

Testimony of Scenic Hudson

Joint Legislative Hearing on the Environmental Conservation and Agricultural Portions of the Executive Proposed Budget

New York State Fiscal Year 2018-19

Wednesday, February 7, 2018

Introduction

Hello, my name is Andy Bicking, director of Public Policy and Special Projects for Scenic Hudson. On behalf of our board, staff and 25,000 ardent supporters, thank you for the opportunity to comment and provide feedback regarding the Executive Proposed Budget for State Fiscal Year 2018-19.

First, I would like to first members of the Joint Committee, particularly the chairmen of the Senate and Assembly Environmental Conservation Committees, Senator Tom O'Mara and Assemblyman Steve Englebright, and chairs of the Agriculture Committees, Senator Patty Ritchie and Assemblyman William Magee, for their leadership and work to advance sound environmental and agricultural policies in the Hudson Valley and throughout New York State.

Last year's budget included a \$300-million Environmental Protection Fund (EPF), the highest amount ever appropriated; a multi-year commitment to the \$2.5-billion Clean Water Infrastructure Act, including a cost-effective program to safeguard sources of drinking water; and resources dedicated to creating the Empire State Trail and local trails to connect with it. While not subject to legislative appropriation in the current year budget, important work has continued to implement the 2016 Hudson Valley Agricultural Enhancement Program, securing the source of fresh, local food within the Hudson Valley-New York City "foodshed." Beyond the budget, the Legislature passed legislation, recently signed into law, to develop common-sense protections from risks posed by petroleum-bearing vessels seeking to anchor on the Hudson River. These outcomes secured by the Legislature are enabling New Yorkers to lead more fulfilling lives, protect the environment, create jobs and ensure future economic success. Scenic Hudson was extremely impressed with the Legislature's performance representing the citizens of the Hudson Valley last year, and we are excited to help address the challenges facing the region and the state in the year ahead.

Scenic Hudson commends Governor Andrew Cuomo for the Proposed Budget's strong environmental focus. It builds on prior-year commitments that have made New York State a national leader on the environment, and it advances policy initiatives outlined in his 2018 State of the State address.

About Scenic Hudson

Scenic Hudson preserves land and farms and creates parks that connect people with the inspirational power of the Hudson River, while fighting threats to the river and natural

resources that are the foundation of the valley's prosperity. Our team of experts combines 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 vision for the Hudson Valley is a community of informed and engaged citizens working to make the region a model of vibrant riverfront cities and towns linked by inviting parks and trails, beautiful and resilient landscapes, and productive farms.

Hudson River Superfund Cleanup

In his State of the State address, the governor outlined a plan for the state to take immediate action against the U.S. Environmental Protection Agency if it certifies the Upper Hudson dredging of polychlorinated biphenyls (PCBs) as complete. The Legislature has provided important political leadership on this issue for years, for which we are grateful. The Proposed Budget includes \$2.025 million to continue the work of the Hudson River Natural Resource Damage Assessment, which (under federal law) eventually will allow the state to recoup funding from General Electric for damages caused to the public as a result of its pollution.

Environmental Protection Fund

The Budget Proposal maintains a \$300-million Environmental Protection Fund, the largest amount ever appropriated to the fund and consistent with last year's appropriation. The EPF includes many line items that are important to the Hudson Valley, including Open Space/Land Acquisition, Farmland Protection, Land Trust Alliance/Conservation Partnership, Hudson Estuary Management, Water Quality Improvement, Waterfront Revitalization and climate change-related programs.

Scenic Hudson would like to cite two concerns in the Proposed Budget that relate to the Environmental Protection Fund:

Open Space/Land Acquisition. State Land Acquisition and its sub-category programs link to and benefit all aspects of the Hudson Valley and its residents' quality of life. They help to provide both urban and rural communities with transformative spaces to gather and enjoy outdoor recreation, including biking, hiking, canoeing, fishing, hunting and wildlife watching. All of these contribute meaningfully to the region's \$5.3-billion tourism economy. Open space also plays an important role in preserving iconic and cherished scenery; sustaining "green infrastructure" that provides resiliency to a changing climate, especially in densely populated areas; and safeguarding ecological reserves that furnish habitat for many plant and animal species.

The Proposed Budget includes \$30 million for the program, a \$6.349-million reduction from the 2017-18 approved budget. Scenic Hudson is very concerned about this reduction—the program once received \$60 million in annual appropriations in a \$255-million EPF. We request that the governor and Legislature not reduce funding for this program, and restore funding in the final budget.

