

**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 2019-20**

**January 23, 2019**

My name is Jessica Ottney Mahar, and I am the New York Policy Director for The Nature Conservancy. On behalf of our 85,000 New York supporters from every region of the state, thank you for the opportunity to testify today regarding the Executive Budget Proposal for State Fiscal Year 2019-20 (SFY 2019-20).

I am here today to tell you how proud we are to have worked with the Legislature, Governor Cuomo and our many partners to create an extraordinary foundation for environmental investment in New York and to ask for your support to build on that foundation by seizing opportunities before us in this budget.

That foundation starts with the \$300 million Environmental Protection Fund (EPF) – a longtime goal of our community – which has now been sustained at that level for several years and is proposed to continue. It includes the Water Infrastructure Improvement Act, first spearheaded by the Legislature, which has grown from \$400 million to a successful \$2.5 billion program – and now another \$2.5 billion is proposed to provide essential funding for infrastructure upgrades and repairs and the protection of drinking water sources across New York. And it includes a long-term significant infusion of capital into our world-class State Parks system and Department of Environmental Conservation facilities has improved public access to outdoor recreation, allowing more people to connect with nature.

In any context these legislative and executive achievements would stand out nationally, continuing New York's historic role recognizing the linkages between sound environmental policy and community prosperity. In the context of the failures of the federal government over the past two years, however, we are truly fortunate. Remarkably, on September 30, 2018 Congress allowed the Land and Water Conservation Fund expire. This program has conserved iconic landscapes around the country, like the Grand Canyon and the Great Smoky Mountains, to Sterling Forest State Park, Saratoga Battlefield and the Coney Island Boardwalk right here in New York.<sup>1</sup> Due to inaction from Congress, America's most important program to conserve irreplaceable lands and improve outdoor recreation opportunities in cities throughout the nation has ended! Since the Land and Water Conservation Fund expired, our national parks have lost more than \$275 million in funding.<sup>2</sup> Accordingly, now more than ever, our work in New York to lead on conservation funding and environmental policy matters. In New York, and beyond, people are depending on us to step up when Washington is mired in gridlock. Thank you for your leadership.

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<sup>1</sup> <https://bit.ly/2W8EcET>

<sup>2</sup> <https://www.lwccoalition.com>

Now for our request: This year Governor Cuomo's budget proposal continues successes like the \$300 million appropriation for the EPF and capital funding for environmental agencies, while building on the successful Water Infrastructure Improvement Program by proposing to double that funding. I respectfully ask that the legislature support these proposals. Further, in this year's budget we have the opportunity to enact important policies to tackle climate change, by enacting a comprehensive congestion pricing plan for New York City to help fund the transit crisis and improve air quality, by expanding the Bottle Bill and banning plastic bags to reduce pollution, and by safeguarding our ocean and coasts in New York from additional oil and gas drilling. We strongly support the intended outcomes of these proposals, which will make New York a cleaner, more sustainable state. As always there is room for determining the most practical and effective ways of achieving policy goals, and we are eager to roll up our sleeves and work with the legislature, Governor Cuomo, and other stakeholders to pass these initiatives as part of this year's budget.

### **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 scientific research, we are innovating new tools and approaches to address the most important environmental challenges, we have our feet on the ground as land stewards for the 135 preserves – almost 200,000 acres -- we own in New York, and on a daily basis we work with all levels of governments, community groups, industry, and other stakeholders around the world to secure a more sustainable future.

The Nature Conservancy is unique because in all of our offices around the state we are involved in hands-on implementation of conservation programs directly with state partners.

- On Long Island, we are working closely with the state, local and federal government and non-government partners on tackling water quality issues.
- In New York City, we are working with partners to use nature to combat urban heat island effect, a serious public health challenge for the City.
- In the Hudson Valley, we have developed 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 working work with communities to restore the Great Lakes, combat and prevent invasive species, and reduce flooding.
- In the Adirondacks we have just completed one of the largest additions to the state's Forest Preserve in a century, and we are partnering with local, state and federal transportation officials and community groups to upgrade culverts to reduce flooding for community safety and simultaneously improve habitat connectivity.
- And statewide we are working many state agencies, legislative offices, and local government officials developing and providing research and analysis with respect to energy issues, climate adaptation and mitigation, habitat restoration, and land protection.

We accordingly have a perspective that is both policy and practice based. We work hard 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.

## **Climate Change**

Climate change is the greatest threat facing our planet and our people. Communities across New York are faced with significant impacts, that put people, nature, infrastructure and economy at risk. Some of these impacts are already happening and tangible. From the people of Mastic Beach who can't flush their toilets during a regular high tide to those who live in the Southern Tier which fills up like a bathtub during heavy rains, we are seeing the consequences of climate change. And it's not getting better, as we see stronger storms, "flashier" floods, and bigger impacts that our current infrastructure, such as floodwalls and levees, was not designed to address.

The recent Intergovernmental Panel on Climate Change report,<sup>3</sup> released by the United Nations, made clear that a comprehensive approach of emissions reduction combined with carbon sequestration is critical if we are to avoid catastrophic consequences for people and nature worldwide. Despite this new body of incontrovertible science and robust policy recommendations, our federal government has turned away from taking action and is, in fact, moving in the opposite direction by seeking to loosen regulations that have recently allowed us to make gains in reducing pollution. That is why it is so critical for New York to lead on addressing climate change.

Even though the science is showing us time to act is short, The Nature Conservancy is hopeful. For the first time in recent history, we believe the Legislature is positioned to pass meaningful legislation to fight climate change. We are grateful for the Assembly's continued leadership on this issue, and appreciate the Senate's stated commitment to act on climate this legislative session. Given that Governor Cuomo's budget proposes to enact important new climate policy initiatives, this is exactly the right time to advance meaningful, nationally-leading policy that can be implemented effectively.

New Yorkers are ready for state leaders to act. The Nature Conservancy recently completed public opinion research showing that New Yorkers know climate change is happening, that it is caused by humans, and that it will harm them personally.<sup>4</sup> Large majorities of New Yorkers across the political and regional spectrum support strong policies to fight climate change -- this includes voters from every political party, every region of the state, wealthy and poor, white and people of color. The debate is over and it is time to act.

New York has become a national leader on fighting climate change, with ambitious renewable energy goals, establishing the United States Climate Alliance and aggressive forward movement to reduce emissions from the electricity sector. Still, we need to do more to fight climate change and aggressively address the biggest remaining sources of carbon pollution: transportation and buildings.

