SCENIC HUDSON
land ■ parks ■ advocacy

SAVING THE LAND THAT MATTERS MOST

Scenic Hudson, Inc.
One Civic Center Plaza
Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
info@scenichudson.org
www.scenichudson.org

New York State Joint Legislative Committee Public Hearing on
2017-18 Executive Budget Proposal
Environmental Conservation

Monday, February 13, 2017
LEGISLATIVE OFFICE BUILDING, 2ND FLOOR
ALBANY, NEW YORK

TESTIMONY PRESENTED BY:

Andy Bicking
Director of Public Policy, Scenic Hudson

Introduction

Hello, my name is Andy Bicking, Director of Public Policy for Scenic Hudson.

I would like to thank Chairmen Farrell and Englebright in the Assembly, and Chairwoman Young and Chairman O'Mara, and members of the Joint Legislative Budget Committee for Environmental Conservation, for your leadership on the many important financial and environmental issues facing New York State, and for your commitment to safeguard what we love most, our New York: our clean air and water, protected parklands and working farms, and good quality jobs. I very much appreciate the opportunity to testify to you today about the 2017-18 budget proposal from the Executive.

Scenic Hudson works to protect and restore the Hudson River and its majestic landscape as an irreplaceable national treasure and a vital resource for residents and visitors. Our staff combine land acquisition, support for agriculture, citizen-based advocacy and sophisticated planning tools to create environmentally healthy communities, champion smart economic growth, open up riverfronts to the public and preserve the valley's inspiring beauty and natural resources. Our policy and budget advocacy is based on our track record as an advocate and proven ability to complete complex capital projects to achieve conservation science, ecological restoration, land-use planning, open space protection and park and trail development goals.

Commentary on Executive Budget Proposal Priorities

The Executive Budget Proposal for the state's 2017-18 fiscal year contains many positive recommendations to address the state's most significant environmental challenges and opportunities, and builds on a strong history of legislative leadership on open space and farmland protection, clean water and development of recreational trails. The Executive's proposal for capital funding for projects implemented by the Department of Environmental Conservation (DEC), Office of Parks, Recreation and Historic Preservation (OPRHP), the Department of Agriculture and Markets (DAM) and the Hudson River Valley Greenway Conservancy and Communities Council (the Greenway) are particularly important to achieving Scenic Hudson's mission. Given the uncertainty of federal environmental initiatives under the current administration in Washington, New York State's continued leadership on the environment and the environmental budget in particular, is more important than ever.

The Environmental Protection Fund (EPF)

The proposal for a $300 million Environmental Protection Fund (EPF) makes good on the promise made in the 2016-17 state budget to fully fund this important capital program. The EPF has a long history of providing significant economic, environmental and public health benefits through its many regional and statewide programs that address open space, parks and recreation, solid waste management and climate change mitigation and adaptation issues. Scenic Hudson strongly supports the proposal for a $300 million EPF, and offers commentary on several specific programs contained within the EPF below:

Hudson River Estuary Management The Executive Budget Proposal includes $5.5 million for Hudson Estuary Management, a $500,000 increase from the 2016-17 enacted budget. This proposal includes $800,000 for the Mohawk River Action Plan – important in and of itself, but also because the hydrological connection between the Mohawk and Hudson Rivers makes cooperation between both regions socially and scientifically important. Hudson Estuary Management funding is used to implement the state's Hudson River Estuary Management Action Agenda, which has become a model for partnerships between New York State, local governments, and not-for-profit organizations that achieve measurable outcomes. The proposed $5.5 million for the program is an important step towards rebuilding funding for the program that was cut in the recession; however, the program received $6.5 million in the 2008-9 fiscal year when the EPF totaled $255 million. Given that the Mohawk River Action Plan is now funded through the Hudson River Estuary Management line in the EPF, Scenic Hudson and its sister organization, Riverkeeper, have set a goal $7 million. One potential source for this restoration could be removing the Navigation Law category from the EPF and returning it to the Aid to Localities budget, as elaborated on below.