The opportunity to continue State Land Acquisition in the Hudson Valley remains strong. Scenic Hudson has at least four projects—totaling approximately \$7 million and all identified in the State Open Space Plan—that we are ready to transfer to the DEC or the Office of Parks, Recreation and Historic Preservation. Additional project opportunities could be developed if sufficient funding and capacity exists.

Hudson Estuary Management. The Hudson Estuary Management line item in the EPF enables the work of the Hudson River Estuary Program in implementing its Hudson Estuary Action Agenda, spanning from New York Harbor to the Federal dam at Troy. A subline item for the Mohawk River plan exists under the Hudson Estuary line. (Scenic Hudson considers this relationship to be good public policy, the Mohawk River being the Hudson’s largest tributary.) The Proposed Budget includes an increase of \$1 million to the Hudson Estuary management portion of the program over last year’s budget, providing a total of \$5.5 million, and it maintains the \$1-million commitment to the Mohawk River.

The increase to Hudson Estuary Management is vital to help address a funding gap that the program will face in the 2018-19 fiscal year if no action is taken to restore funding. The program has operated as a \$6.5-million program in recent years, even while the annual appropriation was much less (\$4.5 million in the current year budget). The reason for this is that the program was tapping re-appropriations from previous budgets, and other sources of funds. In December, the DEC reported to the Hudson River Estuary Management Advisory Committee that re-appropriations and other funding sources were spent or no longer available. This situation puts the program at risk of not being able to continue a baseline level of service to the hundreds of local communities that have benefitted from its grants and technical support.

Restoration of funding to the Hudson Estuary Management program will enable it to continue its important work. Last year, the program awarded over \$3 million in grants for 37 projects in 69 locations. More than 3,000 volunteers participated in its citizen science and stewardship programs, while its education programs reached 5,000 students. In addition, it provided technical assistance to 28 municipalities and training to more than 1,000 local officials.

Scenic Hudson appreciates the governor’s commitment of additional funding in this year’s proposed appropriation, and we respectfully ask the Legislature to identify additional funds to make the program whole so that it can continue its baseline level of service to local communities.

In addition, we would like to provide general comments on the performance of the following programs that are line items in the EPF:

Farmland Protection. The Proposed Budget includes \$20 million for farmland protection. This program is regarded as one of the most effective conservation and economic-development tools available in the Hudson Valley. Hundreds of millions of dollars of public and private funds have gone directly into the hands of working farmers (with increasing numbers of them in the “young” or “beginning” demographic) in exchange for conservation restrictions on farmland

that have been agreed upon by the landowner and entities providing funding for the easement. Demand for the popular Farmland Protection Program administered by the Department of Agriculture & Markets is exceptionally high and outpaces available funding. Scenic Hudson and many of its colleague land trusts have a full pipeline of projects to propose to the agency. Because of this, Scenic Hudson feels that new initiatives, despite their merits, should not be structured in a way that reduces funding available for permanent conservation easements. For these reasons, Scenic Hudson does not support any new proposals that would create a sub-category of funding under the Farmland Protection line item in the EPF. We feel strongly that funding should be dedicated exclusively to securing permanent conservation easements on working farms, as this has proven to be one of the single best investments that support agriculture while advancing conservation goals.

Conservation Partnership Program. The Proposed Budget includes \$2.5 million to continue this highly effective program that is investing in land trusts to help them achieve New York State's policy goals. The 15th round of the program expects to award \$2.25 million in April 2018. Dozens of proposed projects will leverage \$2.32 million in local matching funds and conserve 2,730 acres.

Water Quality Improvement Program (WQIP) & Source Water Protection. WQIP funds projects throughout the state that address documented water-quality impairments. The Proposed Budget contains a \$20.25-million appropriation for the program, which is benefiting many communities in the Hudson Valley.

In Newburgh, Orange County, residents' water originates in Lake Washington, within the watershed of Quassaick Creek, an important Hudson River tributary. Legacy pollution in the lake has posed a grave public health threat. To overcome this crisis and help restore the long-term viability of the city's drinking-water supply, the Orange County Water Authority received a \$1.7-million grant from the WQIP program to permanently protect lands surrounding the lake and Newburgh's backup water source. By leveraging matching funds from other partners, including Scenic Hudson, the investment's full value will approach \$2.3 million. The benefits of the project illustrate the important value of source water protection. In the words of Newburgh City Manager Michael Ciaravino, "At the end of the day, Washington Lake is, bar none, the key asset for the City of Newburgh for the next century, and we ought to treat it like what it is."

