



**New York State Assembly**

Carl E. Heastie, Speaker

# ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on  
**Environmental Conservation**

Steve Englebright, Chairman



STEVEN ENGLEBRIGHT  
4<sup>th</sup> Assembly District  
Suffolk County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Environmental Conservation

COMMITTEES  
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Energy  
Higher Education  
Rules

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Science and Technology  
Water Resource Needs of Long Island

MEMBER  
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N.Y.S. Biodiversity Research Institute  
N.Y.S. Heritage Area Advisory Council

December 15, 2015

Honorable Carl E. Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2015 Annual Report of the Assembly Standing Committee on Environmental Conservation.

This report describes the legislative actions and major issues considered by the Committee and sets forth our goals for future legislative sessions. The Committee addressed several important issues this year including prohibitions on the use of harmful chemicals in children's products and the use of plastic microbeads in cosmetics. In addition, the Committee, in cooperation with the Climate Change Work Group, held several roundtables to examine climate change issues.

Under your leadership and with your continued support of the Committee's efforts, the Assembly will continue the work of preserving and protecting New York's environmental resources during the 2016 legislative session.

Sincerely,

Steve Englebright, Chairman  
Assembly Standing Committee on  
Environmental Conservation

**2015 ANNUAL REPORT**  
**OF THE NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION**

**Steve Englebright, Chairman**

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## **COMMITTEE RESPONSIBILITIES**

The Assembly Standing Committee on Environmental Conservation has jurisdiction over legislation affecting State environmental policy. The Committee considers bills amending the Environmental Conservation Law (ECL), Canal Law, Executive Law, Soil and Water Conservation Districts Law, and Navigation Law.

The primary concerns of the Committee are pollution prevention and control, resource management, and environmental quality issues. The Committee also monitors the activities and enforcement of environmental laws by the DEC. During the 2015 Legislative Session the Committee considered 406 bills, acting favorably on 96, with 42 becoming law.

## MAJOR ISSUES OF 2015

### A. BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2015-16 Enacted Budget included over \$1 billion in funding for environmental programs as well as monies for drinking water and wastewater infrastructure and recycling programs. Additional details about the Enacted Budget follow.

#### **Brownfield Cleanup Program Reforms**

The Brownfield Cleanup Program (BCP) was created in 1993 to incentivize the cleanup of contaminated sites by the private sector and encourage the reuse of existing sites, rather than developing green fields. In the decade since its creation, an estimated 190 sites have completed the BCP.

As part of the 2015-16 Budget, the Legislature enacted a series of reforms intended to preserve public participation while providing incentives better targeted to assist communities most in need. The changes include:

- A requirement that sites in New York City include affordable housing, meet certain property criteria (e.g. underutilized), or be located in an EN-Zone (based on high poverty and unemployment rates) in order to be eligible for tangible property tax credits;
- Establishment of new or increased tangible property tax credits effective on and after July 1, 2015, to include:
  - 5 percent for EN-Zone;
  - 5 percent for Brownfield Opportunity Areas (BOAs), which include community-designated brownfield reuse plans, if the proposed development is in conformance with such plan;
  - 5 percent for affordable housing;
  - 5 percent for manufacturing; and,
  - 5 percent for the cleanest cleanups (Track 1)
- Extension of tax credits and Superfund refinancing until March 31, 2026;
- Authorization of funding for the Environmental Restoration Program (ERP), which provides funding to municipalities for brownfield site investigation and remediation;
- Establishment of a BCP-EZ program to facilitate review for sites not seeking tax credits;
- Protection of existing citizen participation and cleanup standards; and,
- Elimination of the existing real property tax credit and the insurance remediation tax credit.

## **Superfund**

The DEC describes the State Superfund program as "... an enforcement program whose goal is to identify and characterize suspected inactive hazardous waste disposal sites and to ensure that those sites which pose a significant threat to public health or the environment are properly addressed." The enforcement and cleanup undertaken by the Superfund program is conditioned on the availability of state financing, but the authorization to provide new funding for the program lapsed in 2013. This year's Budget extended Superfund financing until March 31, 2026.

## **Increased Funding for Drinking Water and Wastewater Infrastructure**

According to the DEC "...there are over six hundred wastewater treatment facilities that serve 1,610 municipalities. The facilities range in size from New York City's vast system that processes 1.3 billion gallons of wastewater a day through 14 facilities, to small village systems that process less than 100,000 gallons a day. These facilities provide wastewater treatment for more than 15,000,000 people across the state." DEC's 2008 assessment of the costs to repair, replace and update New York's wastewater infrastructure estimated the total funding need to be \$36.2 billion over a 20 year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20 year period. These estimates were made prior to the devastation caused by recent extreme weather events. To further compound the problem, the need for investment comes at a time when the federal government has decreased the funding available to states: in a twenty year period, federal funding for wastewater facilities decreased by over 70 percent, dropping from \$2.4 billion to \$687 million.