Open Space – Land Acquisition The Executive Budget proposal includes $33 million for Open Space Conservation, a $7 million decrease from the $40 million included in the 2016-17 Enacted Budget. Scenic Hudson is concerned at the proposed reduction given that the program received $60 million in appropriations when the EPF was funded at $255 million. Open space needs in the Hudson Valley are significant. Since launching our *Saving the Land that Matters Most* campaign in 2007, Scenic Hudson and the Hudson Valley's land trust community have achieved important conservation victories; however, many breathtaking vistas in the Hudson Highlands, ecologically diverse habitat for plants and animals, waterfront land on the Hudson River that can provide public access or that will be impacted by sea level rise, and lands that buffer local, state and national parks remain unprotected. Consequently, Scenic Hudson encourages the legislature to restore Open

Space-Land Acquisition funding to its former level when possible. One potential source for this restoration could be removing the Navigation Law category from the EPF and returning it to the Aid to Localities budget, as elaborated on below.

Farmland Protection The Executive Budget Proposal includes $20 million for statewide farmland protection projects, the same funding level as last year. Scenic Hudson appreciates the state's continued commitment to farmland protection efforts, having leveraged the program significantly in the Hudson Valley in partnership with local government and the region's land trust community through both the statewide program, and the $20 million Hudson Valley Agricultural Enhancement Program included in the 2015-16 enacted budget. The DAM's administration of both programs has been strong and effective, and demand for permanent conservation easements on working farmland in the Hudson Valley and New York State – which provides capital to farmers that is being reinvested in the state's agricultural economy – remains high, with approximately 65 applications requesting $49 million submitted in 2016 being reported by the American Farmland Trust, and 629,987 acres of unprotected, yet highly productive, faming soils identified in Scenic Hudson's *Foodshed Conservation Plan for New York City and the Hudson Valley*. Consequently, Scenic Hudson has urged the DAM to maintain an annual Request for Proposals for projects (as opposed to every other year, which has been discussed), and requests that the legislature secure additional funding for the program if possible. One potential source for this increase could be removing the Navigation Law category from the EPF and returning it to the Aid to Localities budget, as elaborated on below.

Navigation Law The Executive Budget proposal for the EPF includes $2 million for Navigation Law, to be administered by the OPRHP. This program is new to the EPF. In previous budgets, it has been funded through the Aid to Localities budget, backed by a portion of vehicle registrations collected by the Department of Motor Vehicles. The program's intent is to reimburse local government for law enforcement and safety patrols related to navigation. Requests are submitted to OPRHP, who reimburses localities approximately 50% of their costs, up to an established cap. This initiative is not a capital program, and Scenic Hudson and its partners in the We Love New York coalition that supports the EPF have a long history of opposing similar budget off-loads. Potential categories within the EPF to reinvest this money in include the Open Space-Land Acquisition, Farmland Protection and Hudson Estuary Management.

Waterfront Revitalization *and* related Article 7 Legislation The Executive Budget Proposal includes $16 million for Waterfront Revitalization, administered through the NYS Department of State's Coastal Management Program, the same level of funding as last year's budget. Waterfront Revitalization – as well as the compatible goal of implementing the Coastal Risk and Resiliency Act through the Climate Change Mitigation and Adaptation Programs in the EPF – are essential to address local needs and achieve regional goals for economic development, waterfront safety and habitat restoration identified in Scenic Hudson 2008 *Audit and Action Agenda for New York State's Coastal Management Program* and 2010 *Revitalizing Hudson Riverfronts: Illustrated Conservation & Development Strategies for Creating Healthy, Prosperous Communities* reports.

The Executive Budget Proposal contains Article 7 legislation that will increase the state's portion of Local Government and Waterfront Revitalization Projects from 50% to 75%, effectively lowering the local required match. Scenic Hudson applauds this proposal as it would make Waterfront Revitalization grants and updating Local Waterfront Revitalization Plans more feasible for municipalities that are challenged financially or seeking to address complicated local issues such as responding to sea level rise on waterfronts in the Hudson Estuary.

