
IV-M: Institutional Resources

New York State is renowned for its complex system of local governments as well as its “home rule” philosophy. The Batavia Kill Watershed is typical of many places in New York with a mixture of local municipalities, county government, state and federal agencies as well as the City of New York all having a role in the management of natural resources in the watershed. The successful implementation of this SMP will require close coordination of multiple stakeholders, many of which are governmental in nature.



1. LOCAL GOVERNMENT

The Towns of Prattsville, Ashland and Windham are located wholly or partially within the watershed. The town governments have the authority to adopt landuse plans and regulations, and to enforce state and federal laws such as, the Uniform Building Code and the Floodplain Management Laws. At the time of this report, none of these towns had zoning laws in place, but all three towns had site plan review laws and minimum lot size regulations in effect. As mentioned previously in the report, there are no incorporated villages in the Batavia Kill watershed.

In the watershed, the Greene County Legislature also has authority to enact legislation which relates to natural resource management. The county can utilize provisions in NYS County Law to establish flood protection districts and erosion hazard districts, which may also influence management of the Batavia Kill stream. The Batavia Kill Watershed District is one example of the use of provisions in NYS County Law. Currently, county involvement in the watershed is primarily focused on transportation infrastructure. Greene County also provides technical assistance to watershed communities through the Greene County Planning Department, Greene County Promotions Department, and the Office of Community and Economic Development. In 2002, the Greene County Legislature approved funding for a new program under the GCSWCD which provides additional technical assistance to NYC watershed communities. This Watershed Assistance Program is discussed later in this document.

2. STATE GOVERNMENT

The State of New York undertakes activities in the watershed under a number of authorizations. First, the state is the largest single landowner in the Batavia Kill watershed, owning 6,732 acres of property, which represents approximately 10% of the total watershed area. These lands are protected, and are considered favorable for long term management of the watershed.

In addition, under the Environmental Conservation Laws, the state also regulates activities related to stream management (Article 15), wetlands (Article 24), water quality (section 401) solid waste, hazardous materials, floodplain management, and hunting/fishing. The NYS Department of Health has a role in oversight of the NYC Filtration Avoidance Determination (FAD), while the NYS Department of State is providing technical assistance and funding for planning activities for the watershed communities. NYSDOT is also a significant stakeholder with portions of State Routes 23 and 296 located within the watershed.

3. FEDERAL GOVERNMENT

The activities of the federal government in the Batavia Kill watershed primarily focus on its authority to regulate activities related to streams and wetlands (“Waters of the United States”). Under the jurisdiction of the U.S. Army Corp of Engineers, any activities related to dredging or filling in these waters is subject to regulatory review and permitting.

Other federal interests in the watershed include the U.S. Geological Survey (USGS), the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS), and the U.S. Environmental Protection Agency (EPA). The USGS is conducting a number of research activities in partnership with NYCDEP and others. The NRCS actively deals with agricultural and flood mitigation projects. The United States EPA is involved in oversight and evaluation of the NYC Filtration Avoidance Determination (FAD). The Federal Highway Administration and Federal Emergency Management Agency also have an active role in watershed management, especially when related to flood damage to transportation infrastructure.

4. NEW YORK CITY

The New York City Department of Environmental Protection has authority in the watershed under the recently updated “Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources” 1997. The watershed rules and regulations have a direct relationship to the recommendations as set forth later in this SMP. The NYCDEP maintains a large professional staff of planners, engineers, scientists, and environmental analysts as well

as an enforcement bureau and professionals from several other specialty fields associated with watershed protection and management.

5. OTHER UNITS

In the watershed, at least two other organizations have responsibilities with a direct link to watershed and stream management issues. The Batavia Kill Watershed District is governed by a local board of directors, charged with oversight and management of flood control structures. The Greene County Soil & Water Conservation District (GCSWCD) has been active in the watershed for many years. The GCSWCD was initially formed to enable the procurement of flood control technical assistance and funding from NRCS (then the Soil Conservation Service). Since its inception in September 1961 through an act of the Greene County Legislature, the GCSWCD has facilitated many conservation programs in the watershed, providing direct technical assistance to both private landowners and municipal governments.