

**Danby Town Board
Minutes of Budget Workshop Meeting
October 18, 2010**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dylan Race

Excused:

Dan Klein

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley

Budget Discussion:

The TB engaged in a lengthy discussion about funding for the Youth Services program. Dylan Race reported on a meeting between municipalities and the County regarding whether funding can be restored in the county budget. It seems that the Youth Services program is being used as a political “hot potato” in terms of which level of government should raise its tax rate to pay for it.

The County may restore \$50,000 to the program. The rest would have to be raised by municipalities. Race suggested that it might be useful to re-vision the most appropriate partnerships for Danby youth. He reported that a followup meeting will be held to come to a more realistic agreement for what will be done. Race suggested that \$10,000 be the upper limit, with \$5,000 preferred, of Danby’s contribution.

Shawley presented a new “tentative budget” with a suggested strategy to cover some of the Youth Services funding and needed reserves. There were discussions about building reserves, rate stabilization reserves to address state retirement increases, and future large equipment needs at the Highway Department. The Town Hall will need foundation work in the next few years and a grader will need to be purchased for highway maintenance. Staffing levels in the town hall offices were also discussed. Halton suggested that a list of major maintenance and improvement projects be compiled for the purpose of long-range budget planning. There was a short discussion regarding potential energy and historic structures grants for improvements in the Town Hall.

There was a lengthy discussion about the impact on the tax rate for property owners in Danby. The proposed budget, including the general fund (Town Hall), Highway Department, Water District, and Fire Department, shows an increase of \$50,096. Consensus was that the budget should be kept to a level for a decrease in the tax rate, rather than an increase, particularly since assessments have gone up. The current estimate is for a .232% decrease in the tax rate. For every \$100,000 of assessment, the tax bill will decrease \$1.70 from 2010.

The next budget workshop will be part of the November 1 Town Board meeting.

State Forest Strategic Plan:

The TB voted on the resolution to submit comments to the NYS DEC regarding the draft State Forest Management Plan. It was agreed that some additional persons should be sent the resolution and comments.

Resolution No. 120 of 2010 – COMMENTS ON THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION’S DRAFT STRATEGIC PLAN FOR STATE FOREST MANAGEMENT.

WHEREAS, Approximately one-quarter of the Town land area is located within the Danby State Forest, which dominates the southern portion of the Town, and

WHEREAS, The management of the Danby State Forest will be guided by the Rapid Waters Unit Management Plan, currently under internal Department of Environmental Conservation review, and

WHEREAS, Unit Management Plans set forth specific actions to be undertaken by Department of Environmental Conservation on individual State Forests, including actions related to “supporting local communities,” “mineral resources,” and “active forest management” (among others) that are of direct concern to local municipalities, and

WHEREAS, The Strategic Plan for State Forest Management, once adopted, will serve as a guide and provide the foundation for the final Rapid Waters Unit Management Plan, making the contents of the Strategic Plan for State Forest Management a significant element in future actions affecting one quarter of the Town of Danby’s land area, now therefor be it

RESOLVED that the **TOWN OF DANBY** submits the attached comments on and suggestions for revision of the New York State Department of Environmental Conservation’s Draft Strategic Plan for State Forest Management, and be it further

RESOLVED, that copies of this resolution and of the comments shall be forwarded to:

Rob Messenger and Justin Perry
NYS Department of Environmental Conservation
Bureau of State Land Management
625 Broadway, 5th floor
Albany, New York 12233-4255
(518) 402-9428
Fax: (518) 402-9028

as well as to New York State Department of Environmental Conservation Commissioner Alexander P. Grannis, Governor David Paterson, Assemblymember Barbara Lifton, State Senator James Seward, U.S.Representative Maurice Hinchey, and Frank Proto of the Tompkins County Legislature.

Moved by Halton, Second by Race. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

[see comments in Appendix A]

An additional letter will be sent from the Planning Board.