Natural Resource Damage Assessment The Executive Budget Proposal includes $3.235 million for Natural Resource Damage Assessment, a $1.285 million increase from the 2016-17 budget. This increase in funding is critically important to enable the state to conduct research to assess damages to the Hudson River as a result of contamination of toxic polychlorinated biphenyls (PCBs) that originate from two industrial sites formerly operated by the General Electric Company in Hudson Falls and Fort Edward, and have been subject to a federal superfund cleanup. In June, 2015 many legislators in the Assembly and Senate wrote to the Governor to advocate for a more complete cleanup of Hudson River PCBs, as the US Environmental Protection Agency had not managed the Hudson River Superfund to cleanup additional PCBs that were found after the cleanup began. The NYS DEC and state Attorney General spoke out in support of this important goal in September 2016.

Clean Water Infrastructure Act (CWIA)

The proposal for a $2 billion Clean Water Infrastructure Act (CWIA) to be implemented over a 5-year time-frame is very strong and will go a long way to address the state's significant water quality concerns. The Executive Proposed budget plans to spend $400 million on this initiative in the 2017-18 fiscal year. This initiative builds on two years of legislative leadership and support for water infrastructure funding that has just begun to address the $36 million need for repair of the state's wastewater infrastructure documented by the NYS DEC in 2008.

The Clean Water Infrastructure Act wisely recognizes that a one-size fit all approach to addressing water quality issues is not the most effective solution, and divides funding into three categories: (1) wastewater infrastructure, (2) contaminants reduction, and (3) the most cost effective means of protecting water quality, source water protection. Scenic Hudson agrees with this approach and seeks clarity for line item funding within the proposal, and for how the program will be implemented. Scenic Hudson has particular expertise in the identification, prioritization, and protection of open space resources that often buffer drinking water supplies; thus, the Source Water Protection category of the CWIA is the primary focus of our testimony.

The Clean Water Infrastructure Act identifies open space protection to safeguard aquifers, watershed, reservoirs, lakes, rivers and streams as a use of available funds, with the top priority being drinking water systems and riparian areas, and a secondary goal being improving resilience. These goals make sense as cost effective tools to maintain water quality and protect it from future risks that will be more costly to mitigate[1].

Scenic Hudson notes that specific funding levels for source water protection are not identified in budget language, and requests that guidelines be established. Scenic Hudson's 2013 *Diversifying Finance of Farmland Protection in the Hudson River Valley* report studied the opportunity of protecting source water through open space protection on 475,380 acres of the Hudson Valley's most productive farmland soils. The report found that 53% of areas within 163,673 acres of farmland priority conservation clusters also ranked high or highest for overall water quality conservation value. Seventeen percent of farms within these clusters ranked the highest priority for protection in Scenic Hudson's 2013 *Foodshed Conservation Plan for New York City and the Hudson Valley* and were also located wholly or partly in watershed ranked highest for overall water quality

[1] *Reducing Coastal Risk on the East and Gulf Coasts*: A review of the coastal risk-reduction strategies and levels of protection that have been used along the United States East and Gulf Coasts to reduce the impacts of coastal flooding associated with storm surges. This report evaluates effectiveness in terms of economic return, protection of life safety, and minimization of environmental effects. Committee on U.S. Army Corps of Engineers Water Resources Science, Engineering, and Planning: Coastal Risk Reduction; Water Science and Technology Board; Ocean Studies Board; Division on Earth and Life Studies; National Research Council https://www.nap.edu/read/18811/chapter/5

conservation value. These findings strongly validate the inclusion of source water protection as a major strategy for the Clean Water Infrastructure Act. Our organization is conducting a finer-grained analysis of the opportunity within the Hudson Valley region and will share the results with the Legislature and DEC when the work is complete.

The Executive's proposal is well-tailored to the needs of communities in the Hudson Valley. It allows the Source Water Protection program to be used to fund capital costs associated with acquiring land or easements and local plans to help local government, not-for-profits and Soil and Water Conservation Districts prioritize these resources and develop appropriate strategies.