The infrastructure deficiencies have an adverse impact on water quality. The DEC states, for example, that in New York City and Long Island, municipal wastewater sources are cited as the cause of 54 percent of all impaired marine estuary acres.

In order to help municipalities address their water infrastructure needs, and to improve water quality, the State Budget contained \$200 million in new, multi-year funding for municipal water quality infrastructure grants including wastewater and drinking water projects. Fifty million will be available in State Fiscal Year 2015-16, and \$75 million for two subsequent fiscal years. The program will be administered by the Environmental Facilities Corporation. The \$200 million will be in addition to the monies currently available through New York State's Drinking Water and Clean Water Revolving Loan Funds.

## **Improvements to the New York State Oil Spill Fund**

The Environmental Protection and Spill Compensation Fund, commonly referred to as the Oil Spill Fund, was created in 1977 to ensure that spills would be cleaned up even if the responsible party could not be identified. The Fund is only authorized to be used for cleanup-related expenses and is financed with license fees and surcharges on major petroleum storage facilities.

A 2014 story in *The New York Times* reported that the shipment of crude oil by rail increased 83 percent in 2013 alone. The rising number of shipments is accompanied by an increased risk of spills; however, license fees and surcharges had not been increased in over a decade. The Enacted Budget increased fees associated with the Oil Spill Fund, including a license fee increase from 8 cents to 9.5 cents, and an increase in the license fee surcharge for oil shipped through the State for use outside the State from 1.5 cents to 13.75 cents. It is estimated that the increased fees will result in an additional \$9 million for the Oil Spill Fund.

Additionally, up to \$2.1 million of the revenue increase would be made available for: the acquisition and maintenance of petroleum spill prevention, response or personal safety equipment and supplies and training for state and local government emergency services; petroleum spill response drills, and analysis of populations, environmentally sensitive areas, and resources at risk from spills of petroleum and related impacts; and the development, implementation, and updating of contingency plans, including geographic response plans, to protect populations, sensitive environments, and resources in the event of a petroleum spill.

## **Increased Recreational Access**

Revenue from the sale of lifetime fishing and hunting licenses is placed in a trust fund, with the resulting interest deposited into the Conservation Fund. Monies from the Conservation Fund are restricted by law and may only be expended for authorized hunting and fishing related purposes. The 2015-16 Budget authorized up to \$1.5 million to be deposited to the Habitat Conservation and Access Account to support the DEC's fish and wildlife habitat management and public access programs and improve public access to outdoor activities.

## **Environmental Protection Fund**

The Environmental Protection Fund (EPF) received \$177 million. The final EPF budget included funding for traditional EPF programs such as waterfront revitalization, municipal recycling, water quality improvement, and farmland protection. In addition, the Assembly ensured that no less than 25 percent of the EPF funds appropriated for local waterfront revitalization and municipal parks projects will be made available for projects in densely populated or low-income communities that are underserved with respect to existing recreational opportunities in the area.

The table on the following page provides a detailed description of the allocations within the individual EPF accounts.

**EPF Funding**  
**\$(in millions)**

<b>EPF Category</b>	<b>Enacted 2015-16</b>
<b>Solid Waste Account</b>	<b>15.300</b>
Municipal Recycling	7.500
Pollution Prevention Institute	3.250
Secondary Markets	1.000
Natural Resource Damages	1.000
Pesticide Database	1.200
Landfill Closure/Gas Management	.250
Environmental Justice Grants	1.100
<b>Parks, Recreation &amp; Historic Preservation Account</b>	<b>61.700</b>
Waterfront Revitalization	12.500
Municipal Parks	15.750
Hudson River Park	2.500
Stewardship	18.500
Zoos, Botanical Gardens, & Aquaria	12.450
<b>Open Space Account</b>	<b>100.000</b>
Land Acquisition	26.550
Smart Growth	.600
Farmland Protection	15.000
Agricultural Waste Management	1.500
Biodiversity	.500
Albany Pine Bush	2.475
Invasive Species	5.850
Long Island Pine Barrens Planning	1.600
Ocean and Great Lakes	6.050
Water Quality Improvement	8.000
Long Island South Shore Estuary Reserve	0.900
Non-point Source Pollution Control	19.000
Soil and Water Conservation Districts	5.275
Finger Lakes - Lake Ontario Watershed	1.750
Hudson River Estuary Management	4.700
Lake Erie Watershed Protection Alliance	.250
<b>Total</b>	<b>177.000</b>

## **B. ENVIRONMENTAL QUALITY**

### **Consideration of Environmental Compliance in Municipal Disputes** **(A.7629 Skoufis; Veto Memo 185)**

The bill would direct the commissioner of the DEC to consider compliance with federal and state environmental laws, regulations and permits when resolving a dispute between municipalities. Currently, the commissioner does not have statutory authority to consider a municipality's environmental track record when trying to resolve a dispute between two municipalities (e.g. a SEQRA lead agency dispute).

