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**Testimony of Erin McGrath
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Chairwoman Krueger, Chairwoman Weinstein, Chairman Kaminsky, Chairman Englebright, and distinguished members of the New York State Senate and Assembly, thank you for granting Audubon New York the opportunity to testify on Governor Andrew Cuomo's Executive Budget proposal for SFY 2021-22. I am Erin McGrath, and I serve as the Policy Manager for Audubon New York, a leading state program of the National Audubon Society.

The National Audubon Society protects birds and the places they need throughout the Americas using science, advocacy, education, and on-the-ground conservation. Audubon's state programs, nature centers, chapters, and partners have an unparalleled wingspan that reaches millions of people each year to inform, inspire and unite diverse communities in conservation action. In New York State, Audubon New York leads a network of 93,000 members, 27 locally-affiliated chapters, seven sanctuaries and nature centers, and thousands of annual visitors, volunteers, and partners throughout the state.

Before addressing the Governor's SFY 2021-22 Executive Budget proposal and Audubon's 2021 budget priorities, I would like to extend our thanks to you and your colleagues for the 2020 legislative session's environmental accomplishments. Through your and Governor Cuomo's leadership, New York State has achieved nation-leading wins for the environment, including banning the use of Styrofoam and hydraulic fracturing. Moreover, all of this was achieved while providing high levels of funding for our state's environment – providing critical resources to conserve open space, protect and improve water quality, upgrade aging infrastructure, prevent pollution, and make New York State more resilient in the face of climate change.

This year, however, is unprecedented. We are facing a steep budget deficit combined with the ongoing pressures of the pandemic, but with the arrival of the COVID vaccines and the hope of federal relief from the Biden Administration, it is time to build back stronger. Audubon members know there is a better way forward—one that lifts up all people and creates a healthier, more resilient world.

As we rebuild New York State's economy, we need to double down on our commitments to combatting climate change and protecting our environment. Good-paying green jobs and more resilient communities should be the foundation of our recovery plan – and we already have the perfect framework for achieving these goals. The Environmental Protection Fund (EPF) and Restore Mother Nature Bond Act look at the environment in a holistic way that recognizes how communities, the economy, and the environment intersect. Furthermore, the Climate Leadership and Community Protection Act (CLCPA) and the Accelerated Renewable Energy Growth and Community Benefit Act provide us with an achievable path to carbon neutrality. By using the power of nature-based solutions to adapt to the changes in our environment and responsibly-sited renewable energy to shrink our carbon footprint, we can ensure a more sustainable future for all New Yorkers.

Audubon and its membership are excited to back these proposals and know that New York State will be a strong ally in these efforts. 75% of all Audubon members, including a majority of moderate and conservative members, rank climate change as one of their top three concerns among all issues facing

America today—and 82% of Audubon members (including 61% of moderates and conservatives) are personally "very concerned" about growing impacts of climate change.

Audubon looks forward to working with all of you to advance initiatives that protect our shared environment and benefit birds, other wildlife, people, and our economy.

Maintain \$300 Million to the Environmental Protection Fund. New York State has an ongoing obligation to provide reliable funding for environmental conservation, even in difficult financial times. Recurring funding allows the State and its partners to establish long-term plans that are cost-effective and utilize public and private funding for overlapping priorities such as land acquisition, improving habitat management, and increasing resiliency to climate change. In addition to funding this important work, the EPF generates \$40 billion in economic activity each year and supports 350,000 jobs across the state, and provides a critical match or supplemental funding for other state and federal programs, such as the Restore Mother Nature Bond Act, the Great Lakes Restoration Initiative, the Lake Ontario REDI Initiative, and the Long Island Sound Comprehensive Conservation Management Plan, among others.

Within the EPF, Audubon supports investments that advance bird conservation and mitigate impacts to critical habitat through the following categories:

Zoos, Botanical Gardens, and Aquaria Program. The Zoos, Botanical Gardens, and Aquaria Program is of particular importance to Audubon as it provides funding for our nature centers and sanctuaries, which protect bird habitat and provide educational programming. If funding were cut, it would directly impact the operations and staffing at our centers; including the Montezuma Audubon Center in Savannah, Constitution Marsh Audubon Center in Garrison, Theodore Roosevelt Sanctuary and Audubon Center in Oyster Bay, and Rheinstrom Hill Audubon Sanctuary and Center in Hillsdale. We ask that you maintain this funding for SFY 2021-22 to ensure continuity of operations at our centers, which are seeing increased traffic during the pandemic and do not charge admission to the public. Many of our centers, as well as zoos, botanical gardens, and aquaria across the state, already have long-term capital needs that are unaddressed, and increased use will further compound these issues. Any lapse in funding will delay critical maintenance and disrupt their capital plans in times of financial uncertainty.