Clean Water Infrastructure Act

Building on last year's commitment to a multiyear, \$2.5-billion investment to address water-quality concerns around the state, the Proposed Budget continues this important program. There are many examples of this funding being mobilized. The City of Newburgh received a \$3.1-million grant and \$9.4-million zero-interest loan to finance costs associated with planning, design and construction of improvements for wastewater collection and treatment that are identified in the city's long-term control plan. Elsewhere in the Hudson Valley, the Town of Poughkeepsie received \$28,063 for electronic mapping of existing water, sewer and storm water infrastructure.

The combination of grants and loans to address the state's water quality crisis. The DEC estimates that more than 30 percent of the state's wastewater treatment plants 60 years or older are beginning to deteriorate, with discharge from these aging facilities and their collection systems accounting for 24 percent of all impaired waterbodies identified in New York. Research by our partner Riverkeeper has found that 21 percent of water samples taken in the Hudson River failed to meet federal safe swimming guidelines, and 44 municipally-owned wastewater treatment plants discharge directly into the estuary. A \$4.8-billion investment in wastewater infrastructure in the Hudson River watershed is needed to address this problem. In this day and age, it is unconscionable that raw sewage still flows into the Hudson River, endangering our health, recreational opportunities and economic future. Scenic Hudson commends the Legislature and the governor for taking action to address this in last year's budget, and we support a continued commitment.

Regional Economic Development Councils

The Proposed Budget includes \$150 million for an eighth round of Regional Economic Development Council Grants, and \$100 million for a third round of Downtown Revitalization Grants. Scenic Hudson President Ned Sullivan serves on the Mid-Hudson Regional Economic Development Council. Our experience has been that this initiative has facilitated better local participation and coordination in economic development strategies than existed in previous administrations. From our mission-based perspective, the Mid-Hudson Regional Economic Development Council's *Live, Work, Play* strategy has promoted many investments in the region that build on its natural-resource base as a key economic asset.

Capital Funding for State Agencies

The Proposed Budget includes several strategic investments in state agencies that are helping to provide critical services to state and Hudson Valley's residents by protecting scenery, promoting healthy lifestyles and stimulating the tourism economy. These include \$92.5 million to the Office of Parks, Recreation and Historic Preservation's Parks 2020 initiative to improve facilities in our state parks system; \$40 million to the DEC's Adventure New York Program; and a \$50-million investment in the Hudson River Park, which promises to be New York City's premier opportunity for residents and visitors to experience the Hudson River.

Additionally, \$17 million is included for the Hudson River Valley Greenway and the Empire State Trail. It is important to note the importance of projects not formally included in the Empire State Trail plan that have the potential to link with this statewide resource and facilitate access between the trail and local communities. Scenic Hudson is working to advance the John Burroughs-Black Creek Trail in the Towns of Lloyd and Esopus, Ulster County, and is assisting with efforts to complete the Hudson Skyway initiative, linking the Village of Catskill to the City of Hudson over the Rip Van Winkle Bridge.

\$1 million needed for road safety improvement projects between the Village of Cold Spring and the City of Beacon. Six municipalities and several conservation groups, led by Scenic Hudson, have partnered to reimagine the stretch of dangerous, high-speed State Route 9D that links these communities as a safe, multi-modal corridor that will facilitate access to popular Hudson

Highlands State Park, specifically the Breakneck Ridge Trail, voted “Best Trail in North America” by trails.com.

Anyone who has climbed Breakneck Ridge cannot forget the dramatic views of the Hudson River and surrounding mountains. Just 86 minutes from New York City via Metro-North Railroad, it is one of the most accessible outdoor adventures for more than 8 million people. In the summer of 2014, trailhead stewards recorded 1,000 or more hikers on just two days. Last year, crowds surpassed that number 28 times. Most hikers arrive by car, jockeying for parking near the trailhead along busy route 9D. This poses a significant safety hazard for pedestrians, bicyclists and those enjoying a drive on one of our state’s most scenic roads. While the Office of Parks, Recreation and Historic Preservation is committed to making physical improvements to the Breakneck Ridge Trail this year, major improvements to transportation infrastructure by the DOT are necessary to achieve a comprehensive solution that meets the needs of all users.

Support through the DOT, enabled via the Legislature, would make access to the Breakneck Ridge trailhead safer and more user-friendly, ensuring that this hike retains its well-deserved title and remains an engine of local and regional tourism economies. Recommended improvements include parallel parking along Route 9D to reduce congestion, installation of a sidewalk to keep hikers off the road and its narrow shoulders, installation of traffic-calming bump-outs and enhanced crosswalks to increase pedestrian safety, creation of dedicated spaces near the trailhead for emergency vehicles and a speed-limit reduction on Route 9D from 55 to 45 miles per hour.

