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**Testimony of The Nature Conservancy in New York Before the Joint Legislative Hearing on the Environmental Conservation Portions of the Executive Proposed Budget for New York State Fiscal Year 2016-17**

**January 28, 2016**

Good morning. My name is Jessica Ottney Mahar, and I am the Policy Director for The Nature Conservancy in New York. On behalf of our 85,000 New York supporters, thank you for the opportunity to testify today regarding the Executive Budget Proposal for State Fiscal Year 2016-17 (SFY 2016-17).

I want to start by saying thank you to all of the members of the Legislature, and in particular our Environmental Conservation Committee Chairmen, Senator O'Mara and Assemblyman Englebright, for your leadership in securing additional appropriations for the environment in last year's state budget. Together, we advocated for \$15 million increase to the Environmental Protection Fund (EPF) and worked in support of the creation of the Water Infrastructure Improvement Act to provide \$200 million in grants to communities for desperately needed waste and drinking water system upgrades. The Nature Conservancy applauds your leadership on these issues, and commends you for recognizing the environmental benefits and economic potential of these critical investments.

As many of you know, I usually start off my testimony at these hearings by asking that you support increasing funding for the EPF in the coming year beyond the Executive Proposal, and point out that we are falling short of meeting our needs and must make incremental progress toward our shared goal of \$300 million. Since the Legislature nearly unanimously passed legislation to move us in this direction in 2007, it has been the shared goal of elected officials and community stakeholders to see the EPF funded at this level. Unfortunately, the economic crisis that hit in 2008 sent us in another direction, and the EPF was cut. We never saw that law implemented, and have continued to work toward that goal.

This year is different. Given Governor Cuomo's proposed budget, I am here to respectfully ask – actually, to urge in the strongest possible terms – that you seize the opportunity to secure the proposed \$300 million appropriation for the EPF, as well as enact the proposed increase in funding for the Water Infrastructure Improvement Act of 2015. These important proposals, along with other environmental funding in the budget, are a foundation for community prosperity in every corner of the state. EPF programs provide clean, safe water and food, access to safe parks, waterways and other recreational facilities, important taxpayer relief, significantly improve quality of life, attract businesses and support industries including but not limited to agriculture, forestry, tourism, outdoor recreation, waste management in New York State.

**The Nature Conservancy in New York**

The Nature Conservancy in New York is the state program of the world's largest conservation organization. Our mission is to conserve the lands and waters on which all life depends. We work in all 50 United States as well as in over 30 countries to protect nature for the benefit of

people today and future generations. We have a collaborative, science-based approach to environmental problem-solving. We are engaged in hands-on research, we are land stewards for the 160 preserves we own in New York, and we work with governments, community groups, industry, and other stakeholders around the world to secure a more sustainable future.

In some ways, The Nature Conservancy occupies a unique position because in all of our offices around the state we are involved in hands-on implementation of state environmental funding. On Long Island, we are working closely with the state, local and federal government and non-government partners on tackling water quality issues. In the Hudson Valley, we are working on developing a comprehensive restoration plan for the Hudson River with the DEC Hudson River Estuary Program, other state agencies, federal agencies, municipalities, academia and other conservation organizations. In Central and Western New York, we are engaged in work with communities to restore the Great Lakes, combat and prevent invasive species, and reduce flooding. And, in the Adirondacks we are working on finalizing one of the largest additions to the state's Forest Preserve in a century, as well as combating invasive species and partnering with local, state and federal transportation officials and community groups to upgrade culverts to reduce flooding and improve habitat connectivity. We accordingly have a perspective that is both policy and practice based, and work to ensure our advocacy is based on science, our experience on the ground, and backed up by our willingness to continue to partner into the future to implement important policy and funding commitments that are made here in Albany as part of the budget and other legislative initiatives.

#### **A \$300 Million Environmental Protection Fund**

As stated earlier, The Nature Conservancy strongly supports the proposed \$300 million appropriation for the EPF. The EPF is the primary mechanism for protecting and conserving New York's iconic landscapes and natural resources. It provides funding to deal with threats, such as invasive species and water pollution. It supports community assets that enhance quality of life and drive economic activity, such as parks, zoos, and waterfronts. And it provides the funding for initiatives such as open space conservation, farmland and forest protection, estuary programs, and oceans and great lakes restoration, ensuring that New York's great places remaining available for future generations.