The Executive Budget Proposal includes a new program called the Climate Leadership Act that codifies the state's goals and makes them even more aggressive. Through the establishment of a Climate Action Council, the Act puts the state on a path towards economy wide carbon neutrality, and 100% clean power.

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<sup>3</sup> <https://www.ipcc.ch/sr15>

<sup>4</sup> <https://www.nature.org/content/dam/tnc/nature/en/documents/NewYorkTransportationResearchAnalysis2.pdf>

The Nature Conservancy supports codifying our clean energy, emissions reductions and energy efficiency goals. Further, we support the goal of 100% clean power in New York. The goal of carbon neutrality throughout our economy is ambitious and important, and given New York's recent absence from the Transportation Climate Initiative's<sup>5</sup> announcement regarding a regional cap and invest approach for emissions reductions from that sector, we believe it is critical New York affirmatively focus on work to achieve emissions reductions both within and beyond the electric generation sector.

The Governor's budget proposal provides the Department of Environmental Conservation authority to achieve greenhouse gas emissions reduction goals, while leveraging existing frameworks such as the State Energy Planning process, which we believe is critical to building on successful programs and advancing the state's progress meaningfully. The Nature Conservancy supports the creation of an environmental justice and just transition working group, and believes that climate policy advanced in New York must, at its core, include equitable solutions for all New Yorkers and provide assistance to communities that are on the frontline of climate change, experiencing impacts to their well-being, both health and economic. We are interested in the proposal's requirement to codify the social cost of carbon, and hope that it builds towards New York adopting a price on carbon pollution, which will not only drive emissions reductions, but provide important revenue for supporting program implementation. We look forward to reviewing the Governor's proposal further, and discussing this issue with our partners, other stakeholders, the Legislature and the Administration. The prospect that New York has a realistic opportunity to adopt robust climate policy during 2019, and by the budget deadline no less, is exciting, and so significant that we are ready to draw resources from our national and global teams to New York to assist should that be of interest to policymakers.

One issue unaddressed in the proposed Climate Leadership Act is adaptation, or the need for our people and nature to adapt to the changes that we know climate change will, or already is causing, and that can no longer be stopped. This is a very important aspect of any climate policy. As the Legislature and Governor work to address climate change, ensuring our natural resources and communities are resilient enough to survive and thrive in a new reality will be critically important. The Legislature spearheaded the Community Risk and Resiliency Act, which for the first time required several state funding and permitting programs to consider risks from flooding, sea level rise and storm surge. Now it is time to do more to give communities the tools they need to prepare for the future impacts of climate change, and even challenges they are facing currently. We believe there is already significant and good work underway on this issue, however having the Council structure included in the Climate Leadership Act include a process for evaluating strategies to further coordination among state agencies on this issue would be smart. We believe one possibility would be to codify the existing Interagency Climate Adaptation and Resilience Work Group and charging them with work to assist communities with planning for climate resilience would be one important step legislation could take.

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

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

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<sup>5</sup> <https://www.transportationandclimate.org>

space conservation, farmland and forest protection, estuary programs, and oceans and great lakes restoration, ensuring that New York's great places remain available for future generations.

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.

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.

### **Open Space Conservation**

The Executive Budget proposes changes to funding levels of key programs in the EPF and it's important that we have our 'eyes open' as to the impacts.<sup>6</sup> First, the Executive Budget proposal reduces the appropriation for open space conservation from \$35 million to \$32.387 million. Within that reduced appropriation, there is a new \$3 million Working Forest Conservation Easement Program. This program may be intended to support land trusts in purchasing working forest easements, but the appropriations language included in the Executive Budget does not provide enough detail to define the program or understand its intent. Additionally, funding for the successful Army Compatible Use Buffer around Fort Drum has been shifted from the Farmland Protection Program to the Land Conservation Program. The Nature Conservancy supports both the Fort Drum Buffer program and the concept of creating a working forest easement program, leveraging the New York land trust community, now more than 90 organizations strong. These programs, totaling \$4 million are being "carved out" of a reduced \$32 million line. In fact, the Executive proposal includes new and existing carve outs from the at EPF open space line totaling \$11.2 million, or a third of the program – we are very concerned about these back-door reductions and want to be sure that the impacts are clear.

Many people don't realize that the funding for land conservation was significantly higher when the EPF was lower – the open space line was as high as \$60 million in annual appropriations in a \$255 million EPF. That funding recognized that protecting open space, a cornerstone of the state's conservation programming, is an incredibly effective way of achieving multiple goals: it is critical for water quality by protecting the sources of drinking water for communities; provides resilience by buffering areas from flooding and providing habitats for species which will shift in a changing climate; and is an effective way to mitigate climate change by using nature to sequester carbon. Somehow, the open space line has become the piggy bank for diverting funds to laudable but different purposes, and as a result New York is sinking well below many other states in its commitment to protect the lands and waters that are the foundation of healthy communities. We urge the Legislature and Governor to focus on this problem, not

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<sup>6</sup> See EPF chart, Attachment 1 of this testimony.

assume that there are no consequences to the slow drip of open space program reductions, recognize the important values of a robust land conservation program, and recommit to this important program as budget negotiations continue.

Related, through no fault of its dedicated and hard-working staff, the NYS Department of Environmental Conservation is constrained in moving land conservation projects through the process. Long delays are being experienced by land conservation organizations around New York State, and our understanding is that several DEC regional offices lack real property attorneys and other staff needed to ensure deals are moving forward. This creates a significant problem that impacts on sellers willing to convey to land trusts, and the land trusts who are working overtime and fronting the funds to make transactions happen. And of course, the general public that will benefit from these transaction is losing out as well. We respectfully request that the Legislature's Environmental Conservation Committees exercise their oversight authority and look into staffing issues that are slowing the expenditure of funds in the land conservation program.

### **Natural Climate Solutions**

The Nature Conservancy is enthusiastic about a proposal in the 2019 State of the State to increase carbon sequestration and meet the US Climate Alliance Natural and Working Lands Challenge.<sup>7</sup> For several years the EPF has provided funding for climate resiliency at a pilot program level, making resources available to understand and begin implementation of strategies to increase the ability of New York's farmlands to store additional carbon. Establishing a carbon sequestration goal from our natural and working lands, as proposed in the State of the State, aligns the important programs and investments the State has made to ensure we are building towards a meaningful program that puts nature to work to fight climate change.