### **Greater Regulation of Land Clearing Debris Facilities** **(A.7883 Englebright; Veto Memo 287)**

Currently, facilities that accept only “land clearing debris” are not subject to regulation by the DEC; however, these facilities have often been the subject of complaints from adjacent landowners regarding odor and mold problems. In addition, there have been discrepancies as to what constitutes such debris. This legislation would define land clearing debris and require DEC to adopt regulations to mitigate environmental concerns and minimize fire risk, suppress dust and minimize odors.

### **Environmental Impact Zone Designation** **(A.3382 Peoples-Stokes; Passed the Assembly)**

This legislation would require the DEC to publish a list of “high local environmental impact zones” that would be defined as areas of the State that are most adversely impacted by existing environmental hazards. In compiling the list, the DEC would consider potentially adverse environmental impacts within an area, such as releases of toxic chemicals and petroleum discharges, the quantities of emissions, discharges and stored waste authorized by permit, amount of pesticides sold and used, proximity of water bodies, and air quality.

## **C. HAZARDOUS WASTE MANAGEMENT**

### **Mercury Content of Light Bulbs** **(A.5844 Kavanagh; Passed the Assembly)**

The amount of mercury contained in compact fluorescent light bulbs varies by manufacturer. The European Union and several states have adopted laws that establish standards for the maximum amount of mercury that can be contained in light bulbs. This legislation would establish similar mercury content limits and strengthen disposal provisions.

## **D. FISH AND WILDLIFE**

### **Extension of Authorization to Use Three Fishing Lines** **(A.6108 Russell; Chapter 116 of the Laws of 2015)**

This law will extend, until December 31, 2017, the authorization for individuals to fish in freshwater with up to three lines. Similar legislation has passed in Michigan and is believed to have increased the interest and involvement of recreational anglers. Prior to the enactment of the original legislation in 2011, individuals were limited to two lines.

### **Management of Mute Swans** **(A.3675 Cymbrowitz; Veto Memo 249)**

In December 2013, DEC issued a management plan for New York's mute swans. Mute swans were first brought to the United States in the 1800s and New York is home to approximately 2,200 mute swans concentrated primarily in the lower Hudson Valley, Lake Ontario and Long Island. DEC's management plan includes the goal of eliminating all of the free-ranging mute swans in New York by 2025.

This legislation would establish additional criteria for the adoption of a mute swan management plan including: requiring public hearings and comment periods, prioritizing non-lethal management techniques, and documenting the scientific basis for current and projected environmental damages attributed to mute swans.

### **Development of Deer Management Plans** **(A.5634 Thiele; Veto Memo 258)**

This legislation would authorize DEC to prepare periodically, a New York State Deer Management Plan. The Plan would establish goals for deer management and evaluate methods for population control, including hunting regulations. Such a Plan would help ensure that current scientific research, studies, and findings are appropriately incorporated into recommendations for controlling deer population throughout the State.

### **Eligibility for Commercial Fishing Licenses** **(A.8085-A Benedetto; Chapter 484 of the Laws of 2015)**

In order to catch and sell fish commercially in New York State a commercial food fish license is required. However, in New York many fisheries are limited entry, meaning very few new licenses are made available each year. Additionally, the license eligibility criteria require time to be spent aboard a commercial fishing vessel. Concerns have been raised that long-term military service could impact the ability to spend time aboard a commercial fishing vessel and inadvertently jeopardize veterans' eligibility for licensing. This law will remove a potential impediment that could impair the ability of veterans to be eligible for commercial fishing as a post-service profession.

**Management of Migratory Bird Seasons**  
**(A.7918 Englebright; Chapter 208 of the Laws of 2015)**

Annual migratory game bird hunting regulations, including the timing of hunting seasons, are established in accordance with federal regulations. Historically, the final federal regulations have not been issued until late August or early September each year. There is no expectation that this timeline will change because it is driven by the annual waterfowl breeding surveys. As a result, DEC is often forced to issue emergency regulations to conform State migratory game bird hunting regulations to the federal regulations in time for opening day.

This law will extend, until December 31, 2018, DEC's authority to set seasons automatically in New York based on the final federal regulations, rather than requiring DEC to issue emergency regulations annually to establish the migratory game bird seasons. In addition, DEC would retain the option to issue its own regulations, if it chooses to do so, provided that they are no less restrictive than the federal regulations.