Regenerate NY. The Regenerate NY program encourages private landowners to improve forest health by providing a cost-share for beneficial management activities; including afforestation, reforestation, forest stand restoration, control of competing vegetation, creation of forest openings, construction of deer enclosure fencing, and other forest regeneration-focused practices approved by the Department of Environmental Conservation (DEC). These management strategies promote the successful regeneration of trees and shrubs, creating favorable habitat conditions for birds and making forests less susceptible to climate change and invasive species. Successful forest regeneration is also critical to maintaining and increasing the amount of carbon sequestered by our forests. Funding this program will build on Audubon's successful efforts to manage habitat for woodland birds by supporting the creation of additional quality habitat. We ask you to provide another \$500,000 in funding for Regenerate NY in the EPF, which includes \$400,000 for the cost of qualifying practices and \$100,000 for education and outreach.

Ocean and Great Lakes Initiative. The Ocean and Great Lakes line provides funding for research and planning projects that support improved ecosystem-based management of the Great Lakes and our coastal ecosystems. On and around Lake Erie and Ontario, this funding provides the means for studying recurrent flooding and erosion, examining the control of nutrients and sediment, including through Nine-Element Plans, promoting ecosystem-based management to private and public entities, and providing small research grants through the Great Lakes Research Consortium. Once completed, this research and planning usually leads to additional investments from private and public funders, including the federal Great Lakes Restoration Initiative, which provides the state, local entities, and nonprofits with the capital needed to implement ecosystem-based management and restoration projects. We ask you to maintain funding for this program at \$18.7 million.

Delaware River Basin Commission. The EPF contains \$359,000 in funding that constitutes New York State's financial commitment to the Delaware River Commission, and we encourage the State to continue to provide adequate funding to support the Commission's efforts. Covering 13,500 square miles and four states—the Delaware River Watershed is a diverse landscape of more than 35 ecological systems and 185 natural communities. It provides essential year-round habitats and critical migratory stopovers for approximately 400 bird species. More than 13.3 million people obtain clean, abundant water from the Delaware River Watershed, including 4.5 million New York City residents. The watershed is a significant economic driver, grossing more than \$25 billion annually in economic activity and \$21 billion in ecosystem goods and services each year and contributing 600,000 jobs and \$10 billion in annual wages to the economy.

Maintain Environmental Agency Budgets and Staff. The budget deficit is dire this year, but it is important to maintain adequate staffing levels at the DEC. With regulatory, management, and stewardship responsibilities for the state's open spaces and natural resources, the DEC is on the front lines of efforts to conserve and restore New York State's environment. This financial support is even more critical following the passage of the CLCPA, the Accelerated Renewable Energy Growth and Community Benefit Act, and the implementation of the Lake Ontario REDI Initiative, which have placed new obligations on the DEC. Past budget cuts have already impacted their ability to meet mandated activities, and New York State needs a long-term strategy to reinvest in the DEC and affiliated agencies to ensure they have the resources and staff to safeguard our environment appropriately.

Adequate staffing is critical for the DEC's charge to manage New York State's wildlife and administer the laws and regulations governing endangered species. The Division of Fish and Wildlife must have a sufficient number of staff in order to ensure the quick and efficient review of proposed development projects and meet ongoing research and conservation needs. As mentioned above, with the passage of the new siting law and the development of the associated regulations, the Division's workload will increase dramatically as more renewable energy projects enter the siting queue.

Ensuring that adequate environmental reviews are completed for each of these projects is imperative. Many of the proposed projects are located on land that provides habitat for grassland birds, which are suffering from significant population declines due to habitat loss. We must ensure that appropriate measures are taken to avoid, minimize, or mitigate such projects' harm, including mitigation at alternate sites if appropriate. This will require at least one additional staff person to review mitigation plans that are financed by the Endangered and Threatened Species Mitigation Fund and carried out pursuant to the Grassland Bird Conservation Plan.

