

III. ASSESSMENT APPROACH

There are numerous challenges associated with an assessment of this nature. The diversity of the socio-economic and land use characteristics across the 28 municipalities coupled with the detail of the assessment form (130 individual best management practices) complicate the review process, although the ultimate outcome is a meaningful assessment of environmental best management practices.

As stated in Chapter 1, the process began with the creation of an inventory of local laws and other pertinent land use documents for each case study municipality. Along with comprehensive plans, zoning and subdivision ordinances, other relevant local codes and regulations were reviewed when available. Examples include (but are not limited to) local sediment and erosion control laws, construction specifications, junk laws and – in a limited number of instances – animal control ordinances.

In order to gather any recent updates to local regulations that may have occurred within the timeframe of this project, a process was initiated to contact local officials in an effort to update G/FLRPC’s Local Law Library. All available laws and other official documents supplied and filed as of January 2006 have therefore been included in this analysis.

Table 3-1: Basic Land Use Inventory of the 28 Case Study Municipalities

	Comprehensive Plan	Zoning	Subdivision Regulation
Number of Municipalities that Possess:	21	28	23
Percentage	75%	100%	82%
Average Age (in years) of existing documents	10.4	9	11.3

Source: Land Use Planning and Regulations: A Survey of New York State Municipalities. NYS Legislative Commission on Rural Resources: July, 2004.

Compilation and Ranking of Best Management Practices

Laws vs. Practices

Local laws and regulations were methodically reviewed in an effort to detect legal mandates for the use of BMPs while undertaking various construction or operational activities within the jurisdiction. As BMPs were found, they were entered into the assessment form with their respective citation.

Legislation is viewed as a reliable means of instituting BMPs within a jurisdiction. By subjecting the variables of a BMP’s use and application to public scrutiny and seeing that the implications of its use are fully deliberated by the relevant officials, a municipality can help to ensure that it will serve its intended purpose in a uniform and efficient manner throughout the

jurisdiction. The legislative process, however, by no means guarantees that a BMP will be properly implemented in the field.

In many cases, environmental BMPs are practiced voluntarily in the field by conscientious public officials, private contractors and citizens. “Good housekeeping” practices were therefore searched for and assessed by contacting local highway and public works departments directly. In some instances, field research was conducted in order to investigate whether BMPs were in place at specific locations, such as waterfront recreation areas or construction sites and new developments visible from the roadside.

Independent Organizations and Special Jurisdictions

In many instances, local jurisdictions rely on independent or public agencies to perform certain tasks across a large area, such as a watershed, county or region.

All of the counties within the case study area have Soil and Water Conservation District (SWCD) offices which perform a wide array of duties relative to land and water conservation. These activities typically include source water protection, drainage assessment and improvement, water quality monitoring, erosion prevention and environmental restoration, as well as the development of various education and outreach programs. Cornell Cooperative Extension county offices perform similar functions, often in conjunction with SWCDs, private land owners and local governments. Local and regional watershed groups – recognizing the need for specific actions to take place in their respective areas of concern – have also been increasing their organizational capacity, complexity and resource base in recent years. In a number of instances, these groups have become very effective and efficient at addressing local water quality needs and concerns. Furthermore, county, state and regional agencies – such as county health departments or the NYS Office of Parks, Recreation and Historic Preservation – are responsible for administering a variety of functions across a wide area or within their respective jurisdictions.

When available, BMPs that are undertaken and implemented by agencies other than local jurisdictions have been captured in the assessment and listed as appropriate.

Assessing Level of Implementation

Within the detailed assessment forms, each BMP found in effect within a municipality has been assessed based on its level of implementation using the following methodology:

2 – Full Implementation: If a law, it must fully address the associated BMP without question or variance. As the law is written, it should bear a clear and reasonable resemblance to the BMP as it is stated in the assessment form. The defined jurisdiction of the law should be considered thoroughly. For example, BMPs mandated within mobile home parks can not, by definition, be applied throughout a municipality and should not be given a ranking of ‘2’ if the BMP is intended to be applied across an entire jurisdiction. For practices, the identified practice must clearly relate to the BMP. Personal conversation with relevant local officials or actual observance in the field must be made to determine whether the BMP is being fully implemented.

1 – Partial Implementation: If a law, the BMP may be considered to be “partially implemented” if it is not entirely clear in the language of the law if the action or mandate will thoroughly address the area of concern as described in the BMP assessment form. Or, the law may be written to address only a specific area or zone, such as a mobile home park or environmental protection overlay district, and is therefore not applicable to the entire municipality. Furthermore, any goals or future intended circumstances cited in comprehensive plans will only be awarded partial implementation in the absence of any empowering statute of said goal or intended circumstance.

If a practice, the BMP may be considered to be partially implemented if it is a general practice applied across a regional or local jurisdiction without strict scrutiny or oversight. In some cases, this applies to activities undertaken by independent organizations, such as a watershed group or academic institution.

0 – Not at all: No evidence has been found that the BMP listed in the assessment form is being implemented to any degree within the municipality or jurisdiction.

N/A Not applicable: It would not be possible for the municipality to implement the BMP and/or the BMP as it is described in the assessment form is not covered under the routine operational authority of the municipality or department in question. For example, agricultural operations are not typically found in urban settings; therefore a “n/a” can be found throughout the Forestry and Agriculture section for several villages in the case study area.

Summary of Assessment Results

Results of this assessment process have been tabulated and included in a table at the end of each municipal summary. These tables are intended to provide a short summary of assessment results. Interested readers are encouraged to view the individual assessment forms to see precisely how the results were ranked for each town and village.

Table 3-2: Example of a Municipal Summary Table of Assessment Results

Assessment Results:

Development	14 of 44 BMPs, or 32%	Forestry and Agriculture	8 of 18 BMPs, or 44%
Existing Development	8 of 21, or 38%	Forestry	1 of 10, or 10%
New Development or Redevelopment	6 of 23, or 26%	Agriculture	7 of 8, or 88%
Waterways/ Wetlands	7 of 15 BMPs, or 47%	Recreation	0 BMPs found
Modified Waterways	6 of 9, or 67%	Docks and Launches	0
Wetlands/Riparian Areas	1 of 6, or 17%	Golf Courses	0
Roads and Bridges	22 of 29 BMPs, or 76%	Onsite Wastewater Treatment Systems	
Existing	4 of 6, or 67%		2 of 7 BMPs, or 29%
New	10 of 13, or 77%		
All	8 of 10, or 80%		

As shown above, individual best management practices identified within a municipality are tabulated under their corresponding category and summarized accordingly. An explanation of individual BMPs and their corresponding categories can be found in *Appendix F* of this report.