The Nature Conservancy and other scientific and academic organizations have documented the ability of nature, including our soils, to act as a powerful part of our effort to tackle climate change by storing carbon dioxide. Land use practices can help maximize the ability of our farms, forests, wetlands and other natural systems to store carbon. In fact, peer-reviewed research by The Nature Conservancy and 15 other institutions, published in the Proceedings of the National Academy of Sciences, demonstrates that nature-based solutions provide up to 37 percent of the emission reductions needed by 2030 to keep global temperature increases under 2 degrees celsius-30 percent more than previously estimated.<sup>8</sup> Around the world, these natural resources, or "natural climate solutions" are now being put to use in the effort to further the goals of nations per the Paris Climate Agreement.<sup>9</sup>

Since the Trump Administration pulled the US out of the Paris Agreement, New York, 15 other states and Puerto Rico have created the US Climate Alliance, a bi-partisan leadership coalition committed to reducing greenhouse gas emissions consistent with the goals of the Agreement.<sup>10</sup> During the summer of 2018, the Alliance held "learning labs" where officials from participating states and experts from non-governmental and academic organizations gathered to discuss several of the initiatives that have been prioritized for action in each participating state by the Alliance. At the learning lab for Natural and

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<sup>7</sup> 2019 State of the State Book, p. 322

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2019StateoftheStateBook.pdf>

<sup>8</sup> <https://www.nature.org/en-us/what-we-do/our-insights/perspectives/natures-make-or-break-potential-for-climate-change>

<sup>9</sup> <https://global.nature.org/initiatives/natural-climate-solutions/ncs-case-studies>

<sup>10</sup> <https://www.usclimatealliance.org>

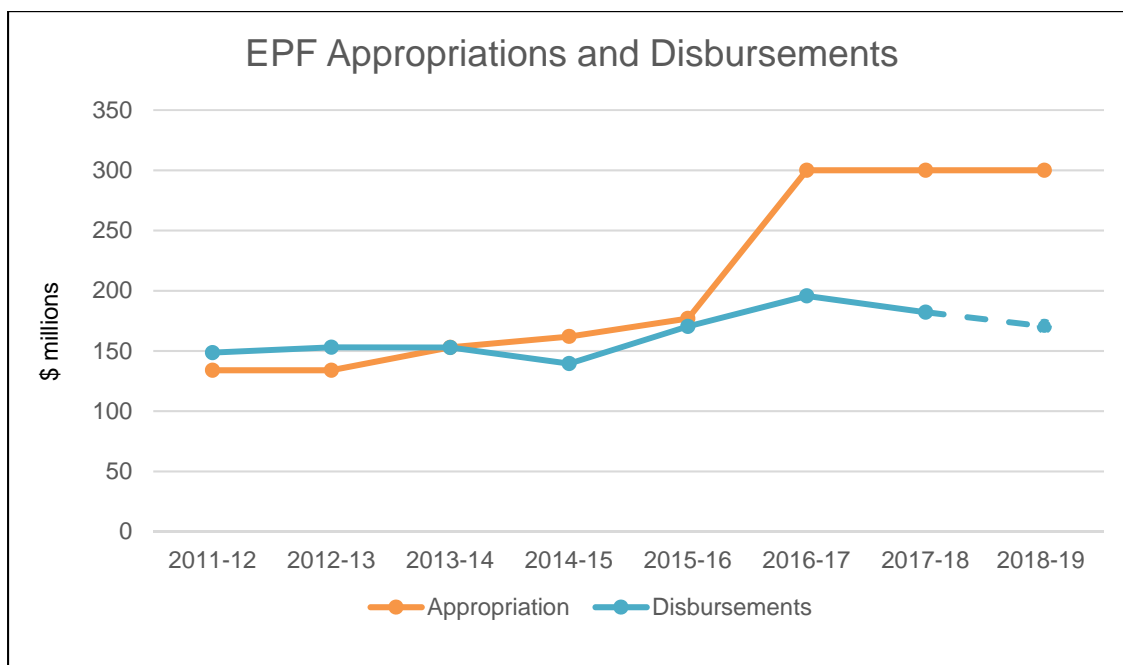
Working Lands, The Nature Conservancy and partners met with the states to discuss strategies for advancing the use of natural climate solutions – our natural and working lands – as another pathway to mitigating climate changing emissions.<sup>11</sup>

Governor Cuomo’s commitment to advance work on this initiative in New York is exciting and important, and the EPF is one avenue for funding the work needed to implement some of these goals. The Executive Budget proposes a significant increase to the Climate Resilient Farms Program, from \$2.5 million to \$5 million, and it will be important to ensure that a portion of this funding is dedicated to furthering the Natural and Working Lands Initiative, which will include more fully developing the science behind carbon sequestration in soils, integrating agriculture and forestry into the state’s greenhouse gas inventory, and create a carbon sequestration goal. By doing this, New York will be fully utilizing all of the tools in the toolbox when working to mitigate climate change, and continuing to influence practices across the globe.

### Environmental Protection Fund Spending

When the EPF appropriation increased significantly from \$177M to \$300M/year, there was an acknowledgement on the part of both the Cuomo Administration and the stakeholders that there would be a lag between the level of annual disbursements and the appropriation while programs ramped up until spending would eventually match the appropriation. The financial plan has projected this “ramp up” in the last three fiscal years and has seemed to indicate a trajectory towards spending the full \$300M. This has been, of course, a good signal -- the financial plan has matched the Administration’s articulated goals with respect to environmental spending.

The data, however, does not show disbursements tracking with financial plan projections. In fact, during FY17-18 spending dropped from the previous fiscal year, when the EPF was first increased to \$300M. To date, disbursements this fiscal year are not on track to hit financial plan targets. The graph below depicts EPF appropriations and disbursements since 2011-12.



<sup>11</sup> <https://www.usclimatealliance.org/nwlands>



Of course, it is possible the agencies may spend more than they averaged so far this fiscal year, but the conservative projection we created for this graph and the chart below is a good indicator of where we are likely heading. If this trend bears out, EPF disbursements are going in the wrong direction by declining, rather than increasing to match the level of appropriations. This is concerning given the important programs across New York State that need funding, and the hard work the Legislature and Governor have done to appropriate \$300 million annually. An appropriation should not be an empty promise – the purposes will only be achieved if the money is getting out the door, and right now it's looking like that is not happening. The Legislature should utilize its oversight role and work to determine with agencies that administer the EPF what is causing the inability to disburse funding at a level closer to the appropriation.