**E. ENVIRONMENTAL ENFORCEMENT**

**Environmental Justice Advisory Group**  
**(A.3063 Peoples-Stokes; Passed the Assembly)**

In 1999, DEC received a grant from the United States Environmental Protection Agency to develop a comprehensive environmental justice program. Environmental justice is intended to help members of minority and low-income communities make their neighborhoods safer and more livable. As part of the EPA grant process, DEC convened an environmental justice advisory group. In January 2002, the advisory group issued its report. In March 2003, DEC adopted a policy on environmental justice and permitting but took no action on several of the advisory group's recommendations.

This legislation would establish an Environmental Justice Advisory Group and Interagency Coordinating Council to implement the recommendations of the advisory group and ensure that State agencies conduct an environmental justice review and address environmental justice.

**F. PETROLEUM MANAGEMENT**

**Moratorium on the Development of Liquefied Natural Gas**  
**(A.1308 Cusick; Chapter 275 of the Laws of 2015)**

In 1973, on Staten Island, an empty liquefied natural gas tank exploded – claiming 40 lives. In 1978, a moratorium on the issuance of environmental certificates for facilities and routes for the transportation of liquefied natural or petroleum gas was instituted. This law will extend, until April 1, 2017, the existing moratorium for New York City.

**Increased Financial Security Requirements for Oil Storage Facilities**  
**(A.7625 Fahy; Passed the Assembly)**

The transport of crude oil by rail has increased exponentially nationwide over the past five years, from over 9,000 carloads of crude oil in 2008 to over 400,000 in 2013. Events such as the Lac-Megantic train derailment in Quebec have heightened the awareness of safety issues related to the transportation and storage of crude oil and the negative impacts of mishandling crude oil.

This legislation would modify the existing provisions of the Oil Spill Fund to require major petroleum storage facilities to demonstrate sufficient financial security to meet all responsibilities for cleanup and decontamination costs associated with any oil spill. In addition, this legislation would require railroads to submit information relating to their ability to pay in the event of a crude oil discharge, with such information then posted on DEC's website.

**Increased Use of Biodiesel**  
**(A.6070-A Englebright; Passed the Assembly)**

Biodiesel is made by "refining" fats and oils such as vegetable oil, waste grease, and used cooking oils. The use of biodiesel has been shown to result in less air pollution, a more efficient fuel, and reduced dependence on foreign energy sources. In addition, biodiesel is expected to open up new markets for New York businesses and farmers as a result of the economic impact from the production, processing, and the construction of biodiesel facilities.

This bill would require heating oil sold in New York to contain at least two percent biodiesel, effective July 1, 2017. In addition, the bill would require the New York State Energy and Research Development Authority (NYSERDA) to examine the supply and cost of bioheating fuel and issue a report to the Governor and Legislature by December 1, 2016.

**G. WATER CONSERVATION AND QUALITY**

**Environmental Facilities Corporation Financing**  
**(A.7881 Seawright; Chapter 326 of the Laws of 2015)**

The Environmental Facilities Corporation (EFC) provides municipalities with grants and low cost loans through the Clean Water State Revolving Fund (CWSRF) to finance wastewater infrastructure improvements. The CWSRF is funded through federal capitalization grants pursuant to the Federal Water Quality Act of 1987, and requires State matching funds equal to twenty percent of the Federal capitalization grants. EFC, which administers the CWSRF, currently allocates a portion of the federal capitalization grants and State matching component to provide a fifty percent interest rate subsidy to recipients. The authority to provide such subsidies was set to expire October 1, 2015. This law will extend the subsidy authority until September 30, 2018.

## **Microbeads**

**(A.5896 Schimel; Passed the Assembly)**

Recently, microbeads, a plastic product often as small as a grain of sand, have been found in the Great Lakes. The source of the pollution appears to be consumers using personal cosmetics such as shampoos, soaps and toothpastes that contain microbeads. Once washed down the drain, the microbeads flow into waterbodies because most wastewater treatment plants are unable to filter out the tiny plastics. This legislation, drafted by State Attorney General Eric T. Schneiderman, would prohibit the distribution and sale of personal cosmetic products that contain microbeads as of January 1, 2016.

## **H. FOREST AND LAND RESOURCES**

### **Constitutional Amendment Land Swap**

**(A.8052 Englebright; Chapter 314 of the Laws of 2015)**

In 2007, a Constitutional Amendment was adopted to allow the Town of Long Lake, Hamilton County, to receive one acre of land from the Forest Preserve for the siting of a drinking water well. The well was necessary to comply with new federal Safe Drinking Water Act regulations, which require public water suppliers to provide adequate filtration and disinfection of water that is taken from surface sources, or to develop an acceptable alternative source. As a result of those rules, the water supply system in the hamlet of Raquette Lake, which draws from a surface reservoir, could no longer be used as a municipal drinking water supply.