In addition, the EPF supports municipal recycling, pollution prevention, environmental health, water quality improvement, landfill closure, and now brownfield opportunity area programs. These programs are key elements of community health and vitality.

In fact, one of the most remarkable aspects of the EPF is, in fact, its broad reach. It touches down in every county of New York State. For municipal governments it provides funding for waterfront planning, parks, waste management and water infrastructure – important services taxpayers expect and require. For farmers it provides funding to help prevent runoff pollution and protect farmland from development pressures, often allowing future generations of farmers to continue family businesses. For other resource-dependent sectors including forestry and fishing, it ensures the sustainability and quality of New York's lands and waters to help keep those industries in our State. For outdoor enthusiasts of all ages and interests, it supports stewardship of state lands, funds zoos and botanical gardens, and conserves land and water for all types of recreation from mountain biking, to bird-watching, to fishing, to just going for a walk in a beautiful place.

The EPF is also a mechanism for addressing some of the most urgent environmental issues we face today. On Long Island, for example, The Nature Conservancy has been working closely with the local, state, and federal governments to provide the science research needed to solve

the problem of nitrogen pollution in our water. Our bays and harbors, which support commercial fishing, recreational boating, and help define Long Island's quality of life, are being slowly destroyed as nitrogen seeps from the groundwater into the coastal waters. The EPF provides funding to Suffolk and Nassau Counties to help deal with this issue.

When looked at collectively, the EPF programs add up to a remarkable basket of initiatives that create jobs and generate revenue; support industries such as forestry, farming, outdoor recreation, and tourism; protect our invaluable land and water resources; spur innovation; and directly support local government efforts to enhance quality of life in our communities. But that's not all.

The EPF is fundamentally a partnership program. Almost every category contemplates the state working with others – from local governments, to non-for-profits like The Nature Conservancy, to businesses, the EPF is built on the concept that state resources can be leveraged to enhance outcomes. At The Nature Conservancy, we are proud to partner with the state on invasive species, land conservation, land stewardship, water quality improvement, estuary management, resilience, and other initiatives. These partnerships provide leverage, ensure the delivery of significant outcomes, and are a key benefit of the EPF.

When the recession hit in 2008 the EPF, like many other state programs, was significantly reduced. Since that time, thanks to your efforts as well as Governor Cuomo's, the EPF has been stabilized and progress has been made on restoring it. Recognizing the singular importance of the EPF, and given where we are in the financial recovery, this is exactly the right time to finally bring the EPF to \$300 million. Indeed, that is the level that all stakeholders, including the legislature, wanted the EPF to get to pre-recession, and there is every reason we should secure the EPF at that level now.

#### **New EPF Initiatives<sup>1</sup>**

The Governor's budget proposal calls for the creation of a new climate change mitigation and adaptation account within the EPF. While many EPF programs already address the impacts of climate change, the new category to expressly address this critical issue makes sense. Under ~~this umbrella, the Governor's proposal includes a focus on greenhouse gas reduction, resiliency~~ planning, increased smart growth grants, and adaptive infrastructure including building upon the Department of Environmental Conservation (DEC) Climate Smart Communities Program. The Nature Conservancy is interested in learning more about the details regarding the implementation of these new EPF programs, and believes that including new initiatives that complement the importance of the traditional EPF programs in addressing climate issues – for example, the land conservation programs conserve the forestland that naturally sequester carbon – makes sense as part of this year's proposed increased appropriation.

Governor Cuomo's EPF proposal also places more of an emphasis on environmental justice, through both an increased allocation to inner city and underserved communities in existing programs such as Waterfront Redevelopment and Municipal Parks, and through the creation of a new program within the solid waste account. This new program includes the Community Grants Program that was part of last year's EPF, and new funding for other environmental justice grant programming. The Nature Conservancy has recently launched a cities program, recognizing that global and national population trends require that we focus on these important areas. By 2050, it is estimated that 70 percent of the world's population will live in cities. The growing urban population will put severe pressure on natural resources, increasing demand for

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<sup>1</sup> TED Article VII Part U

food, water and energy. As we careen towards a world with 9 billion people, we must work to ensure that our cities are sustainable, and also healthy places to live for future generations. By taking care of our natural resources, we can ensure that communities have access to clean water, healthy urban forests and strong coasts needed for cities to naturally thrive. We look forward to learning more about the new environmental justice program proposed in the EPF, and determining how we might help implement important programs that protect resources for people in New York's urban centers.