Continue to Fund Capital Improvements in State Parks. Audubon and our affiliated chapters partner with the Office of Parks, Recreation, and Historic Preservation (OPRHP) to advance bird conservation in state parks through the 'Audubon in the Parks' initiative. This public-private partnership addresses conservation needs through outreach, interpretation, and on-the-ground conservation in Bird Conservation Areas and Important Bird Areas in our State Parks.

Because of this work, we strongly support the continued restoration and improvement of New York State's parks and historic sites through the Governor's newly announced NY Parks 100 proposal, which will build on the historic levels of investment made through the Parks 2020 Initiative. The Parks 100 proposal will revitalize our parks and help address the backlog of infrastructure needs at these facilities, which is even more critical given the high level of visitors during the pandemic. New Yorkers made more than 75 million visits to State Parks during 2020, which will contribute to accelerated wear and tear if proper maintenance is not conducted.

As part of the NY Parks 100 proposal, we are especially excited to work with OPRHP to create the new Empire State Birding Trail. Interest in birdwatching has soared during the pandemic – leading more and more New Yorkers to learn about the joy of birds. Birding is easy to do while remaining socially distant, either at home or at local parks and refuges. Moreover, increasing opportunities to engage in birdwatching is more than just a safe activity – it is also a strong economic driver that can help bring dollars to financially distressed communities as they recover from the pandemic.

In New York State, 3.3 million people watch birds both around and away from their homes, and 1.1 million of those birdwatchers spend a combined 19.8 million days taking trips away from home to watch birds, at an average of three days per trip. Wildlife watchers at large generate approximately \$4.2 billion in ecotourism revenue each year in New York State, spending \$660 million on trip-related expenses and \$2.4 billion on wildlife-watching equipment, among other expenses. Birdwatchers make up 98% of all wildlife watchers who travel in New York State and 99% of those who watch wildlife at home, which means that they are making substantial contributions to this figure.¹ This means that investing in the Empire State Birding Trail can deliver two-fold by providing additional opportunities for safe recreation and much needed economic development.

Restore Mother Nature Bond Act. We strongly support the reauthorization of the Restore Mother Nature Bond Act and its placement on a future ballot for approval by voters. Our Great Lakes, wetlands, and coastlines provide essential habitat for birds and other wildlife and are important economic drivers that support local communities. Investments in ecosystem-based restoration can provide multiple benefits, including increased habitat for threatened and endangered species, more sustainable fisheries, opportunities for recreation and tourism, and increased resiliency in the face of climate change. While this funding was important before, it is even more critical to approve following the financial fallout of the pandemic. Communities are struggling financially, and it will be challenging to balance immediate financial needs with the long-term threat of climate change. By funding local resiliency projects, New York State can inject much-needed capital and jobs into communities and ensure that localities already suffering from the pandemic are not left vulnerable to the next superstorm.

Lake Ontario REDI Commission. The Lake Ontario REDI Commission has made great strides toward repairing the flood damage along Lake Ontario and the St. Lawrence River, giving shoreline communities the tools they need to complete resiliency efforts that utilize nature-based solutions and contribute to economic development. We must continue to fund these efforts and ensure that local communities are able to adapt to the new normal of recurrent flooding. The Executive Budget includes the spending authority for \$300 million to support these efforts, which will continue to fund 133 projects identified by local communities and stakeholders.

Reimagine the Canals. The Executive Budget includes the spending authority for \$300 million for the Reimagine the Canals Initiative, which prioritizes the restoration and improvement of 7,000 to 10,000 acres of wetland habitat in Central New York. This includes acres within the Montezuma Wetlands Complex – a migratory stopover for millions of birds and home to the Montezuma Audubon Center. This area was negatively impacted by the construction of the Erie Canal, which reduced hydrological connectivity and the natural water table in the surrounding areas. Under the Reimagine the Canal Initiative's guidance, the State will study the wetlands at Montezuma, Galen Marsh, and Rome Sand Plains and identify opportunities for reestablishing hydrological connectivity and restoring the wetlands complexes. This work will have significant positive environmental impacts and create opportunities for economic development based on ecotourism.

