

THE SENATE
STATE OF NEW YORK

RANKING MINORITY MEMBER

HOUSING, CONSTRUCTION AND
COMMUNITY DEVELOPMENT
INSURANCE



**SENATOR
PAMELA A. HELMING
54TH DISTRICT**

COMMITTEES

AGRICULTURE
COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS
CULTURAL AFFAIRS, TOURISM, PARKS
AND RECREATION
RACING, GAMING AND WAGERING

March 8, 2021

Honorable Andrea Stewart-Cousins
Majority Leader and Temporary President
New York State Senate
330 Capitol Building
Albany, NY 12224

Honorable Carl E. Heastie
Speaker
New York State Assembly
932 Legislative Office Building
Albany, NY 12248

Honorable Robert G. Ort
Minority Leader
New York State Senate
315 Capitol Building
Albany, NY 12224

Honorable William A. Barclay
Minority Leader
New York State Assembly
933 Legislative Office Building
Albany, NY 12248

Dear Senate & Assembly Conference Leaders:

Governor Cuomo's attempt to abolish an institution created by his father to provide guidance on New York's Canal System, and to have the State government abdicate its nearly two-century old responsibility for canal governance, is as objectionable as it is shortsighted.

The so-called "New York State Canal System Revitalization Act" included in the Governor's 30-day budget amendments is flawed in both its premise and its legislative policy, and worse, represents a major shift in the governance of New York State's 524-mile Canal System without the benefit of any public or stakeholder input into a proposal which could put the economic future of hundreds of businesses and canal communities in jeopardy.

Astonishingly, the proposed legislation outlines "critical issues of public importance" such as flooding, habitat, and history, but does not once mention in that context "navigation" – the purpose for which the canals were built and the source of the greatest positive impact felt throughout 300 cities, towns, villages and hamlets along its banks today. According to a recent study by the Erie Canalway National Heritage Corridor (ECNHC), today's operating canal system generates \$1.5 billion in annual economic impact in those communities.

Adding insult to injury, the Governor proposes to replace the Canal Recreationway Commission (Commission), a body comprised of 10 individuals representing canal communities and interests, as well as six public entities, with a new "trust corporation." What the proposed legislation does not detail is that the work of this Commission was halted by New York Power Authority (NYPA) when it assumed control of Canals in 2017. The Commission had been working on an update to the 1995 Canal Recreationway Plan, required by existing law, entitled "Canal 2025."



This “Canal 2025” Plan – a draft of which was prepared by CHA Consulting on behalf of the Commission, focused on building on the existing attributes of the Canal – rather than claiming that canal infrastructure is obsolete, and seeking to repurpose it, as NYPA now does. Required by statute to meet quarterly and report to the Governor and Legislature annually on its activities, it is our understanding that NYPA has not convened the Commission since 2018 – again a direct violation of existing law.

The move to now abolish the Commission and create this new “Trust” amounts to a shell game at best, or coverup at worst, as NYPA has paid millions to a New York City consultant, whose best ideas so far have been to shorten the length of the Canal navigation season and rename the Erie Canal “the Empire Line”. To set up his shortsighted proposal, the Governor offers a flawed premise: that the Canals are no longer being used for commercial transport. In fact, in the past 30 years, 3 out of the 5 busiest shipping years have occurred in the last decade, according to a graph featured in an October, 2018 article in Engineering 360:

<https://insights.globalspec.com/article/10272/a-shipping-rebound-on-new-york-s-canals>

Today’s Canal System remains a vitally-important cog in our national defense as well, as sonar arrays and other nuclear submarine components are shipped through the canal every few years for testing in Seneca Lake:

<https://www.lifeinthefingerlakes.com/testing-testing-the-role-of-seneca-lake-in-our-nations-defense/>

In addition, just 3 years ago, massive fermentation tanks necessary for an expansion of the Genesee Brewery in Rochester, thanks to \$9.5 million in state funding announced by the Governor himself:

<https://www.governor.ny.gov/news/governor-cuomo-announces-genesee-brewery-expansion-create-128-jobs-rochester>

Meanwhile, in the Capital Region, the continued use of the Canal by General Electric in Schenectady to ship massive turbines and energy components is proof positive that continued commercial utilization of the Canal System is key to maintaining whatever remaining strategic economic advantages New York State has left.