**CHART: EPF Appropriations, Disbursements FY11-12 – FY18-19<sup>12</sup>**

<b>SFY</b>	<b>Appropriation (millions)</b>	<b>Disbursements (millions)</b>	<b>% approp actually disbursed</b>	<b>Financial Plan Estimated Disbursement (millions)</b>	<b>% estimate actually disbursed</b>
2011-12	134	148.6	111%	133.5	111%
2012-13	134	153.1	114%	133.5	115%
2013-14	153	152.9	100%	153	100%
2014-15	162	139.5	86%	156.5	89%
2015-16	177	170.4	96%	171.7	99%
2016-17	300	195.7	65%	200	98%
2017-18	300	182.2	61%	216	84%
2018-19	300	*170.4	57%	232.3	73%

**NOTES:**

127.8 YTD is actual disbursement for FY18-19 to date.

170.4 is projection based on current FY average monthly spending<sup>13</sup>

**Funding for Water Quality**

Last year we advocated strongly in support of continuing the \$2.5 billion Clean Water Infrastructure Act. This program is aimed at leveraging federal, local and private funds available to municipalities to upgrade or repair waste and drinking water infrastructure, upgrade failing septic systems, protect the sources of our drinking water and undertake other critical projects to improve water quality throughout the State.

A decade ago, DEC released a report indicating more than \$36 billion was needed to repair New York’s aging wastewater infrastructure.<sup>14</sup> Notably, that report expressly did not take into account the impacts of climate change, which add to this need. The State Comptroller has released a report more recently detailing nearly \$40 billion in needs just for drinking water systems across New York State.<sup>15</sup> This is the infrastructure that provides clean drinking water to people, and ensures that sewage is properly treated, and is relied on by all citizens of New York State.

<sup>12</sup> Data sources: NYS Financial Plans: <https://www.budget.ny.gov/pubs/archive/index.html>; OSC Monthly Reports on State Funds Cash Basis of Accounting: <https://www.osc.state.ny.us/finance/pmcbcr.htm>

<sup>13</sup> Projection of disbursements for the remainder of the current fiscal year created by averaging monthly disbursements fiscal year to date, multiplying that number by 3, and adding it to the current disbursements.

<sup>14</sup> [https://www.dec.ny.gov/docs/water\\_pdf/infrastructurerpt.pdf](https://www.dec.ny.gov/docs/water_pdf/infrastructurerpt.pdf)

<sup>15</sup> <https://www.osc.state.ny.us/localgov/pubs/research/drinkingwatersystems.pdf>



Over the last few years the Legislature and Governor Cuomo have stepped up to the challenge and taken significant steps toward attacking these needs through the appropriation of \$2.5 billion for the New York Water Infrastructure Improvement Act program. This funding, larger than any previous environmental bond act, is critical if we are to ensure future generations of New Yorkers have access to clean, safe drinking water and effective wastewater disposal.

The Nature Conservancy remains enthusiastic about the program's emphasis on both water infrastructure funding, and funding for green infrastructure and source water protection. We believe these are essential components to the program. Governor Cuomo's budget address and financial plan speak about the desire to double this program, from \$2.5 billion to \$5 billion. Unlike the first \$2.5 billion appropriation, however, the full funding is not included in the Capital Appropriations legislation. Rather, only the first \$500 million is appropriated.<sup>16</sup> We suggest that the Legislature amend the appropriation for this program to (1) reflect the full \$2.5 billion commitment of new funding, in addition to the re-appropriation from past fiscal years, and (2) change the appropriations language to be consistent with the appropriation from FY18-19, which has widespread community and stakeholder support. As currently drafted, the appropriation language allows for the expenditure of funds on programs as outlined in the 2017 Water Infrastructure Improvement Act -- which is great -- but it then goes on to list a number of seemingly redundant uses. It would be cleaner and more consistent to make the language match the appropriation last year, and direct spending as directed in the 2017 Water Infrastructure Improvement Act, and backing up promises with legislation should not be controversial.

Finally, if communities are going to be able to leverage these significant funds, they must be allowed to raise 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 very specific purpose. Should the Legislature and Governor move forward with a plan to make the tax cap permanent this year, empowering a local government to raise a required match for specified infrastructure improvements outside the cap must be an important consideration. In addition, creating statewide local enabling authority for towns and/or counties 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. This would also provide a method for localities to create funding for ongoing maintenance and operations of drinking water, wastewater and green infrastructure. Such enabling authority could come in the form of a statewide or expanded regional Community Preservation Fund authorizations (which have been successful where already implemented), 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.

### **Congestion Pricing**

The Nature Conservancy has joined the #FixOurTransit campaign, and supports the enactment of congestion pricing for New York City. This policy will reduce air pollution, improve public health and quality of life, result in reduced greenhouse gas emissions, and very importantly deliver funding for the broken New York City transit system. We applaud the inclusion a congestion pricing proposal in Governor Cuomo's Executive Budget, and thank the many legislators who have already publicly expressed support for this important policy. We look forward to working closely with our partners, the Governor and the Legislature to ensure comprehensive congestion pricing is passed in the coming months as part of this budget.

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<sup>16</sup> FY19-20 Capital Projects Appropriations legislation, p. 109 line 32 – p. 110 line 25.

## **Bottle Bill Expansion**

The Nature Conservancy has consistently supported New York's Bottle Bill<sup>17</sup>, which is one of New York's most effective and successful pollution reduction programs. The Executive Budget proposes to expand the Bottle Bill to cover all carbonated and non-carbonated beverages with some limited exceptions such as milk. This would bring sports drinks, energy drinks, juices, and ready to drink teas and coffees into the bottle deposit program. Currently the Bottle Bill generates approximately \$122 million annually, with \$25 million of that going to the EPF and the remainder going to the General Fund. Given the fact that the largest funding source for the EPF, the Real Estate Transfer Tax, is booming and yet the Administration will not provide more than \$119 million in revenue from that source, we suggest adding all of the Bottle Bill proceeds to the EPF so that the EPF appropriation can be backed fully with cash, and perhaps grown beyond \$300 million.