Protect New York State's Wetlands. Wetlands are critical for bird health and population stability and provide numerous benefits to people and communities, illustrating the need to protect the state's freshwater wetlands to the greatest extent possible. Approximately one-third of North American bird species use wetlands for food, shelter, or breeding, and one hundred thirty-eight species and subspecies of birds in the United States are designated as "wetland-dependent," including the Black Rail, Pied-billed Grebe, and Least Bittern, which are listed as threatened or endangered in New York State. Protecting these birds' habitats is essential to their future survival.

Currently, the DEC has the authority to regulate freshwater wetlands that are 12.4 acres or greater in size or of unusual local importance, located in the Adirondacks, or are tidal. In this year's budget proposal, New York State should place freshwater wetlands of one acre or more under state regulatory

¹ U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. <https://www2.census.gov/programs-surveys/fhwar/publications/2011/fhw11-ny.pdf>

authority, remove the requirement that the DEC delineate these wetlands on jurisdictional maps, and eliminate the requirement that any associated mandatory mailings be sent via certified mail. Without this increased level of protection and proposed administrative changes, the health of all New York State's water bodies is put at risk.

Funding for Clean Water Infrastructure. New York State's investment in clean water infrastructure has provided significant and needed funding that improves our wastewater and drinking water infrastructure. The amount of funding that New York State has committed to new infrastructure has continued to outpace federal spending for the entire nation and provides a strong example that the federal government should follow.

As you know, New York State has estimated that the combined wastewater and drinking water needs in the state will exceed \$80 billion over the next 20 years, and these costs will continue to grow unless we make significant investments in upgrading and restoring our infrastructure. This need is even more critical in the wake of the pandemic when municipalities are struggling to balance budgets and ratepayers cannot pay their utility bills. New York State and the federal government must step up to provide low-cost loans and zero-interest grants to communities so that they can ensure that all New Yorkers have access to clean water. We ask that you maintain the State's current spending plan and explore an expansion of the hardship criteria for communities that have been significantly affected by the pandemic.

Funding for Climate Implementation. Now that the CLCPA has been enacted in law, we need to ensure that adequate funding is provided for its implementation. We should examine existing revenue streams to see if they can be leveraged and identify new funding vehicles that will enable us to undertake the scoping plan's recommendations. The State should also coordinate closely with the New York State congressional delegation to maximize opportunities for matching funds from federal agencies like the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Department of Energy, and the Army Corps of Engineers.

In New York State, the proceeds from the Regional Greenhouse Gas Initiative (RGGI) have provided a consistent source of funding for energy efficiency projects, Green Jobs – Green New York, and the State's renewable energy initiatives. Unfortunately, 17% of RGGI proceeds, or \$228 million, have been transferred to the General Fund by NYSERDA. Now more than ever, it is important that these funds be used for their intended purposes and support New York State's transition to carbon neutrality. As New Yorkers reenter the workforce, we can build a stronger economy by providing training for "green-collar" jobs that will help us transform the private sector and bring carbon neutrality to residential neighborhoods.

The Green Economy. Governor Cuomo committed to making New York State the "Green Capital" of the world by investing in large-scale renewable energy, new transmission and energy storage infrastructure, manufacturing related to offshore wind, and workforce training to ensure a just transition to a new green economy. These proposals are critical to reinvigorating our economy and confronting the existential threat of climate change.

As we begin to chart our recovery from the pandemic, we have the opportunity to create a future where the urgent need to confront climate change serves as an economic driver that revitalizes New York State. Birds and people face the same climate change-driven threats, and we must take bold action now by investing in renewable resources. Audubon strongly supports the development of renewable energy and transmission infrastructure that is sited and operated to avoid or lessen impacts on birds and other wildlife. Wind and solar power are clean, renewable sources of energy with few negative environmental impacts. However, renewable energy projects and the development of new transmission infrastructure has the potential to negatively affect wildlife through direct mortality and habitat degradation.

We look forward to working with the Office of Renewable Energy Siting and the DEC to advance renewable energy projects that move us toward a clean energy future while also ensuring that birds and other wildlife are adequately protected.