### **Public Support for Environmental Spending**

The public is well-aware of the benefits of environmental investment, and on a daily basis experiences the positive impacts of the EPF. This past fall, The Nature Conservancy and some of our partners conducted public opinion research across New York State to determine voter attitudes about conservation issues and support for conservation funding measures. We knew New Yorkers cared about clean water, healthy forests, accessible parks and other important environmental issues, but the numbers our research yielded was frankly surprising. 73% of voters supported a \$300 million EPF. This support came from a majority of voters in every region of the state – 77% in New York City, 72% in the New York City suburbs, 77% in Upstate urban areas and 66% in Upstate rural areas. In addition to geography, voter support transcended political lines. A \$300 million EPF was supported by a majority of voters from every party – Democrats, Republicans, Independents – they all support this program. While these were some of the strongest numbers we have seen for New York in decades, and we conduct this type of research about every two years, it is not inconsistent with what we have been seeing nationwide. During the 2014 election cycle we saw voters in several states – Maine, California, Florida, New Jersey and Rhode Island – as well as localities throughout the country, approve more than \$27 billion in funding for land and water conservation, many measures with margins of support up to 75%. Americans, and New Yorkers for that matter, understand that this is the right time for investing in our environment, and that environmental investments create economic benefits.

### **Water Infrastructure Improvement Act Appropriations Increase**

Last year we were extremely supportive of the creation of a new grant program created through the Water Infrastructure Improvement Act of 2015. This program, originally envisioned as a three year, \$200 million fund, was aimed at leveraging federal, local and private funds available to municipalities to upgrade or repair waste and drinking water infrastructure.

Several years ago DEC released a report indicating more than \$36 billion was needed to repair New York's aging wastewater infrastructure. Our water infrastructure is old. Very old. Some of it was in the ground when Lincoln was our President. As we saw recently in Troy, New York, breaks in these old systems can have devastating consequences. About two weeks ago a 33 inch main in the Lansingburg section of Troy burst, flooding streets, basements and properties nearby. The broken main led to a 90% water pressure reduction and actually cut off Troy and two other nearby communities from clean, available, potable water. Last year in my town, Colonie, there were more than 100 water main breaks. Just in our town alone. These stories are unfortunately being repeated throughout the state in communities in every region. Add on top of this the communities like those on Long Island that have come to realize that they must upgrade their existing wastewater systems to ensure pollution is no longer released into the fragile bays and harbors and that water infrastructure will be able to withstand the next coastal storm or sea level rise. Simply put, the need for funding to address this issue is daunting, and we are at a crisis point.

Thanks to the Legislature's initiative, last year's budget included an agreement to start addressing this issue. In December 2015, Governor Cuomo and several state agencies announced the release of the first \$50 million of grant funding from the Water Infrastructure Improvement Act, along with \$25 million in additional grant funding from the Environmental Facilities Corporation. This \$75 million in grants leveraged a total of \$440 million<sup>2</sup> – almost a 600% return -- in total project investments throughout New York State. This shows the huge multiples that can be achieved when funds are wisely targeted to moving forward clean water infrastructure projects.

Governor Cuomo's budget proposal for SFY2016-17 builds on this exciting program by proposing to increase funding by \$100 million for the next two fiscal years, bringing the remaining total appropriation for this program to \$250 million, with \$125 million annually for SFY2016-17 and SFY2017-18. Given the successful implementation of the first \$50 million of funds granted out this past December, and the staggering need for funding, we urge the Legislature to support increasing the appropriation for this program, and if funding is available go even further. If future grant cycles continue to leverage \$6 for every \$1 invested, this program has the potential to produce a \$1.5 billion total project investment in clean water infrastructure over the next two years in New York State.