It's important to note that our communities are facing a significant recycling challenge due to the change in markets, especially in China, for recycled goods. This is a little known, but extremely important global economic development that hits home here in New York. For most people recycling ends when they drop something in a blue container – the economic reality, however, is that many of our communities are having trouble finding domestic or other markets for the material they receive in the bin at the curbside, especially glass and paper. While there is funding in the EPF for municipal recycling, it is for capital costs associated with operating recycling facilities and programs, and the state needs to identify funding for market development and support of municipal programs' operations during this downturn, which we hope is temporary, but being felt severely in localities around the state.

## **Ban on Plastic Bags**

The Executive Budget proposes to ban plastic bags in New York State.<sup>18</sup> The proposal does not place a fee on plastic bags, rather prohibits their use. Furthermore, there is no fee placed on other forms of single use bags, such as paper. While the legislation does not prohibit localities from creating such a fee, it does not compel the adoption of one. Experience from other places that have implemented similar plans is clear, without the fee on paper or alternative single use bags, the ban on plastic does not drive consumers to use reusable bags. Instead, as common sense suggests, they will instead turn them towards another single use alternative. The Nature Conservancy supports banning plastic bags and amending the budget proposal to add a fee to paper and other single use alternatives. It's time to do this in New York, and we should bite the bullet and do it right. We also support directing that fee to environmental agencies for staffing to administer EPF programs, or as a source of funding for the EPF.

## **Wetlands Mapping Notification**

The Executive Budget proposes to eliminate the requirement for the state to notify landowners of hearings regarding wetlands mapping by *certified* mail, and allows the use of regular first class mail for this purpose.<sup>19</sup> The Nature Conservancy has been troubled for quite some time by what appears to be an informal policy of perpetuating outdated wetlands maps in New York. Many wetlands maps are more than 40 years old, and are, frankly, useless if we wish to truly evaluate issues such as development and land use. The truth may sometimes hurt when it comes to mapping wetlands, but it is far better to know than not to know. The Governor's 2100 Commission acknowledged this, but we are no better off today than we were when that report was issued. With climate change upon us, wetlands are critically

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<sup>17</sup> TED Article VII, Part F

<sup>18</sup> TED Article VII, Part H

<sup>19</sup> TED Article VII, Part J

important as they act as nature's "sponges" and absorb and store significant amounts of water that might flood surrounding areas otherwise. Reducing a barrier and cost to the Department of Environmental Conservation for updating wetlands maps will help ensure that our communities have the best available science to guide development to conserve areas that might help avoid flooding, saving everyone money and heartache in the future. This should be combined with a commitment to issue updated maps as regularly as possible, release the maps that have been updated that are sitting on the shelf, and recognize the important role of wetlands in both climate adaptation and mitigation.

### **Offshore Oil and Gas Drilling in New York's Waters**

The Governor's budget proposal includes a prohibition of offshore oil and gas drilling in New York's waters.<sup>20</sup> The Nature Conservancy supports this prohibition. We also support similar legislation that has been introduced by the Legislature in past sessions, sponsored by Assemblyman Englebright and Senator LaValle. We are hopeful that the Legislature and Governor will come to an agreement on language and include this important protection for our offshore waters in the budget this year. With a goal of 9,000 megawatts of offshore wind now announced for New York, and a robust commercial and recreational fishery to protect, we look forward to the sustainable use of our ocean and coastal areas.

### **Capital Funding for State Agencies**

Governor Cuomo's budget proposes continued capital investments in State Parks including \$110 million for the Parks 2020 Initiative. It also includes a proposed \$55 million for capital projects at the Department of Environmental Conservation, including the continuation of the "Adventure New York" program aimed at upgrading DEC facilities to ensure public access to recreational lands, as well as upgrades to dams, fish hatcheries and wetlands restoration. The Nature Conservancy supports these capital investments 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 recreation industry in our State that employs more than 13,000 people, these investments benefit our economy and our environment.

### **Conclusion**

Thank you again for the opportunity to testify before you today on the proposed SFY2019-20 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. Through this budget, you are presented with an opportunity to continue that tradition of environmental leadership, which the nation needs right now. Tackling climate change through the adoption of robust, functional mitigation policy in this budget is true national leadership and will serve to inspire other jurisdictions. Securing another \$300 million for the EPF and doubling funding for clean water investments to \$5 billion, 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 the direction of New York. 2019 has already been an exciting year of change and policy advancement here in Albany. We have before us a remarkable opportunity to accomplish major environmental progress in the budget, and ensure future generations of New Yorkers are able to drink clean water, breathe healthy air, and live prosperous lives. We look forward to working with you throughout the remainder of the budget process, and stand ready to bring the resources of our organization to the table as may be helpful.

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<sup>20</sup> TED Article VII, Part I

**For More Information Contact:**

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For more information about The Nature Conservancy's work in New York, visit [www.nature.org/ny](http://www.nature.org/ny).

Attachments:

1. EPF chart
2. Public Opinion Research memo

**Attachment 1: Chart of Environmental Protection Fund (EPF) FY19-20 Proposal**

<b><u>Open Space Account</u></b>	<b><u>FY 18-19 Enacted</u></b>	<b><u>FY19-20 Executive Proposed</u></b>
Open Space / Land Conservation	35,000	32,387
<i>LTA Conservation Partnership Program</i>	2,500	2,500
<i>Urban Forestry</i>	1,000	1,000
<i>Cities with Population 65,000 or more</i>	300	500
<i>Projects in DEC Regions 1-3</i>	3,000	3,000
<i>Working Forest Conservation Easements</i>	0	3,000
<i>Tug Hill Tomorrow for Ft. Drum ACUB</i>	0	1,000
<i>Towns of Long Lake, N. Hudson, Minerva, Indian Lake &amp; Newcomb</i>	1,000	0
<i>Lake George Park Commission</i>	700	200
Farmland Protection	18,000	17,000
<i>Tug Hill Tomorrow for Ft. Drum ACUB</i>	1,000	1,000
<i>Cornell University Land Class/Master Soils List</i>	90	95
Agricultural Waste Management	1,500	1,500
<i>Cornell Dairy Acceleration Program</i>	700	700
Municipal Non-point Source Pollution Control	7,000	7,000
<i>Cornell Community Integrated Pest Management</i>	550	550
Agricultural Non-point Source Pollution Control	17,000	18,000
<i>Cornell Integrated Pest Management Program</i>	1,000	1,000
<i>Suffolk County Cornell Cooperative Nutrient Management</i>	500	500
<i>Cornell Pesticide Management Education Program</i>	250	250
Hudson River Estuary Program	6,500	6,500
<i>Mohawk River Action Plan</i>	1,000	1,000
Biodiversity / Landowner Habitat Conservation Program	1,350	1,350
<i>Pollinator Protection Plan Implementation</i>	500	500
<i>Cornell Pollinator BMPs</i>	300	300
<i>Cary Institute of Ecosystem Studies Catskill Research</i>	100	100
Albany Pine Bush Commission	2,675	2,675
Long Island Pine Barrens Commission	2,000	2,000
Long Island South Shore Estuary Reserve	900	900
Finger Lakes/Lake Ontario Watershed Protection Alliance	2,300	2,300
Lake Erie Watershed Protection / Erie Co. SWCD	250	250
Invasive Species	13,300	13,300
<i>Lake George</i>	450	450
<i>Eradication Grants</i>	6,050	6,050
<i>Cornell Hemlock Woolly Adelgid project</i>	500	500
<i>Cornell Plant Certification Program</i>	120	120
<i>Southern Pine Beetle incl. Rx Fire in Pine Barrens</i>	500	500
Ocean and Great Lakes Initiative	17,250	17,250
<i>Peconic Estuary Program</i>	200	200
<i>Great Lakes Commission</i>	60	60
<i>Long Island South Shore Seagate Feasibility Study</i>	250	0
<i>SUNY Brockport Resiliency Monitoring Program</i>	50	0
Water Quality Improvement Program	20,250	18,250
<i>Suffolk County / DEC Nitrogen Reduction</i>	3,000	3,000

<i>Suffolk County Sewer Improvement Projects</i>	1,500	1,500
<i>Nassau County Bay Park STP, well testing &amp; LINAP</i>	5,000	5,000
<i>Statewide Drug Collection Program</i>	1,000	1,000
<i>Fire Department Disposal of PFCs</i>	100	100
<i>Source Water Assessment Plans</i>	5,000	5,000
<i>Firefighting foam disposal</i>	0	100
Soil and Water Conservation Districts	10,000	10,500
<i>Steuben County SWCD</i>	85	0
<i>Chemung and Schuyler County SWCDs</i>	270	0
Water Resources Commissions	1,063	1,063
<i>Susquehanna River Basin Commission</i>	259	259
<i>Delaware River Basin Commission</i>	359	359
<i>Ohio River Basin Commission</i>	14	14
<i>Interstate Environmental Commission</i>	41	41
<i>New England Interstate Commission</i>	38	38
<i>SUNY ESF Center for Native Peoples and the Environment</i>	350	350
<b>Sub-Total</b>	<b>156,338</b>	<b>152,225</b>
<b><u>Parks and Recreation Account</u></b>		
State Land Stewardship	32,638	33,700
<i>ORDA/Belleayre Mountain</i>	1,000	1,000
<i>Parks &amp; Trails NY Grants Program</i>	500	1,000
Waterfront Revitalization Program	14,000	15,000
<i>Inner City/Underserved</i>	9,000	9,000
<i>LWRP Updates to mitigate climate risks</i>	2,000	2,000
<i>Niagara River Greenway Commission</i>	200	200
Municipal Parks	19,500	19,500
<i>Inner City/Underserved</i>	10,000	10,000
<i>Tivoli Park</i>	250	250
<i>Hudson River Valley Trail Grants</i>	500	500
<i>New York City East River Esplanade</i>	500	500
<i>SUNY ESF for Adirondack VICs</i>	120	120
<i>Paul Smiths for Adirondack VICs</i>	180	180
<i>Bronx Zoo</i>	1,000	0
Hudson River Park	3,200	3,200
ZBGA	15,000	15,000
Navigation Law	2,000	2,000
<b>Sub-Total</b>	<b>86,338</b>	<b>88,400</b>
<b><u>Solid Waste Account</u></b>		
Municipal Recycling	14,000	14,000
<i>Organics/Food Waste Programs</i>	2,000	2,000
Secondary Materials Markets	149	200
Pollution Prevention Institute	4,000	4,000
<i>Interstate Chemical Clearinghouse</i>	100	100
Pesticide Program	1,800	1,800
<i>Long Island Pesticide Prevention</i>	200	200

Natural Resource Damage Assessment	2,025	2,025
Landrill Closure / Gas Management	700	700
<i>Essex County</i>	300	300
<i>Hamilton County</i>	150	150
Environmental Justice	7,000	7,000
<i>Community Impact Grants Program</i>	3,000	3,000
<i>Connect Kids Outdoor Recreation Program</i>	1,000	1,000
<i>SUNY ESF Center for Native Peoples and the Environment</i>	0	350
Environmental Health	6,500	6,500
<i>Childrens Environmental Health Centers</i>	2,000	2,000
<i>Fresh Connect</i>	625	625
<i>SUNY 1-4 Dioxane Treatment Pilot</i>	0	1,000
<i>Clean Sweep</i>	500	500
<i>Center for Clean Water Technology at Stony Brook</i>	1,000	0
<i>SUNY Stony Brook for chemical testing lab</i>	500	0
Brownfield Opportunity Area Grants	2,000	2,000
<b>Sub-Total</b>	<b>38,174</b>	<b>38,225</b>
<b><u>Climate Change Mitigation and Adaptation Account</u></b>		
Greenhouse Gas Reduction Outside Power Sector	1,000	1,500
<i>Regenerate NY grant program</i>	0	500
<i>Cornell Natural &amp; Working Lands Ag Inventory</i>	0	500
Climate Adaptation	3,000	2,000
<i>Wood Products Development Council</i>	0	200
Smart Growth Grants	2,000	2,000
Climate Resilient Farms	2,500	5,000
<i>Cornell Soil Health Program</i>	200	200
<i>Hudson Valley Carbon Farming Pilot Project</i>	0	200
Climate Smart Communities Projects	10,650	10,650
<i>Resilience Planting Program</i>	500	500
<b>Sub-Total</b>	<b>19,150</b>	<b>21,150</b>
<b>TOTAL EPF</b>	<b>300,000</b>	<b>300,000</b>

000s omitted.

Programs in italics are sub-allocations within programs.

Data Compiled by The Nature Conservancy, January 15, 2019.

