



## MEMORANDUM OF SUPPORT

### **A.2574 (Englebright) / S.2316 (Kaminsky) and ART. VII TED – Part I**

**AN ACT to amend the environmental conservation law, in relation to prohibiting state authorizations related to certain offshore oil and natural gas production.**

Audubon New York strongly supports **A.2574 (Englebright) / S.2316 (Kaminsky) and Article VII TED - Part I**, which would prohibit the leasing of underwater coastal lands for drilling related to the extraction of oil or natural gas, bar the Department of Environmental Conservation and the Office of General Services from authorizing leases that would result in an increase of oil or natural gas production from federal waters, prevent the condemnation of state lands related to such exploration or drilling, and ban the shipment of offshore crude through navigable waters of the state. Exploration and drilling for oil or gas would have serious repercussions for New York State's marine and coastal ecosystems, which are critically important to the survival of hundreds of bird species, including endangered species such as the Piping Plover and Roseate Tern.

In 2017, the Trump Administration called on the Department of the Interior to develop a new Five-Year Outer Continental Shelf Oil and Gas Leasing Program. The proposed program opened up the overwhelming majority of the Atlantic Outer Continental Shelf for potential leasing, including the federal waters in the North Atlantic Planning Area, which surround New York State. Currently, there are two lease sales proposed for 2021 and 2023, which are opposed by every state in the North Atlantic Planning Area, with the exception of Maine.

Habitats for birds and other wildlife are already threatened by a multitude of issues, including a changing climate, ocean acidification, pollution, harmful algal blooms, invasive species, pressure from human development, and rising sea levels. Another threat does not need to be added to the mix. Audubon has witnessed firsthand the long-term impacts of other oil spills, like BP's 2010 Deepwater Horizon disaster,<sup>i,ii</sup> which polluted shorelines from Texas to Florida – killing more than one million birds, harming fisheries, and impairing countless ocean and estuary habitats. An equivalent disaster in the Atlantic Ocean would coat beaches and estuaries in the North Atlantic Planning Area, with a particularly devastating effect on New York State's 117.5 miles of Atlantic Ocean coastline.

New York State's coastal communities and economies also depend on a healthy ocean. Hundreds of thousands of jobs and billions of dollars of the State's gross domestic product depend on clean water, beaches, and abundant fish and wildlife. Ocean and coast-dependent tourism contributes \$50 billion to New York State's GDP and supports over 826,000 jobs; commercial fishing provides \$5.3 billion in sales, 44,000 jobs, and \$1.1 billion in wages; and recreational marine fishing adds \$424 million to the GDP, 5,000 jobs, and \$276 million in wages.<sup>iii</sup> It is unnecessary to expose these communities to the risks posed by offshore drilling, especially when the economic benefits of an unspoiled coastline far exceed those that might result from oil and gas exploration.

The vision for New York State's ocean should focus on balancing human activities with the preservation of our unique marine and coastal ecosystems. Clean water, resilient coastal wetlands, publicly-accessible, uncontaminated beaches and preserves, abundant and diverse wildlife, flourishing commercial fisheries, and harbors accessible to the boating community are important to all New Yorkers and our environment.

For these reasons, Audubon New York strongly supports **A.2574 (Englebright) / S.2316 (Kaminsky) and Article VII TED - Part I** and urges the Legislature to pass this important legislation.

Audubon New York works with a network of 65,000 members, hundreds of volunteers, 27 local Audubon Chapters, and dozens of other partners to achieve its mission of protecting birds and their habitats through science, advocacy, education, and on-the-ground conservation. If you have any questions or would like more information, please contact Erin McGrath, Policy Manager, at 518-869-9731 or [emcgrath@audubon.org](mailto:emcgrath@audubon.org).

## NYS Birds Under Threat



**American Oystercatcher**  
*Haematopus palliatus*

**Description:** A very large, unmistakable shorebird of Atlantic and Gulf Coast beaches. Solitary or in family groups in summer, American Oystercatchers may gather in large flocks in winter.

**Conservation Status:** Numbers declined seriously in 19th century, then recovered well in 20th century. Despite disturbance in beach habitats, the species currently is doing fairly well, often nesting on dredge spoil islands.

**Habitat:** Strictly coastal, in areas with extensive sand beaches, tidal mudflats, salt marsh. Key element is presence of good food supply, such as oyster beds, clam flats. May nest among dunes, on islands in salt marsh, or on dredge spoil islands.

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**Piping Plover**  
*Charadrius melodus*

**Description:** A small plover with a very short bill. Its pale back matches the white sand beaches and alkali flats that it inhabits. While many shorebirds have wide distributions, this one is a North American specialty, barely extending into Mexico in winter.

**Conservation Status:** Many of its nesting areas are subject to human disturbance or other threats, and it is now considered an endangered or threatened species. Breeding pairs are almost gone from Great Lakes, and have declined elsewhere.

**Habitat:** Sandy beaches, tidal flats. Nests in open sandy situations near water, in a variety of settings: beaches along Atlantic Coast and Great Lakes; sandbars along major rivers on northern Great Plains; gravel or sand flats next to alkali lakes. Winters along coast, on tidal flats and beaches.

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**Black Skimmer**  
*Rynchops niger*

**Description:** The strange, uneven bill of the skimmer has a purpose: the bird flies low, with the long lower mandible plowing the water, snapping the bill shut when it contacts a fish. Strictly coastal in most areas of North America, Black Skimmers are often seen resting on sandbars and beaches.

**Conservation Status:** In late 19th century, eggs were harvested commercially, and adults were killed for their feathers, leading to a reduction of Atlantic Coast populations; good recovery of numbers since. Still very sensitive to disturbance in nesting colonies. Range expanding in west.

**Habitat:** Mostly ocean beaches, tidewater. Favors coastal waters protected from open surf, such as lagoons, estuaries, inlets, sheltered bays. Nests on sandy islands and beaches.

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**Roseate Tern**  
*Sterna dougallii*

**Description:** Widespread but very local on the coasts of six continents. In North America, only on Atlantic seaboard, mainly in northeast and Florida. Has a very light and buoyant flight, with relatively fast and shallow wingbeats, and often gives a musical callnote in flight.

**Conservation Status:** Now considered an endangered species in the northeast. Initial decline may have been caused by hunting for plume trade in late 1800s. After partial recovery, some colonies disappeared when islands were overrun by populations of Herring Gulls.

**Habitat:** Coastal; salt bays, estuaries, ocean. Nests on sandy or rocky islands with some low plant cover, close to shallow waters for feeding, especially in protected bays and estuaries. Forages in coastal waters and sometimes well offshore, with a seeming preference for warmer waters.

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<sup>i</sup> “More Than One Million Birds Died During Deepwater Horizon Disaster | Audubon.” n.d. Accessed October 29, 2018. <https://www.audubon.org/news/more-one-million-birds-died-during-deepwater-horizon-disaster>.

<sup>ii</sup> JC, Haney, Geiger HJ, and Short J W. 2014. “Bird Mortality from the Deepwater Horizon Oil Spill. I. Exposure Probability in the Offshore Gulf of Mexico.” *Marine Ecology Progress Series* 513: 225–37. <https://www.int-res.com/abstracts/meps/v513/p225-237/>.

<sup>iii</sup> “Economic Inventory of Environmental and Social Resources Potentially Impacted by a Catastrophic Discharge Event within OCS Regions.” Bureau of Ocean Energy Management. 2014. <https://www.boem.gov/Economic-Inventories-for-CDE/>.