The prevalence of State Forest Preserve lands surrounding this community, coupled with the sanitary and hydrogeological requirements of public water supply wells, meant that the only viable alternative for siting a drinking water supply well for the hamlet of Raquette Lake was on Forest Preserve land. This law authorizes the legal transfer of one acre of Forest Preserve land to the Town of Long Lake for the purpose of siting a drinking water well to serve as the municipal drinking water supply for the hamlet of Raquette Lake. This law also authorizes the conveyance of 12.2 acres to the State for incorporation into the Forest Preserve. The lands to be conveyed to the State are located adjacent to other Forest Preserve lands and have been appraised at a value greater than the one acre that will be conveyed to the Town.

### **Flood Mitigation Council**

**(A.1345 Mayer; Veto Memo 200)**

The increasing frequency and severity of flooding throughout the state has underscored the need for greater coordination of efforts among levels of government, regions and State agencies in order to better address flood prevention and response.

This legislation would establish an eleven-member task force within the DEC to evaluate ways of protecting New York's communities and residents from flooding, including inland flooding, and applying the best available science and research to examine flooding-related issues and impacts.

## **I. CLIMATE CHANGE**

### **Greenhouse Gas Emission Limits**

**(A.6072 Englebright; Passed the Assembly)**

Scientific studies, including those from the Union of Concerned Scientists and Intergovernmental Panel on Climate Change (2007 Nobel Peace Prize Winner), have concluded that global warming poses a serious threat. The continued emission of greenhouse gases will increase the Earth's temperature, leading to rising sea levels, threats to public welfare, and other ecological changes, dramatically affecting fisheries, wildlife, and natural resources.

This legislation would authorize DEC to establish greenhouse gas emission reporting requirements and, beginning in 2017, after a public hearing, promulgate rules and regulations setting a limit on all greenhouse gas emission sources. The limit established by DEC would be required to be less than the 1990 limit and not impose additional burdens on communities already experiencing significant levels of regulated air contaminants as compared with the county average. Beginning in 2020, the limit established by DEC would be decreased each year, resulting in an eighty percent reduction by 2050.

## **J. CHEMICALS**

### **Restrictions on the Use of Harmful Chemicals in Children's Products**

**(A.5612 Englebright; Passed the Assembly)**

Currently, New York identifies or prohibits the use of dangerous chemicals on a chemical-by-chemical basis. Several other states including Washington, California, and Maine have adopted more comprehensive chemical policies after finding high levels of cadmium, lead, and other dangerous chemicals in children's products ranging from crib mattresses to toys. This legislation is modeled after those states and is intended to prevent the use of dangerous chemicals and encourage the use of safer chemical alternatives in children's products.

This legislation would require DEC to develop lists of dangerous chemicals and require manufacturers of children's products containing such chemicals to report the use of such chemicals to DEC. The sale of children's products containing hazardous chemicals would be prohibited unless DEC issues a waiver.

## **K. DEPARTMENTAL POWERS**

### **The Conservationist Magazine**

**(A.7917 Kaminsky; Chapter 210 of the Laws of 2015)**

Promotion and marketing are integral components of the magazine industry and help replace lost subscriptions. For example, the DEC, which is responsible for the *Conservationist* magazine, must replace approximately 19,000 subscribers each year to maintain the magazine's current subscriber base. DEC's marketing consultant conducted marketing research that demonstrated sweepstakes are the most effective method to increase renewal and new subscriber response rates. This law will extend, until August 1, 2018, the authorization for DEC to conduct sweepstakes and other activities to increase subscriptions to DEC's the *Conservationist* magazine.

## **L. ENDANGERED SPECIES**

### **Restrictions on the Sale of Ivory and Rhino Horns**

**(A.6071 Englebright; Passed the Assembly)**

The Wildlife Conservation Society estimates that 96 elephants are killed each day in Africa, translating into one elephant death every fifteen minutes and a 76 percent population decline since 2002. A September 2014 report issued by The United Nations Office on Drugs and Crime estimates that as many as 60 percent of dead elephants in Africa were killed illegally, generating 154 metric tons of illegally-harvested ivory valued at more than \$30 million dollars. The report also indicates that ivory poaching in recent years reflects the increased involvement of organized crime.

The elephants are killed primarily for their ivory tusks, which are used predominantly in carved art and jewelry. Ivory sales are regulated by a complex web of international, federal and state laws and treaties. Despite the existing legal protections, New York has become one of the leading destinations in the United States for illegal ivory. In 2012, the DEC, in conjunction with the United States Fish and Wildlife Service, seized more than \$2 million worth of elephant ivory in New York City. In 2014, the Legislature enacted a law to restrict the sale of ivory and rhino horns and strengthened penalties aimed at addressing large-scale ivory sales.