For more information, contact [jottney@tnc.org](mailto:jottney@tnc.org).

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



## ATTACHMENT 2: Public Opinion Research Memo



**TO** Interested Parties

**FROM** Dave Metz and Miranda Everitt  
FM3 Research

Randall Gutermuth  
American Viewpoint

**RE:** New York State Voter Views of Transportation and Climate Policy

**DATE** December 3, 2018

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The bipartisan research team of Fairbank, Maslin, Maullin, Metz & Associates (D) and American Viewpoint (R) recently completed a survey of voters in New York state, assessing their opinions of state transportation and climate policy.<sup>21</sup> The study found that **New York state voters are highly concerned about climate change and willing to support a carbon pollution fee or clean transportation fund that would limit the pollution that causes it.** Voters indicate, by solid margins, that they would be more likely to back a candidate for state legislator that supports either policy. New York voters' top priorities for the revenue generated from either policy include repairing and maintaining roads and bridges and conserving natural areas -- and they are willing to pay up to \$10 additional each month to fund such benefits.

Among the key specific findings of the survey are the following:

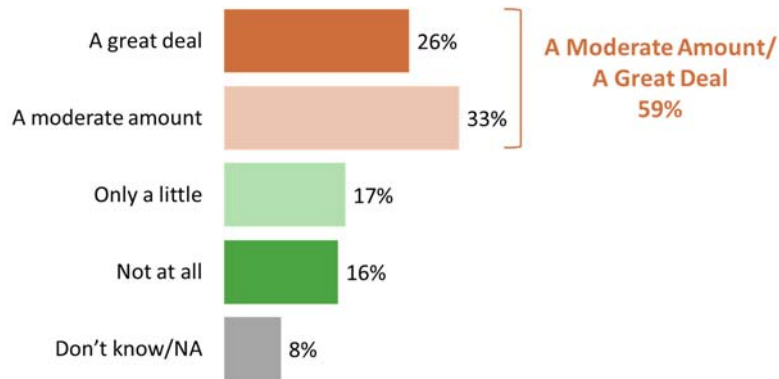
- **Nearly two in five New York voters believe climate change will harm them personally.** Four in five (81%) of New York state voters believe that climate change is occurring, and two-thirds (67%) are "extremely" or "very sure." In comparison, nationwide only about half (49%) of Americans are "extremely" or "very sure" that climate change is occurring. More than three in five (62%) say that climate change is caused mostly by human activities. And while 42 percent of Americans predict climate change will cause them "a great deal" or "moderate amount" of harm, 59 percent of New York state voters do.

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<sup>21</sup> **Methodology:** From Nov. 19-21, 2018, the bipartisan research team of FM3 and American Viewpoint completed 801 telephone interviews (on both landlines and cell phones) with randomly selected voters in New York state who are likely to participate in the November 2020 election. The margin of sampling error for the study is  $\pm 3.5\%$  at the 95% confidence level; margins of error for population subgroups within the sample will be higher. Due to rounding, not all totals will sum to 100%.

**Figure 1: Personal Climate Change Impact**

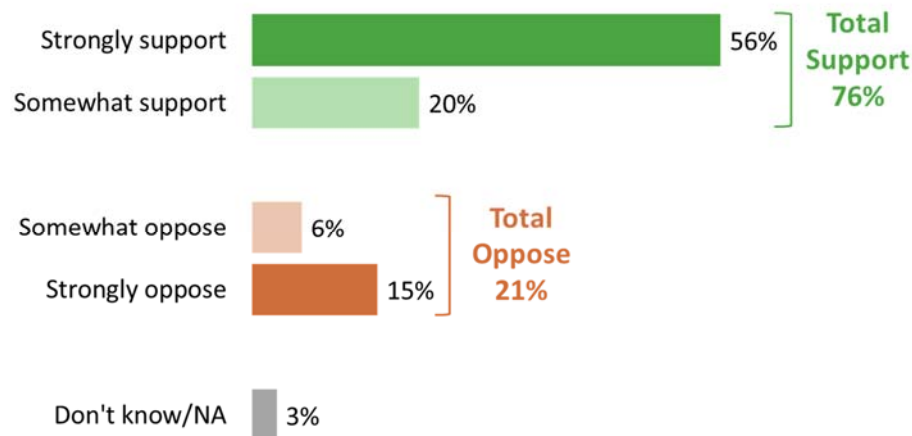
*How much do you think climate change will harm you personally?*



- **Three-quarters of New York voters support establishing a carbon pollution fee in New York.** As shown in Figure 2 below, voters broadly support action responding to climate change, specifically a policy that would limit the amount of carbon pollution released into the air. More than half (56%) "strongly support" such a policy. Support is also quite broad, encompassing 87 percent of Democrats, 74 percent of independents and 56 percent of Republicans.

**Figure 2: Support for a Carbon Pollution Fee**

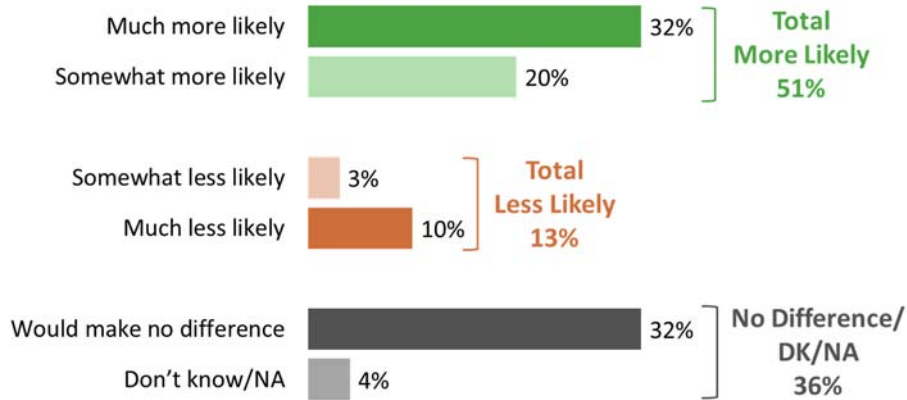
*"It would limit the amount of carbon pollution released into the air, and require major polluters like oil, natural gas, and energy companies in New York State to pay a fee for each ton of carbon pollution they emit from their activities here. The revenue would fund: clean energy, like solar and wind; cleaner transportation options like public transit, and cleaner fuels; helping low-income communities and communities of color disproportionately impacted by pollution; ensuring our forests are healthy; preventing and cleaning up pollution from our rivers and lakes, and increasing sustainable supplies of drinking water. Does this proposed carbon pollution fee sound like something you would support or oppose?"*



- **A majority of voters are more likely to vote for a state legislator who supports the carbon fee.** By a 38-point margin, voters are more likely, rather than less likely, to cast a ballot for a state legislator who supports this policy. In fact, nearly three times as many voters say it makes no difference to them (36%) than say it would have a negative impact (13%).

