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**Testimony of Erin McGrath  
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Before the Joint Legislative Hearings on the New York State Budget  
Environmental Conservation  
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Chairwoman Krueger, Chairwoman Weinstein, Chair Harckham, Chair Glick, and distinguished members of the New York State Senate and Assembly, thank you for granting Audubon New York the opportunity to testify on Governor Kathy Hochul's Executive Budget proposal for SFY 2024-25. I am Erin McGrath and I serve as the Senior Policy Manager for the National Audubon Society's New York State office.

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 offices, 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 leads a network of over 90,000 members, 27 affiliated chapters, seven sanctuaries and nature centers, and thousands of annual visitors, volunteers, and partners throughout the state.

Before addressing the Governor's SFY 2024-25 Executive Budget proposal and Audubon's 2024 budget priorities, I would like to extend our thanks to you and your colleagues for the 2023 legislative session's environmental accomplishments. With your leadership, we passed legislation to restrict the use of neonicotinoid pesticides, committed \$400 million to the Environmental Protection Fund (EPF), and made another \$500 million investment in clean water infrastructure. These accomplishments will provide critical resources to conserve open space, protect and improve water quality, upgrade aging water infrastructure, prevent pollution and unnecessary pesticide use, and make New York State more resilient in the face of climate change.

Audubon is a proud partner and supporter of New York State's conservation efforts, and we look forward to working with the Legislature during the 2024 legislative session. As you develop your SFY 2024-25 One House Budget proposals, we respectfully request that you consider the following Audubon priorities.

**Maintain \$400 Million for the Environmental Protection Fund.** New York State has an ongoing obligation to provide reliable funding for environmental conservation. 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, supports 350,000 jobs across the state,<sup>1</sup> and provides a critical match or supplemental funding for other state and federal programs, such as the Clean Water, Clean Air, and Green Jobs Environmental Bond Act, Great Lakes Restoration Initiative, Delaware River Basin Conservation Act, and the Long Island Sound Comprehensive Conservation Management Plan, among others. We are grateful that the Governor has maintained funding at \$400 million and ask the Legislature to join her in recommitting to this historic funding level.

However, the Legislature should stand firm against proposals that would use the EPF as a source of funding for personnel services at state agencies. The EPF provides capital funding for projects that support the State's stewardship of the environment, and we should be directing more funding toward such projects as we face the growing threats of concurrent biodiversity and climate crises. We agree that agencies should have adequate staffing, but it shouldn't be at the expense of existing environmental conservation efforts supported by the EPF. For these reasons, we ask the Legislature to reject the Governor's proposal to use \$25 million from the EPF to support state staff.

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 particularly important 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 restore this funding to at least \$20 million, which was the amount included in last year's Enacted Budget. This will help to ensure continuity of operations at our centers and similar facilities, which are seeing increased traffic during the COVID-19 pandemic as well as additional operational costs.

**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 continue to provide at least \$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. If the program is fully subscribed, we would also recommend providing an increase that would serve a greater number of applicants.

**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

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<sup>1</sup> The economic benefits of New York Environmental Protection Fund. New Yorkers for Clean Water and Jobs. (2012, January). Retrieved January 28, 2022, from [https://cleanwaterandjobs.org/wp-content/uploads/2020/12/2012\\_TPL\\_report\\_ny\\_econ\\_benefits\\_epf.pdf](https://cleanwaterandjobs.org/wp-content/uploads/2020/12/2012_TPL_report_ny_econ_benefits_epf.pdf)

and our coastal ecosystems. On and around Lakes 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 capital funding to implement ecosystem-based management and restoration projects. We ask you to increase funding for this program to \$25 million for these reasons.

**Increase Environmental Agency Budgets and Staff.** We strongly encourage you to support adequate staffing at the DEC, Office of Renewable Energy Siting, Office of Parks, Recreation, and Historic Preservation, and the Department of State. With regulatory, management, and stewardship responsibilities for the state's natural resources, these agencies are on the front lines of efforts to protect, conserve, and restore New York State's environment. This support is critical following the passage of the Climate Leadership and Community Protection Act and the Accelerated Renewable Energy Growth and Community Benefit Act, and the Clean Water, Clean Air, and Green Jobs Environmental Bond Act, which have placed new obligations on each of these agencies.

**Continue to Fund Capital Improvements in State Parks and on DEC Lands.** Audubon and our affiliated chapters partner with the 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. We strongly support the ongoing restoration and improvement of New York State's parks and lands held by the DEC and ask that you support \$250 million for OPRHP and \$90 million for the DEC for capital projects – including for projects focused on habitat improvement and green infrastructure. This funding also supports the continued enhancement of the New York State Birding Trail, which is being overseen by the DEC's Adventure NY program. The New York State Birding Trail highlights 340 spots to bird across New York State, including world-class birding opportunities and local hotspots that can be enjoyed by all New Yorkers close to home.

**Upper Delaware River.** New York State's Upper Delaware River watershed provides critical habitat for birds and contributes \$3.5 billion to the State's economy annually through ecotourism and other ecosystem services. We ask that the State continue to partner with the Friends of the Upper Delaware River (FUDR) and provide at least \$350,000 in funding for SFY 2024-25, which FUDR will distribute as regrants to environmental conservation organizations and other partners in the watershed. Partners who received grants would pursue projects that restore habitat for native plants and animals, reduce impacts of climate change, improve flood resiliency, upgrade old and failing infrastructure, and improve and expand access to the Upper Delaware River.