#### **Parks 2020 and NY Works Capital Funding for DEC**

Governor Cuomo's budget proposes continued capital investments in State Parks and DEC through the NY Works Program. The Executive Proposal includes \$92.5 million for the Office of Parks, Recreation and Historic Preservation, continuing the pace to reach the goal of the Parks 2020 Program – investing \$1 billion in our State Parks system by 2020. The Executive Proposal also continues to provide \$40 million capital funding through the NY Works Program for DEC, continuing important investments in the state's public lands and facilities and equipment that protect public health and safety.

#### **Waterfront Revitalization Program Amendments<sup>3</sup>**

Contained in the Transportation, Economic Development and Environmental Conservation (TED) Article VII bill is an important amendment to the EPF Local Waterfront Revitalization Program. This amendment would allow up to a 90% state cost share for program implementation in hardship communities, based on census data, or in communities that are working to implement resilience plans for their waterfronts. It is our understanding that there has been legislation to advance such a change for several years, and we believe this would help increase the disbursement of funding in communities of need across the state and therefore urge the Legislature to include this proposal in the adopted budget. Furthermore, the new emphasis on resilience in this amendment will not only help the state implement the Community Risk Reduction and Resilience Act, which The Nature Conservancy supported in 2014, but will also help incentivize funding projects that may act as "first line of defense" in buffering communities from extreme weather during coastal storms. Investing in our waterfronts is a smart way to help our environment and our economy, and we must ensure those investments can withstand the test of time.

#### **Environmental Agency Staffing**

Governor Cuomo's budget proposal once again holds flat staffing levels for environmental agencies.<sup>4</sup> While this is progress from the cuts seen under past administrations, we are hopeful

<sup>2</sup> <https://www.governor.ny.gov/news/governor-cuomo-announces-75-million-grants-local-governments-water-infrastructure-improvements>

<sup>3</sup> TED Article VII, Part U

<sup>4</sup> Current staff levels at agencies: DEC: 2,946 FTEs, OPRHP: 1,735 FTEs, Ag&Markets: 476 FTEs, and APA: 54 FTEs

that in future years we begin to see a reinvestment in state agency operations capacity to make the most of capital appropriations. Ensuring the professional capacity at agencies including DEC, Office of Parks, Department of Agriculture and Markets and the Adirondack Park Agency is another critical part of safeguarding New York's environment.

### **Conclusion**

Thank you again for the opportunity to testify before you today on the proposed SFY2016-17 budget. The Nature Conservancy is proud to be working in New York, we are proud to be working directly with many of you, and we are proud of our partnerships with New York State. As a global organization we have a broad perspective, and in New York we are acutely aware of our State's historic role as an environmental leader. Today you are presented with an opportunity to continue that tradition of environmental leadership. Securing a \$300 million EPF and increased funding for clean water infrastructure investments, together with the other environmental funding in the proposed budget, not only benefits all New Yorkers, but it sends a strong and clear message to the nation and the world about New York's values. We look forward to working with you throughout the remainder of the budget process.

### **For More Information Contact:**

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*To learn more about The Nature Conservancy's work in New York, visit [www.nature.org/NewYork](http://www.nature.org/NewYork).*

