initiatives to be investigated based on expertise of the Council and activities listed in objective one. This activity will be the foundation of our annual report to the state as called for by the legislation.
3. Assess the state land acquisition needs of the Great Lakes Basin in relation to the wildlife habitats, coastal zones, water access, regional landscapes, parks (urban and rural) and historic preservation. Work with the Natural Resource Division of DEC and the Grants and Land Acquisition staff of OPRHP to fully understand the acquisition process, policies and priorities to provide the most effective mechanism for Council recommendations.
4. Review and advise proposals before the Council of Great Lakes Governors and other regional entities for the Commissioners' and/or Governors' action. The Great Lakes Basin Advisory Council would need a set of guidelines to be established in consultation with the Commissioners' and Governors' offices in order to prioritize this function and establish a realistic review process.

While our work pertaining to these objectives is currently limited in scope due to limited time the Council has had to deliberate, we offer the following preliminary recommendations for your consideration in 1990. We will provide you with a more comprehensive report on an annual basis in years to come.

Great Lakes Agenda and 25 Year Plan:

The Great Lakes Basin Advisory Council views this planning process as an essential ingredient to the future stewardship of the Great Lakes-St. Lawrence River ecosystem. The Council members will play an active role in the subcommittees established by the Department of Environmental Conservation in the development of the 25 Year Plan. The Council has worked with the Department of Environmental Conservation in the establishment of three working subcommittees to address major issue areas of the 25 Year Plan. These subcommittees will address issues such as toxic contamination to the lakes, fluctuating lake levels and the protection/management of our fish and wildlife resources. These three subcommittees are:

1. Restoration and Protection of Water Quality

- Contaminated sediment assessment and remediation.
- Airborne toxics control.
- Wastewater management.
- Nonpoint source pollution control.
- Water and biological monitoring, air quality monitoring.
- Implementation of the Great Lakes Water Quality Agreement.

2. Water Quantity Management

- Diversion and consumptive uses.
- Fluctuating lake levels.
 - a. Climate change.
 - b. 1958-D-IJC Regulatory Plan.
 - c. Flooding and erosion controls.
- Implementation of Great Lakes Charter provisions.

3. Management of Natural and Coastal Resources

- Protection of critical environmental resources.
- Land acquisition and public land management.
- Fish and wildlife habitat.
- Forest and farmland management.
- Natural gas management.

In addition to these three subcommittees, the Council strongly recommends that a fourth subcommittee/working group be established in the area of sustainable economic development. Sustainable economic development issues will impact the success of the work performed by the other subcommittees. The state must not only review how regulatory and natural resource programs impact economic conditions in the Basin, but also understand the future economic trends so that a sustainable development course can be set which is integrated with our environmental objectives. The subcommittee outline would be:

4. Sustainable Economic Development of New York's Great Lakes Basin

- Review of regulatory programs and institutional arrangements.
- Population, demographic and development trends.
- Compatible economic growth and use of the resource with environmental and natural resource objectives.

It was determined that economic issues must be part of the 25 Year Plan if we are to in turn address environmental concerns. Economic plans for the Great Lakes Basin can be complimentary or in direct conflict with our environmental objectives depending on the degree of integration and incorporation of a sustainable economic development ethic. In an ecosystem approach, jurisdictional or program boundaries like "water quality" and "land use control" are in some measure artificial. Water quality supports certain land uses, and creates incentives or disincentives for different kinds of economic development in the watershed, as when pollution control makes recreational use of the resource attractive. Conversely, development affects water quality. Given the relationship between water quality and economic development activities (land uses), it is at minimum necessary to make some assumptions about the impact of foreseeable land uses in the Great Lakes Basin, and to avoid developments that would undermine the restoration of beneficial uses.

Economic development and environmental health are not competing ends, to be in some sense reconciled or traded off. While in the short term environmental factors may be viewed by some as a constraint on economic growth, it is clear that over the longer term, sound environmental decision-making is a requirement for, rather than a hindrance to, sustained economic development. While the desirability of moving toward sustainable development is beyond doubt, the means to be employed in meeting this goal are far more problematic. It is no longer sufficient for government to regulate the most obvious polluters. Full involvement of all

interests of society and more complete consideration of the effects of activities are necessary. What is urgently needed is an information gathering approach that will provide a set of ecological, economic and social criteria that enable us to make judgments about the integrity of the resource and thus allow us to measure sustainability. Therefore, the Council recommends that the Executive Chamber determine the appropriate agency to take the lead in the 25 Year Plan inter-agency task force on this issue and encourages all agencies to take an active role in these deliberations.

