The Nature Conservancy

Our World Depends on Us.
NEW YORK

New York State Office
195 New Karner Road
Suite 200
Albany, NY 12205

Tel: 518-690-7850
Fax: 518-869-2332
www.nature.org/newyork
@nature_ny

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 2017-18

February 13, 2017

Good afternoon. 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 2017-18 (SFY 2017-18).

I want to start by saying thank you to all of the members of the Legislature, and in particular our Environmental Conservation Committee Chairs, Assemblyman Englebright and Senator O'Mara, for your continued work to champion environmental funding in the state budget. In the last two years we have made important progress and achieved historic milestones in our efforts to sustainably fund critical programs that nature and people throughout New York depend on. The Nature Conservancy has been proud to work with the Governor Cuomo, the Legislature and our many partners to secure a $300 million Environmental Protection Fund (EPF) – a longtime goal of our community – for the first time in history. The Water Infrastructure Improvement Act was doubled in its second year, providing a total of $400 million to communities for waste and drinking water system upgrades and repairs. And a long-term significant infusion of capital into our world-class state parks system has improved public access to outdoor recreational facilities, allowing more people to connect with nature.

This type of investment in the environment is even more important as federal policy starts shifts and there is uncertainty with respect to continued federal funding for crucial state programs. New York has historically been a national leader in recognizing the linkages between environmental conservation and community prosperity, and we are truly fortunate that our political leaders are committed to this foundational policy as indicated by last year's actions.

This year Governor Cuomo's proposed budget continues and builds on these successes. I am here to respectfully ask that you continue to support a $300 million appropriation for the EPF, as well as support proposed capital funding for New York State Parks and the Department of Environmental Conservation. Furthermore, I urge you to take action and ensure that the billions of dollars being proposed, both in the Executive Budget and by the Legislature to address water quality in New York State are included in the enacted budget. These important proposals are a foundation for community prosperity in every corner of the state. Environmental 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 60 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 have just completed one of the largest additions to the state's Forest Preserve in a century, and are 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 continuation of a $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.

In sum, the EPF programs are a remarkable collective 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.

Two areas of Concern

The Governor's budget proposal includes a new program in the Parks Account of the EPF called "Navigation Law" and appropriates $2 million for this program. This proposal appears to be an "offload" of what was previously General Fund spending by the Office of Parks, Recreation and Historic Preservation to the EPF Capital Budget. The state typically reimburses localities for a portion of their cost in enforcing state navigation laws. The Executive Budget proposes to shift the cost of this reimbursement into the EPF rather than continue to pay for it with the General Fund. The Nature Conservancy and other EPF stakeholders have long opposed such offloads.

The Executive Budget proposal also reduces the appropriation for open space conservation by $7 million from $40 million to $33 million. The Nature Conservancy is concerned about this level of reduction for land conservation, which once received $60 million in annual appropriations in a $255 million EPF. Open Space conservation, a cornerstone of the state's conservation programming, is critical for water quality by protecting the sources of drinking water for communities; resilience by buffering areas from flooding and providing habitats for species which will shift in a changing climate; and climate change mitigation by sequestering carbon. Nature itself is one of the largest pieces of the climate solution puzzle, and can help us achieve more than 30% of the world's climate goals. But it must be conserved, and intact, for us to receive these and many other benefits. We urge the Legislature and Governor not to reduce to the open space conservation program by $7 million and to recommit to this important program as budget negotiations continue.

Funding for Water Quality

Last year we were extremely supportive of the continuation and growth of the Water Infrastructure Improvement Act. This program 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. Notably, that report did not take into account the impacts of climate change, which add to this need. There is nearly as much need for drinking water infrastructure upgrades. Our water infrastructure is old. Very old. Some of it was in the ground when Lincoln was our President. As we saw last year in Troy, breaks in these old systems can have devastating consequences, flooding streets, basements and properties nearby, and cutting off drinking water to communities. And late last year a significant wastewater infrastructure break in Onondaga County caused more than 7 million gallons of sewage to be discharged into Onondaga Lake. 5,000 gallons of diluted raw sewage spewed into the lake every minute for more than 24 hours from a broken, 50-year-old pipe. 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 must be able to withstand the next coastal storm or sea level rise. Unquestionably, the need for funding to address this issue is daunting, and we are at a crisis point.

Governor Cuomo's budget proposal for SFY2017-18 builds on the success of the Water Infrastructure Improvement Act by proposing $2 billion for water quality improvement over five years. The Nature Conservancy was enthusiastic to see that the funding proposed emphasizes not only water infrastructure funding, but funding for green infrastructure and source water protection. We believe these are essential components to this funding proposal. The Nature Conservancy recently released a new report quantifying the benefits of source water protection for cities globally, showing that there are significant co-benefits for communities, and that these

projects can significantly reduce water treatment costs.[1] Given the successful implementation of the grant program in the Water Infrastructure Improvement Act, and the staggering need for water quality funding across New York, we urge the Legislature to work with the Governor to ensure this funding is included in the budget, and if possible go even further.