## Environmental Protection Fund (EPF) FY16-17 Proposal

<u>Open Space Program</u>	<u>FY 15-16 Enacted</u>	<u>FY 16-17 Executive Proposal</u>
Open Space / Land Conservation	26,550	40,000
<i>Cons. Partnership Program/LTA</i>	2,000	2,000
<i>Urban Forestry</i>	1,000	1,000
<i>Cities with population 65,000</i>	500	500
<i>Projects in DEC regions 1-3</i>	1,000	1,500
Farmland Protection	15,000	20,000
<i>Ft. Drum Buffer</i>	1,000	1,000
<i>Cornell University Land Class/Master Soils List</i>	0	70
Agricultural Waste Management	1,500	1,500
Municipal non-point source pollution	4,800	8,000
Ag. non-point source pollution control	14,200	19,000
<i>Cornell Pro-Dairy Program</i>	0	224
<i>Cornell Integrated Pest Management Program</i>	0	1,000
Hudson River Estuary Management	4,700	5,000
<i>Mohawk River Action Plan</i>	800	800
<i>Peconic Bay Estuary Program</i>	200	0
Biodiversity / Landowner Habitat Conservation Program	500	1,000
<i>Pollinator Protection Plan implementation</i>	0	500
Albany Pine Bush Commission	2,475	2,675
Long Island Pine Barrens Commission	1,600	1,800
LI South Shore Estuary Reserve	900	900
Finger Lakes/Lake Ontario Alliance	1,750	1,979
Lake Erie Watershed Protection Alliance	250	250
Invasive Species	5,850	10,000
<i>Lake George</i>	450	450
<i>Eradication Grants</i>	1,000	2,000
Oceans and Great Lakes Initiative	6,050	15,000
<i>Peconic Estuary Program</i>	0	200
Water Quality Improvement Program	8,000	20,000
<i>Suffolk Co./DEC Nitrogen Reduction efforts</i>	3,000	3,000
<i>Suffolk Co. Sewer Improvement Projects</i>	0	2,000
<i>Nassau Co. Bay Park Sewage Plant Outfall Pipe</i>	0	5,000
Soil and Water Conservation Districts	5,275	9,000
Water Resources Commissions*	0	746
<i>Susquehanna River Basin Commission</i>	0	259
<i>Delaware River Basin Commission</i>	0	359
<i>Ohio River Basin Commission</i>	0	13
<i>Great Lakes Commission</i>	0	60
<i>Interstate Environmental Commission</i>	0	15
<i>New England Interstate Commission</i>	0	38
<b>Sub-Total</b>	<b>100,000</b>	<b>156,850</b>
<b>Parks and Recreation Program</b>		
State Land Stewardship	18,500	28,000
<i>Belleayre Mountain</i>	500	500
<i>Parks &amp; Trails NY Grants Program</i>	500	500
<i>Hudson River Valley Trail Grants</i>	100	250
Waterfront Revitalization	12,500	15,000
<i>Inner city/Underserved</i>	6,250	10,000
<i>Towns of Minerva, Indian Lake &amp; Newcomb</i>	0	660
Municipal Parks	15,750	20,000
<i>Inner city/Underserved</i>	7,875	10,000
Hudson River Park	2,500	800
ZBGA	12,450	13,000
<b>Sub-Total</b>	<b>61,700</b>	<b>76,800</b>

<b>Solid Waste Program</b>		
Municipal Recycling	7,500	14,000
Secondary Materials Markets	1,000	1,000
Pollution Prevention Institute	3,250	4,000
Pesticide Program	1,200	1,200
<i>Long Island Pesticide Prevention</i>	200	200
Natural Resource Damage Assessment	1,000	1,950
Landfill Closure/Gas Management	250	700
<i>Essex County</i>	0	300
<i>Hamilton County</i>	0	150
Environmental Justice*	0	7,000
<i>Community Impact Grants Program</i>	1,100	2,000
<i>Lead Paint Inspection Erie County</i>	100	0
Environmental Health*	0	2,000
<i>Children's Environmental Health Centers</i>	0	1,000
Brownfield Opportunity Area Grants*	0	2,000
<b>Sub-Total</b>	<b>15,300</b>	<b>33,850</b>
<b>Climate Change Mitigation and Adaptation Program*</b>		
Greenhouse Gas Reduction outside power sector*	0	3,000
Resiliency Planning*	0	4,500
<i>DEC grants for mitigation*</i>	0	2,000
<i>State Agency Vulnerability Assessments*</i>	0	2,500
Smart Growth Grants	600	2,000
Adaptive Infrastructure*	0	23,000
<i>Resiliency Planting Program</i>	250	500
<i>NYSSWCD Committee Climate Resilient Farms</i>	500	2,500
<i>Climate Smart Communities Grants*</i>	0	20,000
<b>Sub-Total</b>	<b>0</b>	<b>32,500</b>
<b>TOTAL EPF</b>	<b>177,000</b>	<b>300,000</b>

000s omitted. Programs in Italics are sub-allocations within programs.

\*New category in FY16-17. Previous year sub-allocations in Waterfront and Muni Parks deleted.

Data compiled by The Nature Conservancy. For more information, contact [jottney@tnc.org](mailto:jottney@tnc.org).

January 13, 2016. For more information about the EPF visit [www.keepprotectingny.com](http://www.keepprotectingny.com).