This legislation would clarify the restrictions on the sale of ivory-containing musical instruments and mammoth ivory articles.

## **M. INVASIVE SPECIES**

### **Invasive Species Public Awareness Campaign** **(A.7149-A Gunther; Veto Memo 237)**

According to a Cornell University study, invasive species cause roughly \$120 billion in damages across the United States each year. Invasive species such as Japanese knotweed pose a threat because they spread rapidly and aggressively, and can grow in dense thickets as high as 10 feet, crowding out natural species and posing a risk of river bank erosion.

This legislation would require DEC to create a public awareness campaign for the three most invasive species in the state to include identification and the most effective eradication methods. In addition, DEC would be required to conduct at least two five-year pilot programs to identify best management practices for invasive species eradication.

## **OVERSIGHT AND PUBLIC HEARINGS**

In 2015, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings and roundtables:

### **Hearing on Fisheries Management**

The Committee held a hearing on May 21<sup>st</sup> in Long Island to solicit comments on issues related to fishery management. The Draft Ocean Action Plan 2015-2025 prepared by the DEC and the Department of State indicates “In 2011, commercial fishing industries landed more than 27 million pounds of finfish and shellfish worth \$37.6 million, generated \$5 billion in sales in local communities, contributed \$1.8 billion to the gross state product, and supported 42,000 jobs. That same year, recreational anglers generated \$369 million in sales, contributed \$212 million to gross state product, and supported 3,000 jobs.” The significant economic contribution of the state’s fisheries occurs at a time when those fisheries are under significant stress. The Draft Ocean Action Plan 2015-2025 also states “Winter flounder, river herring, American shad, American lobster and American eel are all species historically abundant in New York waters that are currently experiencing extreme population lows.”

The fisheries are managed at both the state and federal levels. For example, species quotas for certain species are established by the Atlantic States Marine Fisheries Commission (ASMFC) and others are set by the DEC. The DEC’s authority to manage certain species by regulation, including the authority to set seasons, size and possession limits, is set to expire this year. There have been complaints about the quota allocations determined by ASMFC. The hearing was held to solicit comments on these and other fishery-management issues.

### **Western New York Beaches Roundtable**

The Committee, in cooperation with the Assembly Committee on Tourism, Parks, Arts and Sports Development and the Assembly Commission on State-Local Relations held a roundtable on September 22<sup>nd</sup> in Blasdell to examine the issues faced by beaches on the Great Lakes of Erie and Ontario including the threat of beach closures and the possibilities for municipal and state cooperation and coordination.

## **Plum Island Hearing**

The Committee held a hearing on September 28<sup>th</sup> in Long Island to examine issues related to Plum Island. Plum Island, a federally-owned 840 acre island located off the coast of Long Island, is the current home of the federal Department of Homeland Security Plum Island Animal Disease Center as well as an 1869 lighthouse, and buildings constructed as part of Fort Terry, a military fort used during the Spanish-American War and both World War I and World War II. In addition, the Island is host to numerous bird species and other wildlife. In a 2010 letter regarding the preparation of a draft Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), the United States Fish and Wildlife Service wrote “Plum Island is widely recognized as containing significant habitats for fish, wildlife, and plant species by Federal, State, and local agencies, as well as non-governmental agencies.” The State has also recognized the importance of Plum Island, listing it as a regional priority conservation project on the 2014 Draft New York State Open Space Conservation Plan.

The federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, which authorized the construction and operation of a new National Bio and Agro-Defense Facility in Manhattan, Kansas, also required Plum Island to be sold. The purpose of this hearing was to examine what steps can be taken to preserve Plum Island as open space in light of the pending sale.

## **Sand Mining and Illegal Dumping Impacts on Long Island Water Quality Hearing**

The Committee will hold a hearing on December 16<sup>th</sup> to examine the effectiveness of the Environmental Conservation Law waste disposal and sand mining provisions in protecting Long Island’s water. Long Island’s population of approximately three million people receives its drinking water from a sole source aquifer. Long Island’s sandy soil helps ensure a plentiful groundwater supply but also facilitates the leaching of contaminants from the surface into the groundwater. Unpermitted sand extraction activities, inadequate mined land reclamation, and illegal dumping can also further exacerbate contamination and jeopardize water quality.

The purpose of this hearing is to examine existing laws regulating sand mining, reclamation, and dumping activities to determine what, if any, changes are necessary to help protect Long Island water quality.

## **Climate Change Roundtables**

This year the Assembly formed a Climate Change Work Group “to explore policy initiatives on both state and federal levels to reduce greenhouse gas emissions and combat the effects of climate change.” The Work Group, in conjunction with the Committee held a series of roundtables.