Adjournment

A motion to adjourn the Meeting was made at 9:05pm.

Pamela S Goddard, Town Clerk

Appendix A

Danby comments on DEC's Draft Strategic Plan for State Forest Management

To the NYS Department of Environmental Conservation Bureau of State Land Management:

We have developed these comments because the strategic plan adopted for state forest management will have a significant impact on the Town of Danby (Tompkins County, NY). Approximately one-quarter of the Town land area is located within the Danby State Forest, which dominates the southern portion of the Town. The management of the Danby State Forest will be guided by the Rapid Waters Unit Management Plan, currently under internal Department of Environmental Conservation review. Unit Management Plans set forth specific actions to be undertaken by Department of Environmental Conservation on individual State Forests, including actions related to "supporting local communities," "mineral resources," and "active forest management" (among others) that are of direct concern to local municipalities. The Strategic Plan for State Forest Management, once adopted, will serve as a guide and provide the foundation for the final Rapid Waters Unit Management Plan, making the contents of the Strategic Plan for State Forest Management a significant element in future actions affecting one quarter of the Town of Danby's land area.

Summary – We, the Town of Danby, strongly encourage you to abide by your primary mission of promoting healthy, ecologically diverse State Forests. We endorse the priority given to ecosystem integrity and to landscape ecology in the draft strategic plan, and see this as consistent with our Town's comprehensive plan. We endorse your efforts at promoting habitat connectivity and limiting further forest fragmentation, and encourage your efforts to remedy existing forest fragmentation. We are concerned, however, that the plan does not spell out strong strategies to prevent fragmentation, water supply contamination/depletion, and other negative impacts resulting from potential shale gas extraction in the State Forests. The strategic plan when revised and adopted should more clearly articulate the potential cumulative impacts of shale gas extraction using high volume hydraulic fracturing (including road and pipeline infrastructures, impacts on migratory birds and bats of intensively illuminated drilling rigs, and water withdrawals) and judge these impacts unacceptable in light of the DEC's mandate to manage State Forests so that future generations, too, can benefit from them.

New York State Forests – Article 9, Title 5, of the Environmental Conservation Law stipulates that State Forests shall be "forever devoted to reforestation and the establishment and maintenance thereon of forests for watershed protection, the production of timber and for recreation and kindred purposes."

Danby State Forest – The Danby State Forest comprises 7,337 acres in the Finger Lakes Region, in which diverse biological communities have been well documented, in part due to the Forest's proximity to Cornell University and other entities committed to environmental and ecological research. The Forest is widely used for hiking, hunting, cross-country skiing, tracking/monitoring of changes in animal populations, and other recreational and citizen-science purposes. The vista from Thatcher's Pinnacle, located within the Danby State Forest, was designated a Distinctive View in Tompkins County's 2007 Scenic Resources Inventory.

Unique Natural Areas – There are eleven Unique Natural Areas (UNAs), totaling approximately 5,313 acres in Danby. The Tompkins County Environmental Management Council has so designated these eleven areas due to their possession of outstanding environmental qualities that deserve preservation and protection. Two of the UNAs are largely within the Danby State Forest (Thatcher's Pinnacles near Bald Hill and Station Road, and the Michigan Hollow Swamp and Ponds). The Michigan Hollow Swamp and Ponds UNA, including Jennings Pond and lands to the south, has forested wetlands that may be the most diverse in species of any such wetlands in New York State, according to the Tompkins County Unique Natural Areas Inventory of 1990.

Watersheds – The Forest straddles the "Danby Divide" – Its streams flow into both the St. Lawrence and Chesapeake watersheds, and the Town is actively engaged in the protection and improvement of both watersheds as well as of Town water supplies.

