

A flood of new costs

By Will Doolittle - will@poststar.com | Posted: Tuesday, February 2, 2010 1:00 am



Corinth added to Conklingville Dam alert system

The public benefit corporation that prevents floods along the Hudson River by regulating the flow in major tributaries lost the source of most of its revenue in a court decision in late 2008.

Now the Hudson River-Black River Regulating District is working on a plan to fund its operations by assessing five counties - Warren, Washington, Saratoga, Albany and Rensselaer - for flood control benefits.

The regulating district needs to cover a \$4.4 million budget for the current fiscal year, which means the assessment on each local county will reach into the hundreds of thousands of dollars, at least.

For county officials already forced to cut programs and lay off workers to balance their budgets, the news of an additional large expense is unwelcome.

Fred Monroe, chairman of the Warren County Board of Supervisors, said he heard an estimate that Warren County's share would be 6 percent, or about a quarter-million dollars.

"The county is very reluctant," he said. But, he added, "We might have no choice."

The share of the costs demanded from Saratoga County could be substantially higher, according to Glenn LaFave, the regulating district's executive director.

"Warren and Washington don't have as much," he said. "They don't have as much land in the floodplain. Saratoga, Albany have substantial amounts because of their geography and topography. Rensselaer has some."

The regulating district has come up with an apportionment formula for splitting the \$4.4 million among the five counties. That split is now being considered by the Department of Environmental Conservation.

If the DEC approves the split, the district will hold a hearing for public input and will also allow the counties to contest it.

He wants to finish the process by the end of the district fiscal year on June 30, LaFave said, but the counties could resist any charge.

"Saratoga County's position is going to be no," said Willard "Bill" Peck, supervisor of Northumberland and chairman of the Saratoga County Board of Supervisors. "We don't know what they think they're going to assess us."

Hydro-electric power plants along the Hudson River are the ones "really benefitting from this," Peck said of the regulating district.

"We are of the position that we are not responsible," he added.

Changing course

Until the 2008 court decision, more than 80 percent of the regulating district's revenue came from assessments on downstream hydro-electric power producers that benefit from control of the water flow on the Hudson River.

New York set up the Hudson River Regulating District in 1922 to prevent downstream flooding with a system of dams and reservoirs. In 1930, the district built the Conklingville Dam on the Sacandaga River in northern Saratoga County, creating Sacandaga Reservoir, now known as Great Sacandaga Lake.

The Great Sacandaga covers 42 square miles, with 125 miles of shoreline, and is the largest reservoir in the state. At the Conklingville Dam, district operators impound water or release it, controlling the flow of the Sacandaga River and, further downstream, of the Hudson River, preventing floods in the spring and boosting the flow during dry periods.

The district also regulates the flow on another Hudson River tributary, the Indian River, from the Indian Lake Dam. Through its dams, the district controls about 40 percent of the waters in the huge Hudson River basin, from the Adirondacks to New York City.

The U.S. Court of Appeals ruled in 2008 that the regulating district could no longer fund most of its operations through assessments on downstream power plants, even though the plants benefit from the regulation of the river's flow and for decades had been making the payments.

Eventually, the district will be able to cover some of its costs by charging the hydro plants "headwaters benefits," but those assessments will fall short of the former ones and, in any case, will not be determined for more than a year.

In the meantime, the regulating district is looking to the counties to keep it going.

Ripple effects

The regulating district owns a buffer zone of land around Great Sacandaga Lake on which it pays property taxes, and it also pays taxes on the submerged land under the waters of the reservoir.

Its inability to pay those taxes this year to local school districts like Broadalbin-Perth is hurting those already-poor districts in an especially difficult budget year.

"They're telling us that they're making efforts to get the money," said Stephen Tomlinson, superintendent of Broadalbin-Perth. "It's money we've been counting on."

The regulating district owes Broadalbin-Perth \$256,000 for the current year, and owes \$1.4 million to various school districts in the area.

"It's not a good time for this to happen," said Stephen Tomlinson, superintendent of Broadalbin-Perth.

Meanwhile, the regulating district has hired an engineering group to conduct an examination of the district's operations, separate from the flood control benefit assessment the district is engaged in with the DEC.

The engineers' examination could bring in other beneficiaries, such as Hudson River municipalities that need a steady river flow to operate wastewater treatment plants, that the district could charge.

In 1959, the Hudson River Regulating District was merged with the Black River Regulating District. The Black River flows northwest out of the Adirondack Mountains to Lake Ontario.

As with the Hudson River district, the Black River district was formed to control flooding.

Early in the 20th century, before the districts were formed, according to the regulating district's director, Glenn LaFave, flooding was a regular and devastating occurrence.

"We have photographs, literally, of rowboats on Broadway in Albany," he said.

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