### **Roundtable One – The Science Behind Climate Change**

The first roundtable, held in New York City on July 28<sup>th</sup>, examined the science behind climate change with representatives from Federal, State and local governments. The United States Environmental Protection Agency, National Oceanic and Atmospheric Administration, United States Army Corps of Engineers, United States Geological Survey, the DEC, and New York City participated.

### **Roundtable Two – The Economic and Environmental Implications of Climate Change**

The second roundtable, held in Albany on October 26<sup>th</sup>, examined the economic and environmental implications of climate change. A variety of groups including the American Institute of Architects, The Business Council, New York Farm Bureau, JPMorgan Chase, professors and environmental groups participated.

### **Roundtable Three – The Ecological and Societal Implications of Climate Change**

The third roundtable, held in New York City on December 7<sup>th</sup>, examined the ecological and societal implications of climate change, including environmental justice. Representatives including NYC Environmental Justice Alliance, El Puente, UPROSE, The Point CDC, ALIGN, Stony Brook University, Sabin Center for Climate Change Law, Lamont-Doherty Earth Observatory of Columbia University and New York University participated.

## **OUTLOOK AND GOALS FOR 2016**

The Committee looks forward to the 2016 Legislative Session. The Committee will continue its history of environmental advocacy and achievement by working to enact sound, workable environmental policies. Also, the Committee will continue its work to preserve open space. The Committee will consider legislation to improve water quality, and ensure safe drinking water. Finally, the Committee will continue to work to protect the state's natural resources and the long-term health and abundance of New York's fish and wildlife populations.

**APPENDIX A**  
**2015 SUMMARY SHEET**

**Summary of Action on All Bills Referred to the Committee on**  
**ENVIRONMENTAL CONSERVATION**

<b>Final Action</b>	<b>Assembly <u>Bills</u></b>	<b>Senate <u>Bills</u></b>	<b><u>Total</u></b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee (Favorable)	8	0	8
To Ways & Means	28	0	28
To Codes	28	0	28
To Rules	32	0	32
To Judiciary	0	0	0
<b>Total</b>	<b>96</b>	<b>0</b>	<b>96</b>
<b><u>Bills Having Committee Reference Changed</u></b>			
To Codes	1	0	1
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		24	24
Recalled		2	2
<b>Total</b>		<b>26</b>	<b>26</b>
<b><u>Bills Defeated in Committee</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Bills Held for Consideration With a Roll-Call Vote</u></b>	<b>10</b>	<b>0</b>	<b>10</b>
<b><u>Bills Never Reported or Held in Committee</u></b>	<b>290</b>	<b>45</b>	<b>335</b>
<b><u>Bills Having Enacting Clause Stricken</u></b>	<b>9</b>	<b>0</b>	<b>9</b>
<b><u>Motion to Discharge Lost</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>406</b>	<b>71</b>	<b>477</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>7</b>	

## APPENDIX B

### ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES

<b>Assembly Bill</b>	<b>Sponsor</b>	<b>Description</b>	<b>Final Action</b>
A.1308	Cusick	Extends the moratorium on the storage of Liquefied Natural Gas (LNG) in New York City	Chapter 275
A.1345	Mayer	Creates the Flood Mitigation and Prevention Task Force	Veto 200
A.1460	Cusick	Extends the authority of residential property owners in high risk brush fire areas on Staten Island to cut and remove certain reeds	Chapter 245
A.2120	Buchwald	Designates Saw Mill River as an inland waterway	Chapter 95
A.3475-B	Ryan	Designates 18 Mile Creek as an inland waterway	Chapter 98
A.3586	Buchwald	Designates the Bronx River as an inland waterway	Chapter 96
A.3675	Cymbrowitz	Establishes criteria for DEC's development of a mute swan management plan	Veto 249
A.4273	Buchwald	Designates Peach Lake as an inland waterway	Chapter 92
A.4367-A	Hawley	Authorizes rifle hunting in Genesee County	Chapter 68
A.5076-A	Woerner	Expands the powers and duties of the Historic Hudson-Hoosic Rivers Partnership	Chapter 558
A.5079	Woerner	Authorizes monies in the Environmental Protection Fund to be used for the support of the Historic Hudson-Hoosic Rivers Partnership	Veto 290
A.5168	Buchwald	Designates Campfire Lake, Echo Lake and Pocantico River as inland waterways	Chapter 97
A.5634	Thiele	Requires the DEC to prepare a state deer management plan periodically	Veto 258
A.6108	Russell	Extends the authorization for a single individual to use up to three fishing lines in freshwater	Chapter 116
A.6900-A	Kolb	Authorizes rifle hunting in Ontario County	Chapter 72
A.6952	Kolb	Authorizes rifle hunting in Seneca County	Chapter 73