$5 Billion Clean Water Bond Act of 2017 & Drinking Water Quality Act proposals Scenic Hudson would to thank Senators Hannon and O'Mara for their leadership in introducing these proposals into the dialogue regarding the state's water quality needs. With respect to the proposal for a $5 billion bond act, the proposal is particularly welcome as a strategy to secure additional funds to address the state's clean water needs, but not as a replacement for Governor's $2 billion Clean Water Infrastructure Act proposal – the funding proposed in both programs is needed. Scenic Hudson encourages those concerned with water quality to carefully consider "readiness" before committing to a ballot referendum for clean water funding. This must include: identifying and prioritizing needs, educating the public, establishing public support through scientific polling of the public's interest, and the substantial resources required to undertake a public campaign.

Empire State Trail (EST)

The 2017-18 Executive Budget proposal includes a $53 million investment to build Phase 1 of the Empire State Trail, a visionary effort to create the most-extensive multi-use trail network in the nation, which builds on years of legislative leadership for the Hudson River Valley Greenway, as well as support for the Empire State Trails' proposed components. This project is largely shovel-ready and can to inspire and catalyze dozens of local trail and tourism-based economic development initiatives throughout the state. The total cost for this 750 mile project over a 3 year period is projected to be $200 million. The anticipated route will include access to historical landmarks such as the Theodore Roosevelt Inaugural Site in Buffalo, Fort Ticonderoga in the Adirondack Mountains, the Walkway Over the Hudson State Historic Park spanning Ulster and Dutchess Counties, and Battery Park in New York City.

Scenic Hudson supports this important proposal and asks that the Legislature fund it as proposed. We also ask that the legislature seek clarity in budget language to ensure that other local and regional trail systems not included in this specific proposal continue to receive adequate support from New York State from appropriate sources. Two such trails that remain very important to Scenic Hudson include the Hudson Fjord Trail, which links the Village of Cold Spring in Putnam County to the City of Beacon in Dutchess County, and the John Burroughs-Black Creek Corridor, which links the Hudson Valley Rail Trail in the Town of Lloyd, Ulster County, through the Black Creek State Forest and John Burroughs Association's Slabsides, with Scenic Hudson's Black Creek Forest Preserve in the Town of Esopus, Ulster County.

This Empire State Trail initiative has been reported on in various forms at meetings of the Hudson River Valley Greenway Communities Council for much of 2016. Scenic Hudson understands that the first installment of the project will be approximately 72 miles long and is largely shovel-ready. Scenic Hudson's staff has been involved in planning critical links between Putnam County and Dutchess County (known by some locally as "The Beacon Line" as a component of the "South County Trailway"), as well as another section planned for

phase 2 of the project between the Village of Catskill, Greene County, and the City of Hudson, Columbia County (known by some locally as "the Skyway"). Scenic Hudson has also been an investor in the Walkway Over The Hudson and the Hudson Valley Rail Trail.

Hiking and biking trails provide a multitude of public benefits. They bolster economic development through tourism, promote healthy lifestyles, and enhance property values. A completed Empire State Trail will serve as the backbone of the state's growing trail system, and ultimately connect to other trail initiatives in New York City, the Hudson Highlands, the Southern Tier, Western New York, the Great Lakes, and the Catskill and Adirondack Parks.

The Hudson River Valley Greenway portion of this initiative is approximately 50 percent complete, with 143 of 260 miles of multi-purpose trail linking Manhattan's west side north to Lake George already done. The benefit and popularity of the Hudson River Valley Greenway in the communities it serves is strong. Greenway meetings are attended regularly by members of the public and the Hudson River Valley Greenway currently accounts for more than $21 million in economic impact activity. The legislature created the Greenway through an act of legislation and has championed the agency in the state budget process for decades.

Increasingly outdoor recreation, including hiking and biking, are popular pastimes, frequently sought by domestic and international visitors. The value of tourism in the Hudson River Valley alone is nearly $5 billion, and the state's outdoor recreation industry is valued at nearly $800 million annually, supports 130,000 jobs and produces $11.3 billion in retail sales and services. The Empire State Trail promises to build upon and enhance these industries by providing greater access to New York State's rich cultural attractions and small-town attractions, including overnight accommodations, restaurants, wineries, breweries, farmsteads, and public events.