<https://www.timesunion.com/business/article/GE-seeks-canal-access-6512656.php>

Moreover, an award-winning underwater power cable project on Lake Champlain in just the last couple of years relied upon that cable being transported to the lake up through the Champlain Canal.

<https://csengineermag.com/lake-champlain-underwater-cable-replacement-cited-in-national-engineering-competition/>

So just as the premise of commercial use of the canals is flawed, so is the theory that continued operation of all of the canal system’s 57 locks and 16 lift bridges is related to movement of cargo. The recreational vessels and tour boats, which rely on the canal system, do not have needs that are substantially different than the larger, commercial craft. But in this case, fortunately, what is good for the proverbial goose is also good for the gander. Continued operation of our canals helps everyone – commercial and recreational users alike.

And the Governor’s last minute, cover-of-darkness proposal to alter 30 years of Canal policy that his father set in motion could cause irreparable damage to that.

We oppose this legislation and request the Senate reject this 30-day budget amendment, and call on the Governor to immediately have the Chair of NYPA convene a meeting of the Canal Recreationway Commission – something it has failed to do for nearly 3 years in violation of law. Any creation of the Governor and Legislature which is facing execution ought to at least have a say in its own funeral.

We further support legislative hearings on the future governance of the Canal, and call on the Governor to furnish the Legislature with the "Canal 2025" draft plan developed by the Commission that he has kept buried from public site to date.

We also strongly request that any legislation pertaining to the Canal's future include a provision that commits to the canal remaining open to commercial and recreational navigation along its full length, with all locks and lift bridges kept in operation, for the traditional operating schedule of early May through November.

Thank you for your consideration, and please do not hesitate to contact us with additional questions.

Sincerely



Pamela A. Helming
Senator, 54th District



George Borrello
Senator, 57th District



Joseph Griffo
Senator, 47th District



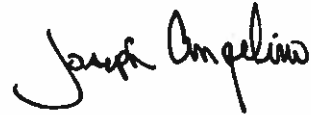
Mario Mattera
Senator, 2nd District



Peter Oberacker
Senator, 51st District



Daniel Stec
Senator, 45th District



Joseph Angelino
Assembly Member, 122nd District



Jake Ashby
Assembly Member, 107th District



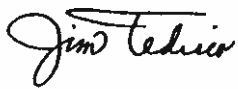
Marjorie Byrnes
Assembly Member, 133rd District



Joseph DeStefano
Assembly Member, 3rd District



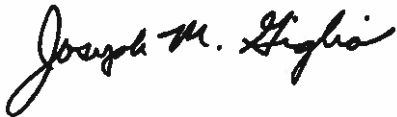
Jeff Gallahan
Assembly Member, 131st District



James Tedesco
Senator, 49th District



Jodi Giglio
Assembly Member, 2nd District



Joseph Giglio
Assembly Member, 148th District



Steve Hawley
Assembly Member, 139th District



Josh Jenson
Assembly Member, 134th District



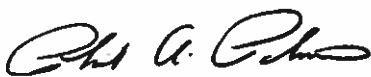
John Lemondes
Assembly Member, 126th District



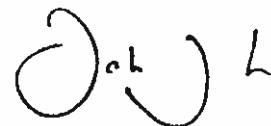
Brian Manktelow
Assembly Member, 130th District



Michael Norris
Assembly Member, 144th District



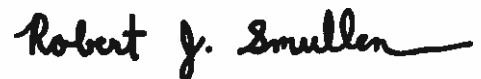
Phil Palmesano
Assembly Member, 132nd District



John Salka
Assembly Member, 121st District



Matthew Simpson
Assembly Member, 114th District



Robert Smullen
Assembly Member, 118th District



Chris Tague
Assembly Member, 102nd District