The Council also recommends that in the spirit of taking a comprehensive approach, all members of the Great Lakes Inter-agency Steering Committee for the 25 Year Plan need to participate in all subcommittee activities that pertain to their programs.

This Advisory Council, in recognizing the need for a 25 Year Great Lakes Plan which emphasizes a balanced ecosystem as vital to the future environmental, social and economic health of New York State, wishes to make the following recommendations regarding structure and process to consider in developing this Plan. These recommendations are made in a spirit that stresses the need for the Plan to be a living and evolving document through time, that the Plan place priority on the concepts of sustainable development and that the Plan take a system-wide approach by recognizing the linkage in major system components that are otherwise often addressed independently.

To draw attention to the need for a comprehensive approach for the 25 Year Great Lakes Plan, to identify interrelationships among resources and activities and to provide a reference for guiding the deliberations of the various subcommittees, the following matrix is suggested by the Great Lakes Basin Advisory Council as a tool for the subcommittees to use. Each subcommittee should attempt to apply the activity components of this matrix to the various questions asked under the environmental issues.

REFERENCE MATRIX FOR SUBCOMMITTEE GUIDANCE

	WATER QUALITY	LIVING RESOURCES	WATER QUANTITY	SENSITIVE AREAS
Recreational Boating				
Recreational Development				
Fisheries Development				
Commercial Development				
Industrial Development				
Resource Development				
Navigation				
Port Facilities				
Agriculture				
Demographics				

Legislative Recommendations for 1990:

The Great Lakes Basin Advisory Council will provide recommendations on priority proposed legislative initiatives that impact the Great Lakes Basin. In future years, the Council may also be in a position to recommend new legislative concepts for your consideration directed at the management, protection and conservation of the Great Lakes-St. Lawrence River ecosystem. In this year's report, we have recommendations regarding the Great Lakes Protection Fund and budgetary needs of the Council.

On the Great Lakes Protection Fund initiated by the Council of Great Lakes Governors under the Great Lakes Toxic Substance Control Agreement, the Council fully supports New York's participation. The Council members believe the new programs under the Fund and the establishment of the Fund is vital to New York's Great Lakes interests. The Great Lakes Protection Fund will provide needed resources to investigate toxic contamination in the Great Lakes and develop remedial technologies to fulfill our clean up objectives. The Council recommends that the Executive Chamber and the legislature move rapidly forward in the 1990 session to enact a revenue source for New York's \$12 million share of the Fund. The Council believes that any new revenue source for the Fund must have a sunset provision set at the time when New York's full share is raised.

Finally, the Council recommends that the legislative initiative for the Great Lakes Protection Fund in the New York State Legislature be a free standing proposal. By standing on its own, a Great Lakes Protection Fund of 1990 will hold greater importance and clarity. The Council believes that this clarity will increase widespread constituency support throughout the Basin.

Regarding the budgetary needs of the Great Lakes Basin Advisory Council, we request a modest line item to pursue the tasks outlined for the Council. The line item request of \$80,000 will be augmented by thousands of volunteer hours and support of existing agency staff. The proposed uses of the line item request are below and reflect the basic needs of the Council. Currently, we are only funded at a \$5,000 per year level.

Natural Resource Policy Specialist	\$40,000
Travel for Full Council and Subcommittee Meetings	12,000
Printing for Annual Report, Newsletter and Stationery	12,000
Administrative Expenses/Service	5,000
Part-time Clerical Assistance	7,500
Public Meeting Cost, Summaries	<u>3,500</u>
Total Budget	<u>\$80,000</u>

The Council appreciates the support the Department of Environmental Conservation to date, but we recognize the need for a modest line item to truly accomplish our objectives. We also appreciate the resources of all agencies on the Council and foresee increased demands on them in the next year to complete the 25 Year Plan. Therefore, we urge you to encourage each agency to devote the necessary resources to complete the Plan and work of the Council.

Land Acquisition Programs for the Great Lakes Basin:

The Council has strongly embraced its objective to assess the land acquisition needs of the Great Lakes Basin and provide recommendations to protect the region's heritage. For purposes of land acquisition assessments, the Council has determined it will focus its attention on New York's entire Great Lakes Basin excluding the Adirondacks. We believe any review on our part in this area pertaining to the Adirondacks would be duplicative to the efforts of your fine Commission on the Adirondacks in the Twenty-First Century. Traditionally, New York State has not considered the Great Lakes Basin as a vital unit for land acquisition

programs. The Council believes that special attention and focus should be on the Great Lakes Basin for state land acquisition priorities as done in the past for regions such as the Adirondacks, Catskills or Hudson Valley. Preliminary assessments by governmental and non-governmental bodies have identified at least \$500 million of land acquisition and parks program projects in the Great Lakes Basin.