The Legislature has proposed a $5 billion Clean Water Bond Act.[2] While more detail must be addressed than is included in the current draft, The Nature Conservancy is enthusiastic about a discussion about what could be the first environmental bond act in more than 20 years. If advanced in addition to the funds proposed in the Executive Budget, this would amount to $7 billion for water quality – infrastructure and source water protection – that is sorely needed. We would never say that $7 billion is a drop in the bucket, but given the extent of the needs, the impact on communities, the critical role of water quality in public health and quality of life, and the clear return on this type of investment, we believe that $7 billion is a reasonable and appropriate amount to dedicate to securing the future of New York State's invaluable water supplies. We look forward to working with the Legislature and the Governor to determine the feasibility of such a measure, and providing social and conservation science that may help guide strategies to advance the proposal and investments to implement it.

Finally, if communities are going to be able to leverage these significant funds, they must have an option for raising the local match that will inevitably be needed. Currently the tax cap does not allow the use of the property tax base for generating additional revenue for this purpose. Creating local enabling authority for towns and/or counties statewide so that they are able to leverage these state funds will be necessary to ensure they can be utilized in all regions of the state. It will also provide a method for localities to create funding for ongoing maintenance and operations of drinking water, waste water and green infrastructure. Such enabling authority could come in the form of a statewide Community Preservation Fund authorization, and allow the use of one of a number of funding mechanisms such as a local real estate transfer fee, a local sales tax or a fee on local municipal water.

Capital Funding for State Agencies

Governor Cuomo's budget proposes continued capital investments in State Parks including $120 million for the Parks 2020 Initiative, including $30 million for projects at significant sites throughout the State that will leverage private funding. It also includes a proposed $70 million for the "Adventure New York" program aimed at upgrading DEC facilities to ensure public access to recreational lands, as well as other important capital improvements at DEC properties. Finally, the Executive Budget proposes $53 million to complete the Empire State Trail, what will be the largest multi-use trail in the nation, connecting communities from Buffalo to the Adirondacks to New York City. The Nature Conservancy supports each of these initiatives. Together, they represent an important investment in our state's outdoor recreational facilities, which provide the public abundant, safe and exciting new ways to connect with nature, and draw tourists to New York to enjoy our natural resources. With an $800 million outdoor

---

[1] www.nature.org/beyondthesource

[2] S. 3772A Hannon/A. 5467 Englebright

recreation industry in our State that employs more than 13,000 people, these investments benefit our economy and our environment.

Waterfront Revitalization Program Amendments[3]

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 75% state cost share for program implementation. This change would help increase the disbursement of funding in communities across the state and we therefore urge the Legislature to include this proposal in the adopted budget.

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:
Jessica Ottney Mahar
Policy Director
The Nature Conservancy in New York
(518) 690-7873
jottney@tnc.org

To learn more about The Nature Conservancy's work in New York, visit www.nature.org/NewYork.

[3] TED Article VII, Part T (A.3008/S.2008)