Protecting the Health of our Forests. Forests in New York State provide breeding habitat for over 100 bird species, including some of our highest priority birds like the Wood Thrush and Black-throated Blue, Cerulean, Canada, and Golden-winged Warblers, Ruffed Grouse, and American Woodcock – many of which have been identified by the DEC as Species of Greatest Conservation Need. Our forests' health can greatly impact these species' reproductive success, which means maintaining healthy forests is essential to supporting these populations. Additionally, healthy forests are resilient to undesirable stressors such as climate change and invasive species and provide critical ecosystem services, including carbon sequestration, watershed protection, flood control, forest products, and recreation.

Unfortunately, our forests' health is under threat from fragmentation, loss of forest acres, and other factors, and some woodland birds are unable to reproduce successfully or find suitable habitat.² Many forest birds require structurally complex forest habitat, including an understory composed of young trees, shrubs, and herbaceous plants that provide food and nesting sites. If that understory is degraded or eliminated, these bird species can experience reproductive failure and population declines.

A significant factor that affects the understory, and therefore overall forest health, is overbrowsing caused by an overabundant White-tailed Deer population. Overbrowsing – or the excessive and unsustainable consumption of vegetation – is destroying critical habitat for declining woodland birds and contributing to poor forest health. Research has shown that in areas where deer densities are high (in excess of 7.9 deer/km²), bird populations decrease.³ This is largely attributed to a loss of understory vegetation due to high deer densities and unsustainable browsing. Tree diversity and regeneration, wildflower diversity, and forest bird habitat quality are all negatively impacted when deer become too abundant.

For these reasons, Audubon is highly interested in deer management in New York State and believes that further management steps need to be taken to improve overall forest ecosystem health. Furthermore, as a science-based organization, we support activities that contribute to evidence-based wildlife management and recognize that recreational deer hunting is an important wildlife management tool that can significantly influence forest habitat.

Audubon supports management strategies that would result in greater deer harvests in regions of New York State experiencing forest regeneration failure as a result of overabundant deer, such as opening and increasing hunter access to areas where hunting is restricted (e.g., on State Parks and also through partnerships with private landowners), expanding and extending hunting seasons, providing for more flexibility in the use of Deer Management Assistance Permits, and other activities that encourage and provide more opportunities for hunting.

The Executive Budget contains two policy proposals that would increase deer harvests and improve our forests' health. The first is a proposal related to crossbows, which would allow hunters to use crossbows during all big game seasons once they have completed a bowhunter education course and hunter safety training. Expanded crossbow use will allow individuals with limited strength, physical impairments, or disinterest in firearms to participate in big game hunting. The second proposal would allow junior hunters to hunt big game with a firearm, shotgun, muzzleloader, or crossbow when accompanied by an adult with a valid hunting license. Currently, junior hunters are only allowed to hunt small game with firearms or to hunt big game with a bow when accompanied by a licensed adult.

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³ DeCalesta, D.S. 1994. Effect of White-tailed Deer on Songbirds within Managed Forests in Pennsylvania. *Journal of Wildlife Management* 58(4):711-718.

McShea, W.J., Rappole, J.H. 2000. Managing the Abundance and Diversity of Breeding Bird Populations through Manipulation of Deer Populations. *Conservation Biology* 14 (4): 1161-1170.

Rushing, C.S., Rohrbaugh, R.W., Fissc, C.J., Rosenberryd, C.S., Rodewald, A.D., Larkin, J.L. 2020. Long-term variation in white-tailed deer abundance shapes landscape-scale population dynamics of forest-breeding birds. *Forest Ecology and Management* (456).

Allowing for expanded use of crossbows and junior hunting is also recommended by the DEC's Draft 2021 NYSDEC 10 Year Deer Management Plan, and the Division of Budget has determined that the crossbow expansion would provide an additional \$1.5 million in revenue to support the Conservation Fund. Audubon commends the State for acknowledging this issue and making recommendations for immediate actions to better align deer population objectives with maintaining healthy habitats.

Meeting the demand for improvements to our environment and protecting bird species from further decline will take creativity and a commitment from all levels of government. Audubon once again urges the Legislature to support historic funding levels for the Restore Mother Nature Bond Act, the Environmental Protection Fund, and other funding and programs that help improve our forests and state parks, and pragmatic solutions to address the threat of climate change.

Thank you again for allowing me to testify today, and should you need any additional information, please contact me at 518-860-4296 or erin.mcgrath@audubon.org.