**Figure 3: Support for a State Legislator Who Voted for Carbon Pollution Fee**

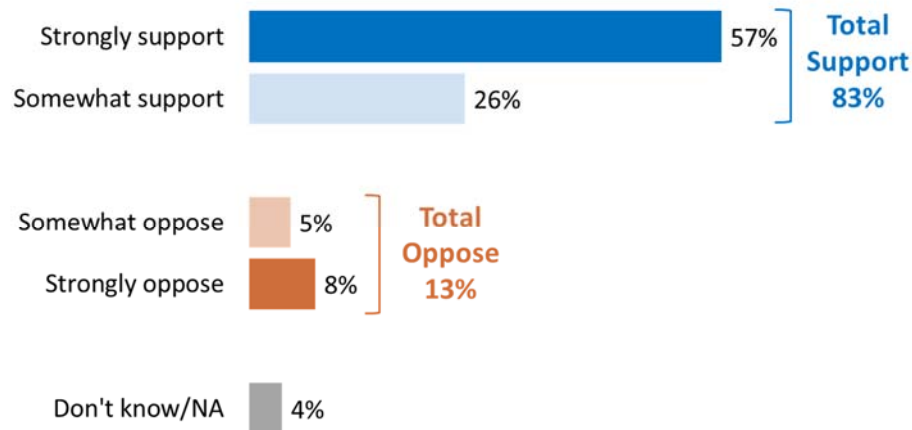
*Suppose your state legislator voted for this proposal in the next legislative session. Would that make you more likely to vote for them, less likely to vote for them, or would it make no difference in your attitude toward them?*



- **A fund investing in transportation choices that reduce carbon pollution is also overwhelmingly popular.** More than four in five (83%) support a proposal for a clean transportation fund, with nearly three in five (57%) "strongly" in support. This appeal crosses party lines, with support from 89 percent of Democrats, 86 percent of independents, and two-thirds (68%) of Republicans.

**Figure 4: Support for a Clean Transportation Fund**

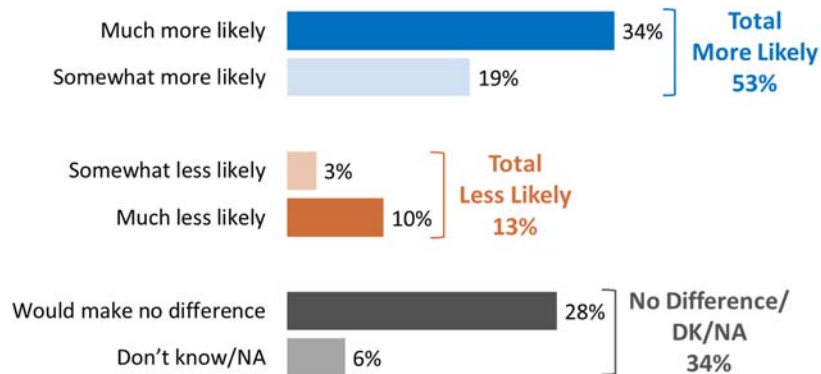
*"The state of New York would invest in transportation choices that reduce pollution, including expanding public transportation and creating infrastructure for electric vehicles and safe ways for people to walk and bike, all across New York. Does this proposal sound like something you would support or oppose?"*



- **Most New York voters would be more likely to vote for a legislator who backed the clean transportation fund.** Fully half (53%) of New York state voters say they would be more likely to vote for a state legislator who voted for a clean transportation fund in the next session -- 40 points higher than the share who said it would have a negative impact.

**Figure 5: Support for a State Legislator Who Voted for Clean Transportation Fund**

*Suppose your state legislator voted for this proposal in the next legislative session. Would that make you more likely to vote for them, less likely to vote for them, or would it make no difference in your attitude toward them?*



- Voters are willing to pay \$10 per month personally to fund such policies.** Voters were also asked, "if some of the costs of such a policy were passed on to consumers," how much they would be willing to pay to support them. Three in five (60%) said they personally would be willing to pay up to \$10 per month to enact these policy changes, and 64% would pay \$5 per month.
- Top funding priorities for such a fee or fund include infrastructure repairs, conservation, and investments in clean energy.** Figure 6 on the next page shows the funding priorities rated "extremely" or "very important" by at least two-thirds of New York state voters. Repairs to roads and bridges (with or without reference to "extreme weather") are the clear top priority, followed by conservation of natural areas that remove carbon pollution from the air. Increased use of clean energy is also a high priority, with and without explicit reference to job creation.

**Figure 6: Funding Priorities**

*I am going to read you a list of potential ways funding raised by this (HALF SAMPLE: carbon pollution fee) (HALF SAMPLE: clean transportation fund) could be spent in New York State. Please tell me how important each of these potential uses is to you.*

Project Priority	Extremely/Very Important
Repairing and maintain roads and bridges	90%
Repairing and upgrading roads and bridges so that they can better withstand the impacts of extreme weather	85%
Conserving natural areas like forests and wetlands that naturally remove carbon pollution from the air	82%
Protecting and restoring forests that provide natural filters to clean our air and water supplies	81%
Improving public health by reducing air pollution	77%
Increasing the use of clean energy, like wind and solar power	76%
Reducing the pollution that causes climate change	75%
Creating jobs by building and installing solar panels, windmills, and clean energy technology	73%

In sum, the survey results show **New York state voters are deeply concerned about climate change and understand the need for action at the state level to reduce it and respond to it.** Voters support specific policy proposals, including both a carbon pollution fee that would reduce carbon pollution and raise revenue for the state and a clean transportation fund that would shift the state toward cleaner alternatives to private car trips. Voters overwhelmingly support investments that would improve the transportation infrastructure, support natural solutions to climate change, and invest in clean energy -- and are willing to spend up to \$10 per month personally in increased consumer costs to ensure that these kinds of changes are made.