Environmental Protection Fund (EPF) FY17-18

Open Space Program	FY 16-17 Enacted	FY 17-18 Executive Proposed
Open Space / Land Conservation	40,000	33,000
Cons. Partnership Program/LTA	*2,000*	*2,500*
Urban Forestry	*1,000*	*1,000*
Cities with population 65,000	*500*	*500*
Projects in DEC regions 1-3	*3,000*	*3,000*
Resilience Planting Program	*500*	*500*
Farmland Protection	20,000	20,000
Tug Hill Tomorrow for Ft. Drum ACUB	*1,000*	*1,000*
Cornell University Land Class/Master Soils List	*70*	*87*
Agricultural Waste Management	1,500	1,500
Municipal non-point source pollution	8,000	6,000
Cornell Community Integrated Pest Management	*550*	*550*
Rockland County Water Conservation Strategy	*250*	*0*
Ag. non-point source pollution control	19,000	19,000
Cornell Integrated Pest Management Program	*1,000*	*1,000*
Suffolk County Cornell Cooperative nutrient management	*500*	*500*
Hudson River Estuary Management	5,000	5,500
Mohawk River Action Plan	*800*	*800*
Biodiversity / Landowner Habitat Conservation Program	1,000	1,000
Pollinator Protection Plan implementation	*500*	500
Albany Pine Bush Commission	2,675	2,675
W/ Woodlawn Preserve	*50*	*50*
Long Island Pine Barrens Commission	1,800	1,800
LI South Shore Estuary Reserve	900	900
Finger Lakes/Lake Ontario Alliance	2,279	2,279
Lake Erie Watershed Protection/Erie Co. SWCD	250	250
Invasive Species	12,000	12,000
Lake George	*450*	*450*
Eradication Grants	*5,550*	*5,550*
*Hemlock Wooly Adelgid project with Cornell**	*0*	*500*
Oceans and Great Lakes Initiative	15,000	15,000
Peconic Estuary Program	*200*	*200*
Great Lakes Commission	*0*	*60*
Water Quality Improvement Program	20,000	20,000
Suffolk Co./DEC Nitrogen Reduction efforts	*3,000*	*3,000*
Suffolk Co. Sewer Improvement Projects	*1,500*	*1,500*
Nassau Co. Projects	*5,000*	*5,000*
Statewide Drug Collection Program	*1,000*	*1,000*
Corning Denison Park stormwater outfall pipe	*750*	*0*
*Fire Department Disposal of PFCs**	*0*	*500*
*Source Water Assessment Plans**	*0*	*5,000*
Soil and Water Conservation Districts	9,000	9,000
Water Resources Commissions	746	711
Susquehanna River Basin Commission	*259*	*259*
Delaware River Basin Commission	*359*	*359*
Ohio River Basin Commission	*13*	*13*
Great Lakes Commission	*60*	*0*
Interstate Environmental Commission	*15*	*41*
New England Interstate Commission	*38*	*38*
Department of Health Water Testing Pilot Program	1,500	0
Dredging/Public Waterway Matching Grant Program	1,000	0
Sub-Total	**161,650**	**150,615**
Parks and Recreation Program		

State Land Stewardship	28,000	30,000
ORDA / Belleayre Mountain	*500*	*1,000*
Parks & Trails NY Grants Program	*500*	*500*
Hudson River Valley Trail Grants	*250*	*250*
SUNY ESF Deer Population Assessment	*200*	*0*
Waterfront Revitalization	16,000	16,000
Inner city/Underserved	*10,000*	*10,000*
Towns of Minerva, Indian Lake & Newcomb	*660*	*660*
New York City East River Esplanade	*1,000*	*0*
LWRP Updates to mitigate climate risks	*2,000*	*2,000*
Niagara River Greenway Commission	*200*	*200*
Hammonds Cove	*150*	*0*
Municipal Parks	20,000	20,000
Inner city/Underserved	*10,000*	*10,000*
Tivoli Park	*250*	*250*
Ulster Co Rail Trail	*300*	*1,000*
Udall's Cove	*150*	*0*
Old Westbury Gardens	*100*	*0*
Town of Middlesex Vine Valley Park	*100*	*0*
Hudson River Park	2,500	3,800
ZBGA	15,000	15,000
Navigation Law*	0	2,000
Sub-Total	**81,500**	**86,800**
Solid Waste Program		
Municipal Recycling	14,000	14,000
Household Hazardous Waste Collection	*0*	*0*
*Organics / Food Waste Programs**	*3,000*	*3,000*
Secondary Materials Markets	1,000	1,000
Pollution Prevention Institute	4,000	4,000
*Interstate Chemical Clearinghouse**	*0*	*350*
Pesticide Program	1,200	2,000
Long Island Pesticide Prevention	*200*	*200*
*Clean Sweep**	*0*	*500*
Natural Resource Damage Assessment	1,950	3,235
Landfill Closure/Gas Management	700	700
Essex County	*300*	*300* *150*
Hamilton County	*150*	
Environmental Justice	7,000	7,000
Community Impact Grants Program	*2,000*	*2,000*
Connect Kids Outdoor Recreation Program	*500*	*1,000*
Environmental Health	3,000	7,000
Children's Environmental Health Centers	*2,000*	*2,000*
*Fresh Connect**	*0*	*625*
Brownfield Opportunity Area Grants	2,000	2,000
Sub-Total	**34,850**	**40,935**
Climate Change Mitigation and Adaptation Program*		
Greenhouse Gas Reduction outside power sector*	1,000	2,000
State Agency Vulnerability Assessments	4,500	0
Climate Adaptation	0	1,150
*Local Government CRRA Implementation**		*750*
Smart Growth Grants	2,000	2,000
Climate Resilient Farms	2,500	2,500
Climate Smart Communities Projects	14,000	14,000
SWCD Stormwater resiliency plan for private lands*	*0*	*1,000*
Sub-Total	**24,000**	**21,650**
TOTAL EPF	**300,000**	**300,000**

000s omitted. Programs in Italics are sub-allocations within programs.
**New category proposed in FY17-18.*
Data compiled by The Nature Conservancy, January 17, 2017. For more information, contact jottney@tnc.org.