Ecosystem Integrity and Landscape Ecology – In light of these interests, we support the overall approach taken in the draft plan to develop “[a]n ecosystem based management strategy [that] will holistically integrate principles of landscape ecology and multiple use management to promote biological diversity, while enhancing the overall health and resiliency of State Forests” (p. 39). It is consistent with the Town of Danby’s comprehensive plan that “State Forests will be managed, in the context of their surrounding landscape, to increase connectivity and biodiversity, and to enhance the resiliency and sustainability of the greater ecosystem” (p. 42).

Promoting Habitat Connectivity and Limiting Further Forest Fragmentation – Given the trajectory of development and urbanization in the Town and the Finger Lakes region, we concur with the draft document that “the importance of State Forests in New York State as protected open space, working demonstration forests, recreational areas and core wildlife habitats, along with the ecosystem services they provide, will undoubtedly continue to grow over time” (p. 46). It is crucial that management of and permitted activities within the Forest prioritize the protection of biological diversity and core wildlife habitats, promote habitat connectivity, and reduce habitat fragmentation. In line with this, we concur with the draft plan’s statements that “State Forests are not an appropriate setting for industrial-scale wind farms that would require permanent clearing of land” and that the “DEC will resist the establishment of new utility ROWs [Rights of Way] to limit future fragmentation of the forest” (p. 168).

Concerns Regarding Exceptions to Commitment to Unfragmented Habitat Blocks – We applaud the commitment to sustaining unfragmented habitat articulated in the draft plan. We, however, are concerned by the statements, also on page 168, that “State Forests are more appropriately used for providing unfragmented habitat blocks along with smaller-scale openings created for...oil and gas production” and that “An exception [regarding new utility ROWs] may be made for future oil and gas exploration and development which has been specifically authorized by the NYS Legislature.”

Predicted Richness Overlays – We are pleased to learn of the availability and use of “Predicted Richness Overlays” [PROs] as a GIS data layer to be “consulted prior to any timber sale contract, oil and gas lease, or construction project” (p. 123) in order to prevent development that could negatively impact biological diversity. As stated in the plan, “In addition to protecting known occurrences of rare plants and animals or high quality natural communities, DEC Foresters are now able to look for new or unknown occurrences in areas where the PROs indicate areas where the elements might be present” (p. 123).

Water Supplies and Quality – The Town of Danby has a particular interest in water supplies, and has worked for several years with the USGS to conduct an aquifer study. The role of the Danby State Forest in local water supplies and water quality preservation is significant, and waters from the Forest flow into both the St. Lawrence and the Chesapeake Watersheds. We concur with the statement in the draft plan that, “The important role forests play in producing high quality fresh water cannot be overstated. Forests serve as nature’s water filters and regulate water flow by storing rainfall and releasing it into streams at a more even rate.” (p. 107) It is crucial that management of and permitted activities within the Forest prioritize the protection of water supplies and water quality.

Archaeological/Historical Resources – The Danby State Forest is located in a region with a long history of human habitation and archaeological/historical resources in the Forest stem from Haudenosaunee, Early European/ Revolutionary War Veteran, and subsequent waves of European settlement. Thus we concur with the draft plan’s statement that “A *do-no-harm* approach should be applied where possible artifacts are identified, until such time as a full archeological review can be conducted to establish the true nature of the find” (p. 142).

Shale Gas Extraction – In contrast to the majority of the draft strategic plan, there are numerous unresolved contradictions in the section on Mineral Resources, particularly pertaining to Marcellus shale gas development. In addition, there is a significant disconnect between the narrative discussion and the proposed objectives and actions related to Mineral Resources. The Town of Danby is in a region of the state that overlies the Marcellus shale, and is particularly concerned that this aspect of strategic planning be consistent with Town interests since the Danby State Forest comprises approximately 25% of our land area.

Although the draft strategic plan carefully outlines opportunities for public input in the case-by-case decisions regarding leasing specific tracts of State Forest land nominated by industry, the mitigation measures outlined in the plan (in combination with measures in the proposed SGEIS) in our view would not adequately protect State Forest land, biota, and water in areas where shale gas extraction occurred.