Using Nature—our Agricultural Fields and Forested Lands—to Mitigate the Effects of Climate Change and Sequester Harmful Greenhouse Gasses

As a national leader in addressing many aspects of the global climate crisis, New York State has made significant progress to reduce emissions from energy generation facilities and encourage market-scale adoption of renewable energy technology. Strategies pioneered by Scenic Hudson, the DEC’s Hudson Estuary Management Program and the Department of State’s Coastal Management Program to plan for sea level rise, flooding and climate resilience in the Hudson Valley have been embraced statewide. While more work must be done, the state also has made strides to reduce carbon emissions in the transportation sector. Scenic Hudson strongly believes that the next important issue to tackle is developing innovative and high-impact programs to sequester greenhouse gasses.

Carbon Farming Tax Credit. Ohio State University soil scientist Dr. Rattan Lal has said that a “mere 2 percent increase in the carbon content of the planet’s soils could offset 100 percent of all greenhouse gas emissions going in to the atmosphere.”

The Legislature, inspired by leadership from Assemblywoman Didi Barrett, secured a commitment from the governor to create a Carbon Farming Tax Incentive. This program is being informed by research conducted by Hudson Carbon (located at the Scenic Hudson Soil Lab in Livingston, Columbia County), which is measuring and documenting the ability of innovative farm management practices and regenerative agriculture to sequester greenhouse gasses in

soil. However, despite legislative guidance, as of November 2017 the DEC did not have a clear timeline and deadline to advance the work required by the law enacted in the 2017-18 budget. Scenic Hudson supports efforts by the Legislature and the governor to resolve this situation in the 2018-19 budget.

Empire Forests for the Future Initiative. The Proposed Budget includes Article VII language to create a transformative and powerful program that will sequester greenhouse gases through innovative forest management practices. Scenic Hudson supports the goals of this proposal and encourages its adoption in the final budget.

Of particular interest is a provision to reduce eligibility from 50 acres under the current program to 25 acres under the proposed initiative. This will mean that more landowners in the Hudson Valley can participate. As the inevitable outlet for New York City's growth, the size of forest tracts in the region is smaller than upstate New York due to development pressure. Broadening eligibility for the program will enable the state to get ahead of the destructive curve of poorly-planned and placed development, address a national and global issue that will create broad public benefit, and fully realize the potential of this program for existing landowners.

Food Waste Legislation

The Proposed Budget includes an Article VII proposal to address the growing concern of food waste. The bill requires 1,800 large volume food waste generators—such as supermarkets, restaurants, colleges and hospitals—to divert excess wholesome food to food banks, as well as to recycle and compost food scraps. The proposal includes \$2 million in funding for local governments and food banks to support these efforts. By focusing only on the largest generators of excess edible food and the largest food waste generators, the state will help stimulate the growth of a private market that will expand over time, creating economic opportunity, slowing the pace of landfill saturation and helping to feed those most in need. Food waste also generates methane that has the potential to generate energy.

Food waste is a growing concern in many Hudson Valley cities and communities. Many municipalities have cited the lack of resources to educate business and residential producers of food waste about strategies to reduce organic material in the waste stream, better manage food waste while awaiting transportation, and redirecting wholesome food to organizations equipped to get it to people most in need.

Proposal for New Policy to Facilitate Renewable Energy Siting

Scenic Hudson also would like to begin discussions with the Legislature, the governor, the Public Service Commission and New York State Energy Research Development Authority regarding the need for a new statewide policy that would develop clear, common-sense criteria to guide the siting of large-scale renewable energy generation facilities (most importantly, solar and wind) in a way that also protects our most sensitive ecological lands, prized viewsheds and productive agricultural soils. This initiative should be accompanied by funding to provide financial resources to local communities to assist in developing land use plans and zoning code changes that facilitate this policy at the municipal level. We are prepared to provide additional

thoughts and analysis at the Legislature's request. Our March 27 conference, "Solar Smart Hudson Valley: Building Clean Energy while Preserving Important Lands," will consist of a daylong symposium on the role properly-sited solar energy projects can play in meeting New York State's ambitious carbon emissions-reduction goals.

In Closing

Thank you for this opportunity to provide comment on the Budget Proposal for New York State's 2018-19 Fiscal Year. I welcome the opportunity to provide additional information and answer any questions you may have about this presentation. I can be reached at:

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