**Delaware River Basin Commission.** The Aid to Localities proposal contains \$359,000 in funding that constitutes a portion of New York State's financial commitment to the Delaware River Commission. We encourage the State to provide adequate funding to support the Commission's efforts and cover the full cost of New York State's statutory share. 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,<sup>2</sup> including 4.5 million New York City residents. The watershed is a significant economic driver, grossing more than \$22 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.<sup>3</sup>

**Funding for Clean Water Infrastructure.** New York State's investments in clean water infrastructure have provided significant and needed funding that improves wastewater management and the quality of our drinking water. 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. However, at least \$80 billion is still needed to address current infrastructure needs,<sup>4</sup> and these costs will grow unless we continue to make significant investments. For these reasons, we ask you to provide \$600 million in funding for the Clean Water Infrastructure Act (CWIA) this year, which would serve as the first installment in a new commitment to provide \$4 billion in new CWIA funding over the next five years. We also greatly appreciate that New York State has invested in Community Assistance Teams to aid municipalities that lack internal resources to apply for CWIA funding, and hope that you will continue to support initiatives to provide additional low-cost loans, zero-interest grants, and technical assistance or planning grants.

**Plant 25 million Trees by 2033.** Forests in New York State provide breeding habitat for over 100 bird species, including some of Audubon's 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 also been identified by the DEC as Species of Greatest Conservation Need. Our forests' health can greatly impact these species' reproductive success, which means creating and 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 and loss of forest acres, among other factors. Some woodland birds are unable to reproduce successfully or find suitable habitat, and poor forest health can also cause a decrease in critical ecosystem services, such as carbon sequestration capacity. Planting new forests has the potential to support these declining species by creating new high-quality habitat and offers important co-benefits such as increased sequestration capacity. For these reasons, we strongly support the Governor's proposal to plant 25 million trees by 2033, which will help New York State meet its goal of planting and maintaining 1.7 million acres of new forest by 2040. We ask the Legislature to support the Governor's SFY 2024-25 Executive Budget proposal, which includes an initial installment of \$15 million to support reforestation efforts.

Planting 25 million trees will require the State to work on both private and public lands and, once planted, ensure that those forests are managed to support goals such as carbon sequestration, wildlife habitat, and water quality. This will require the State to develop a robust reforestation program and strategy that facilitates participation by private landowners and nonprofit organizations. Financial incentives for private landowners and opportunities to enter into conservation easements will be

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<sup>2</sup> State of the Basin 2019 (2019). Delaware River Basin Commission. Retrieved January 28, 2022, from [https://www.nj.gov/drbc/library/documents/SOTBreport\\_july2019.pdf](https://www.nj.gov/drbc/library/documents/SOTBreport_july2019.pdf).

<sup>3</sup> Kauffman, G. J. (2016). Economic Value of Nature and Ecosystems in the Delaware River Basin. *Journal of Contemporary Water Research & Education*, 158(1), 98–119. <https://doi.org/10.1111/jcwr.2016.158.issue-1>

<sup>4</sup> NYS Department of Health, Drinking Water Infrastructure Needs of New York State, 2008, [health.ny.gov/environmental/water/drinking/infrastructure\\_needs.htm](http://health.ny.gov/environmental/water/drinking/infrastructure_needs.htm). NYS Department of Environmental Conservation, Wastewater Infrastructure Needs of New York State Report, 2008, [dec.ny.gov/chemical/42383.html](http://dec.ny.gov/chemical/42383.html)

important components of such a program, and we strongly encourage the Legislature to support and develop strategies that will conserve the new forest acres made possible by the Executive Budget's capital investments. Additionally, the Legislature and Governor should consider establishing programs that would provide technical assistance to landowners, nonprofits, and municipalities that want to participate in reforestation efforts – including access to foresters who are trained in sustainable forest management and bird-friendly management strategies.

**Blue Buffers Voluntary Homeowner Buyout Program.** Many New Yorkers are threatened by rising sea levels, which can put homes at risk of repeat flooding and years of costly damage. Voluntary buyout programs give New Yorkers the option and means to relocate to safer areas, and then allows those properties to be used as part of natural flood control strategies, such as the restoration of living shorelines and salt marshes. Healthy marshes act as a sponge that soak up excess water and release it slowly, helping to mitigate the impact of tides, storm surge, and even excess rainfall or snowmelt. These natural solutions will help protect coastal communities as well as at-risk shorebird species – like the Piping Plover and Saltmarsh Sparrow – which need natural shorelines to survive.

**Renewable Action Through Project Interconnection and Deployment (RAPID) Act.** To achieve climate change stabilization, we need to rapidly build-out transmission and clean energy infrastructure, but also ensure that vulnerable species and their habitats remain protected. The RAPID Act would authorize the Office for Renewable Energy Siting (ORES) to issue permits for electric transmission projects and create a new expedited permitting process, including the development of new regulations and uniform standards and conditions. While considering the RAPID Act, we ask the Legislature to ensure that updates to our permitting processes are carefully balanced with the need to protect vulnerable species and the environment they rely on. We are in the midst of a dual crisis of threats to our climate and biodiversity, and we cannot sacrifice one to save the other.

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Meeting the demand for improvements to our environment and protecting bird species from further decline will take creativity and commitment from all levels of government. Audubon once again urges the Legislature to support historic funding levels for environmental conservation, policy initiatives that help protect our environment, 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](mailto:erin.mcgrath@audubon.org).