Pennsylvania State Land Experience – In particular, we recommend that the DEC examine carefully issues that have been encountered in Pennsylvania with regard to shale gas extraction operations on State Land, including a major blowout and release of high volumes of natural gas and produced water during a hydraulic fracturing operation on State Forest Land in June 2010:

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=12818&typeid=1>

In another instance, an illegal impoundment was built on a wetland of “exceptional value” in the Tioga State Forest:

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=14655&typeid=1>

The draft strategic plan makes numerous references to funding and staffing cutbacks. It goes without saying that strong staffing levels would be required to monitor drilling operations in New York State Forests to prevent the kind of incidents seen in Pennsylvania.

Water Use Impacts – Page 231 of the draft strategic plan states, “A significant amount of concern with hydraulic fracturing has been expressed both within and outside DEC due to the high volume of water used (up to eight million gallons per well). This water is usually obtained from area water bodies and streams prompting concerns with impacts on aquatic life and stream dynamics. Other concerns have been raised with the chemicals added to the hydraulic fracturing solution.... Significant concerns remain with the proper treatment of hydraulic fracturing solution after it is drawn back out of the well at the completion of the hydraulic fracturing process.... Any decision regarding hydraulic fracturing on State Forests will be deferred until current efforts to assess and analyze its impacts have been completed.” However, no specific mitigation measures are described, and the related action step (MR Action 6 under MR Objective II) states only: “Adopt a policy on water use for oil and gas extraction, based on information in the Division of Mineral Resources GEIS.” Such a policy cannot be generic, but must grant priority to the unique status of State Forest Lands and to the Department’s mission in protecting and preserving them.

Well Pad Densities – The plan proposes well pad densities ranging from one well pad per 320 acre tract to far higher densities, excluding only densities equal to or exceeding one well pad per 80 acres. This is stated on page 233 of the draft strategic plan: “DEC may consider well pad densities of greater than one well pad in 320 acres only when the additional impact can be addressed with heightened mitigation measures and well location restrictions. These will address well site placement, along with routing considerations for supporting roads and pipelines. An additional SEQR analysis will need to be conducted. In any event well pad densities of one well pad in 80 acres or greater cannot be considered, as this would result in unacceptable impacts to the resource and cause conflicts with other uses and goals for management of the property.” The draft SGEIS on shale gas extraction, however, uses 640 acre spacing units as its standard. It is unclear why this document emphasizes a higher density of development on lands that the NYS ECL states shall be “forever devoted to reforestation and the establishment and maintenance thereon of forests for watershed protection, the production of timber and for recreation and kindred purposes.”

The draft proposes developing a system in which some lands would be opened for intensive development, while other lands would be subject to greater protections. As stated on page 233, “The process of locating well sites will be guided by a drilling hierarchy that incorporates stand management objectives. The hierarchy will first consider drilling in areas such as fields and conifer plantations. Drilling options will decrease as stand management moves from even aged to uneven aged conditions. The least favorable locations for drilling will be in stands managed for old growth characteristics.” This is translated into MR Action 1 (MR Objective 1):

“Apply a hierarchical approach that classifies areas of each State Forest into four categories as part of a tract assessment to be conducted prior to leasing.

Category A - Compatible with well pad, road, and utility development.

Category B - High Forest Canopy Areas with one well pad per State Forest.

Category C - 250 foot stream and designated recreational trail buffers. Not compatible with well pad development; may be compatible with road and utility development.

Category D – Infrastructure Exclusion areas. Not compatible with well pad, road, or utility development.”