A.7149-A	Gunther	Requires DEC to create a public awareness campaign regarding invasive plant species	Veto 237
A.7219	Zebrowski	Extends the timeframe for the Rockland Bergen Flood Mitigation Task Force to complete its work	Chapter 265
A.7357-B	Oaks	Authorizes rifle hunting in Wayne County	Chapter 74
A.7578	Englebright	Provides a technical amendment to the property descriptions of the Long Island Pine Barrens	Chapter 267
A.7583	Lupardo	Extends DEC's authority to enact deer and bear management measures by regulation	Chapter 209
A.7584	Gunther	Extends DEC's authority to regulate hunting in the northern zone by regulation	Chapter 211
A.7629	Skoufis	Requires the DEC Commissioner to consider compliance with environmental laws	Veto 185
A.7633	Englebright	Extends DEC's authority to offer youth pheasant hunting days on Long Island	Chapter 125
A.7855	Fahy	Extends DEC's authority to manage Atlantic cod by regulation	Chapter 128
A.7856	Jaffee	Extends DEC's authority to manage blueback herring by regulation	Chapter 129
A.7857	Thiele	Extends DEC's authority to manage squid by regulation	Chapter 130
A.7858	Englebright	Extends DEC's authority to manage striped bass by regulation	Chapter 193
A.7859	Cymbrowitz	Extends DEC's authority to manage monkfish by regulation	Chapter 131
A.7860	Abinanti	Extends DEC's authority to manage lobsters by regulation	Chapter 132
A.7861	Zebrowski	Extends DEC's authority to manage Atlantic and shortnose sturgeon by regulation	Chapter 133
A.7862	Otis	Extends DEC's authority to manage scallops by regulation	Chapter 134
A.7881	Seawright	Extends certain special powers of the Environmental Facilities Corporation	Chapter 326
A.7883	Englebright	Requires land clearing debris facilities on Long Island to minimize environmental harm, mold and odors	Veto 287
A.7917	Kaminsky	Extends DEC's ability to offer sweepstakes to promote the <i>Conservationist</i>	Chapter 210

A.7918	Englebright	Extends DEC's authority to manage migratory game birds by regulation	Chapter 208
A.7975	Colton	Extends DEC's authority to manage winter flounder by regulation	Chapter 136
A.7976	Rozic	Extends DEC's authority to manage whelk and conch by regulation	Chapter 188
A.7977	Cymbrowitz	Extends DEC's authority to manage fluke-summer flounder by regulation	Chapter 189
A.7987-A	Santabarbara	Authorizes rifle hunting in Schenectady County	Chapter 75
A.8000	Titone	Extends DEC's authority to manage sharks by regulation	Chapter 137
A.8001	Simotas	Extends DEC's authority to manage scup by regulation	Chapter 191
A.8045	Otis	Extends DEC's authority to manage Atlantic herring by regulation	Chapter 138
A.8046	Persaud	Extends DEC's authority to manage black sea bass by regulation	Chapter 194
A.8052	Englebright	Authorizes State Forest Land to be transferred to the Town of Long Lake	Chapter 314
A.8085-A	Benedetto	Allows DEC to consider past military service when evaluating income eligibility criteria for commercial food fish licenses	Chapter 484
A.8087-A	Englebright	Extends DEC's authority to manage the taking of fish, shellfish and crustacea in special management areas	Chapter 200
A.8088-A	Englebright	Extends DEC's authority to issue commercial fishing licenses	Chapter 212
A.8090-A	Englebright	Directs DEC to examine certain crab management and conservation measures	Chapter 226

## APPENDIX C

### ENVIRONMENTAL CONSERVATION BILLS THAT PASSED THE ASSEMBLY ONLY

<b>Assembly Bill</b>	<b>Sponsor</b>	<b>Description</b>
A.166	Thiele	Authorizes localities to adopt laws requiring monitoring of groundwater impacts from mining
A.3063	Peoples-Stokes	Creates a permanent environmental justice advisory group
A.3382	Peoples-Stokes	Requires DEC to publish a list of high local environmental impact zones
A.5612	Englebright	Restricts the use of certain toxic chemicals in children's products
A.5844	Kavanagh	Limits the mercury content of compact fluorescent light bulbs
A.5896	Schimel	Enacts the "Microbead-free Waters Act" to prohibit the sale of personal cosmetic products containing microbeads
A.6070-A	Englebright	Requires heating oil to contain at least two percent biodiesel
A.6071	Englebright	Clarifies the timing of the mammoth ivory sales prohibition
A.6072	Englebright	Requires DEC to establish limits on greenhouse gas emissions
A.7625	Fahy	Ensures adequate financing for the cleanup of petroleum discharges
A.8089	Rodriguez	Authorizes the Environmental Facilities Corporation to fund improvements to the East River Esplanade