

Committee on Resources

Witness Testimony

Written Testimony By:
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It is a pleasure to support H.R. 901. While I recognize this bill speaks to both Heritage areas and Biosphere designations I will confine my remarks to biosphere designations.

A little more than two years ago I received a call from a constituent who was inquiring as to my position and the position of the localities within my Senate District of a proposal to make the counties of Sullivan, Delaware, Schoharie, Greene, Ulster and the Southwest Portion of Albany County part of a "Biosphere."

This call somewhat surprised me as there had not been a tremendous amount of publicity regarding this matter. I was then informed that a group of not-for-profit corporations had nominated the area for this designation. Unfortunately, those corporations never received the approval of the affected localities.

To the extent that there was local support, the bulk of that support came from a series of non-profit corporations and state agencies, some of which are not head-quartered within the proposed biosphere.

It seems to me that by making this nomination and supporting this nomination, those organizations were choosing to speak for the people of the Catskills without the consent of the people of the Catskills. Additionally, in fairness, two letters were written by elected officials - one from Congressman Hinchey and one from former State Assemblyman Kevin Cahill.

I don't come here to be critical of anyone or any organization who supported this proposal. Apparently they thought it was appropriate to write letters of support. I am bothered, however, that this effort went forward absent the support of the local municipalities that are closest to the people. Without that consent, I believe it to be presumptuous of state or federal officials to involve themselves in a local issue; especially in an issue like this where, as it turns out, even a rough survey of the population demonstrated that there was far greater opposition than support.

Equally troubling was that the sponsoring organizations refused to provide copies of this application to local officials who requested them. What those organizations failed to recognize was that while non-profit corporations come and go, municipalities and the people of the area must live on with the consequences of their actions when they directly affect the land use rights of those municipalities.

This brings us to the crux of the problem as to how Biosphere's are presently designated: Anyone can nominate any area anytime without any local official body knowing about it and approving it. The legislation such as being proposed by Chairman Young will stop that and I applaud such an effort.

In our case, this legislation would have ensured that local governments were given a voice instead of having to have local officials force their voice upon the sponsoring agency. This would have allowed local officials and private property owners to review the biosphere. In the instance of two years ago it was exceptionally

difficult for local people to view the proposal for a number of reasons.

First, local governments were not formally asked for resolutions in support or opposition to the proposal prior to its being submitted.

Second, when the announcement was made that the Catskills had been nominated, copies of the nomination were not even available in every county much less every town. In fact, of the seven counties that were nominated, copies of the nomination were only available initially in three of those counties (not until there a public outcry were copies given to every county).

While supporters will contend that the nominating process was open, I hardly think any process is open if the end result of that process - **namely an actual copy of the nominating application** is not locally available. This type of serious problem would not occur in the future, if Chairman Young's bill is enacted. The Chairman's bill will require participation and involvement on the part of localities and private land-owners - in short, it will open the process up.

Those who were proponents of the designation will argue that the biosphere designation had been discussed publicly years before it was nominated. Irrespective of the truth or lack thereof of that statement, most people of the Catskills that I know are so busy working and trying to raise a family that they have little time to travel all over the region speaking out about regional proposals. Likewise, most local government officials that I know are also busy trying to improve their municipalities that they do not have time to travel all over on proposals such as this. This legislation will not only ensure that nominating organizations be **able** to get input from affected property owners and local governments, but in fact **require** such input.

I feel however I would be remiss if I did not specifically point out the concerns raised by local governments regarding the Biosphere who expressly passed resolutions opposing the biosphere. The concerns raised by these localities are many; but can be summarized as follows:

1. The biosphere, under the terms of the application, was a tool which would allow new regulatory proposals to be made. The application itself provided that one of the most important reasons the City of New York wanted to become part of the biosphere was to improve their regulatory ability over lands in the watershed. So for those who contend this was not a regulatory tool, the application itself implies otherwise.
2. The sponsoring organizations when asked if they would defer to those municipalities that wanted to be excluded from the biosphere and remove those municipalities from the biosphere would not publicly answer that question and ultimately responded not with an answer but by pulling the proposal. This unanswered question leaves in doubt the respect that these organizations would give to localities in any future project - be it a biosphere or otherwise and is a continuing source of concern.
3. Finally, and most importantly, this legislation will protect the rights of private property owners. Even if a locality consents to its land being used, and even if the state consents to its land being used, it is imperative that the rights of private property owners be respected.

While we expect that local government officials will generally speak for the residents of the area; those private property owners must be allowed to speak **for themselves first**. To allow that and more importantly to require that will ensure that the true home rule - not in a governmental sense; but true home rule in a private property rights sense will be maintained. Specifically, members of the agricultural community must have a right to stop these "voluntary designations" from being placed on their land without their consent.

I urge the House of Representatives to enact this legislation so as to provide assurance to every local government in America that they and the citizens that make them up will speak for themselves.

Thank you very much.

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