Therefore, the Council strongly supports the establishment of a new state-wide land acquisition program, such as a 1990 Bond Act, to help address the land acquisition needs of the Basin. The Council also supports the inclusion of the following project categories in any new land acquisition program.

Wildlife and Endangered Species Projects to protect significant fish and wildlife populations, imperiled plant and animal species and rare natural communities;

Drinking Water Projects to protect groundwater aquifers and surface watersheds;

Environmentally Sensitive Land Projects to acquire lands of unique character or special ecological significance, including tidal and freshwater wetlands;

Public Access to state lands through development or modernization of access facilities such as boat launches, trail networks and parking facilities;

Working Landscape Preservation to protect land base and assure the long term viability of natural resource based economic activities, such as farming, forestry, sport and commercial fishing, hunting and outdoor recreation.

Forest Preserve Projects to acquire necessary additions to the Adirondack and Catskill Forest Preserves;

State Park Projects to provide new outdoor recreational opportunities through acquisition or modernization of state park lands and facilities;

Scenic Landscape Protection to preserve landscapes and landscape corridors which provide significant recreational, cultural, historical or aesthetic resources;

Metropolitan Shoreline Projects to provide urban waterfront access in major metropolitan areas along the Atlantic Ocean, the Great Lakes and the Lower Hudson;

Coastline Projects to provide open space, scenic vistas and working landscapes along New York State's Great Lakes shorelines;

Municipal Park Projects to provide new open space and recreational opportunities in cities, villages and towns, including the modernization of existing facilities;

Historic Preservation to restore privately-owned, local and state historical properties.

The Great Lakes Basin Advisory Council stands ready to assist in the pursuit of a new land acquisition program for New York State. In the next year, the Council will focus on three areas to supplement the establishment of a new land acquisition program for the state of New York.

1. Request from government agencies and review a Public Lands Profile of all land preservation and park holdings of local, county, state and federal governments in New York's Great Lakes Basin.
2. Identify and recommend the educational outreach needs in New York's Great Lakes Basin for land acquisition programs.
3. Prioritize areas for land acquisition in New York's Great Lakes Basin and review tools of protection including total fee acquisition, conservation easements, local zoning powers and other appropriate mechanisms. In addition, the Council will begin to review the policies of local assessors and the tax implication of land acquisition programs to communities and private landowners in the Basin.

The Great Lakes Basin Advisory Council requests your support of these initiatives and believes future land acquisition programs will be a determinant factor in shaping the future character of the Great Lakes Basin.

Regional and International Agreements, Compacts and Councils:

While there are no proposals/programs before the Great Lakes Basin Advisory Council currently in regard to New York State's participation in regional or international matters regarding the Great Lakes-St. Lawrence River ecosystem, the Advisory Council stands ready to assist the administration and legislature in future deliberations. We are hopeful that the Great Lakes Basin Advisory Council is viewed as a resource for you and the state agencies to utilize and assist in the development of New York's positions on issues ranging from the implementation of the Great Lakes Water Quality Agreement to the provisions of the Great Lakes Charter. The Great Lakes Basin Advisory Council awaits your judgment on how

we can best serve you on these issues before the Council of Great Lakes Governors, the International Joint Commission or other Great Lakes oriented regional, national or international governmental bodies.

Finally, the Council believes New York State plays a vital role in pending and future federal legislation impacting the Great Lakes Basin. The Council urges that the state review pending legislative initiatives, whether in relation to the Clean Water Act, Clean Air Act, Coastal Zone Management Act or other related programs, on their past impact and potential future benefit to the Great Lakes-St. Lawrence River ecosystem. The Council urges the state to continue discussions with other Great Lakes states on these matters and, where feasible, develop joint position statements.

The members of the Great Lakes Basin Advisory Council are proud to serve New York State in developing, reviewing and guiding Great Lakes policies. We look forward to your reaction to our first report to you and are hopeful that we may be able to present next year's findings to you in person.

Thank you for allowing us to provide this important service to New York State.

Sincerely,



David J. Miller, Chairman
Great Lakes Basin Advisory Council
of New York State