Well pad densities as outlined in the draft strategic plan would impose catastrophic cumulative impacts upon the Danby State Forest. At a density of one well pad per 320 acres, the Danby State Forest would potentially have as many as 23 multi-well pads; maximum densities (one well pad per slightly more than 80 acres) would potentially result in 90 multi-well pads in the same area. Even a single multi-well pad used for shale gas extraction would be associated infrastructure (access roads, gathering and transmission pipelines), intensive truck traffic (thousands of truck trips, as outlined in the draft SGEIS), potential for massive local water withdrawals, industrial level illumination of drilling operations affecting resident and migratory bird species, potential for accidental or illegal spills, and risk of fire in an area that has historically experienced catastrophic forest fires. The mitigation measures outline in the draft plan are not adequate to off-set threats to the integrity of State Forest Lands such as these.

Tract Assessment – One of the primary safeguards for State Forests nominated by industry for shale gas development would be comprehensive tract assessments of the location’s capacity to withstand surface impacts. These assessments should be conducted by land managers and foresters whose primary focus is on preserving and enhancing State Forests and their biota. However, the draft strategic plan suggests that this work will be conducted in coordination with Mineral Resources staff, without specifying the terms or the collaboration or defining the roles played by staff of two units with potentially competing interests. On page 233, the draft strategic plan states, “It is recognized that DEC’s review will result in reserving some sensitive State Forests (or parts thereof) from any oil and gas development impacts by use of ‘non-occupancy leases’. Under this type of lease, well pads, access roads and gathering pipelines will not be located on the State Forest.” This suggests that the default position is to enable shale gas extraction activities, and stands in contrast to the draft strategic plan’s discussion of the importance of comprehensive assessment. In our view, a default position excluding shale gas extraction would be more consistent with the DEC’s mission and mandate regarding State Forest Lands.

Unresolved Issues and Policies under Review – Many of the elements presenting the greatest shale gas extraction impacts on State Forest Lands remain unresolved in the draft strategic plan. These include policies regarding pipelines, seismic exploration, injection disposal of wastes, tract assessment procedures, and water use. MR Objective II defines the need to “Clarify DEC’s position on outstanding issues affecting the management of mineral exploration, extraction and transportation on State Forests” and lists these concerns. Their resolution prior to any lease offerings or shale gas extraction activities on State Forest Land is essential.

Precautionary Principle – We encourage the Department to adopt a “do-no-harm” approach to questions of shale gas extraction on State Forest land and remain mindful of its vision for State Forest management: “State Forests will be managed in a sustainable manner by promoting ecosystem health, enhancing landscape biodiversity, protecting soil productivity and water quality. In addition, State Forests will continue to provide the many recreational, social and economic benefits valued so highly by the people of New York State. DEC will continue the legacy which started 80 years ago, leaving these lands to the next generation in better condition than they are today.” As in the Department’s legislative mandate, economic development interests should in no way eclipse the primary environmental protection effort. (“The quality of our environment is fundamental to our concern for the quality of life. It is hereby declared to be the policy of the State of New York to conserve, improve and protect its natural resources and environment, and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state, and their overall economic and social well-being.” [Environmental Conservation Law 1-0101(1)])

Split Estate – It should be noted that Danby State Forest is one location where the Federal government holds mineral development rights.

Supporting Local Communities – It should be noted that no objectives or actions related to the draft strategic plan for Supporting Local Communities rely on shale gas extraction or other activities related to mineral resources. On the contrary, they emphasize the assets provided by intact forests (e.g., LC Objective II “Improve local economies through forest-based tourism;” and LC Objective III “Protect rural character and provide ecosystem services and open space benefits to local communities.”). As stated on page 244, actions include:

“Increase the level of timber harvesting on State Forests at least to 1990’s levels, not to exceed the statewide sustainable threshold;

Support local governments and school districts through payment of property taxes according to law; and

Provide local chambers of commerce and regional RC&D councils information about State Forests and the opportunities they present.”

The interests of the Town of Danby will be best served through the careful management of the Danby State Forest for the sustainable provision of biomass, the promotion of citizen-science and recreational opportunities offered by the Forest, and the protection and enhancement of the Forest’s unique and irreplaceable ecosystems and water resources.