

2017
Conservation Policy Resolutions of
Audubon New York and
the Audubon Council of New York State



Audubon NEW YORK

Conservation Funding

SECURING SUSTAINABLE STATE ENVIRONMENTAL PROTECTION FUNDING

The Issue: In New York, the Environmental Protection Fund (EPF) is the state's primary funding for critical environmental projects. Since its creation in 1993, the EPF has been funded through dedicated revenue from the Real Estate Transfer Tax (RETT), which is generated, in part, from some of the very causes of habitat loss, e.g. suburban sprawl. The EPF was designed to provide a secure source of environmental funding in good economic times and bad, and be used to offset the negative consequences from overdevelopment.

Over the life of the fund, revenues from the RETT have provided a secure and stable source of environmental funding, continually generating more than enough revenue to fully fund the EPF. This funding, combined with revenues from the successful 1996 Clean Water, Clean Air Bond Act, has supported hundreds of projects across the state that have protected open space and farmland; improved water quality in Long Island Sound, the Hudson River and the Great Lakes; supported zoos, botanical gardens, aquaria and nature centers; promoted recycling, and advanced many other worthy environmental programs that create jobs. However, since the creation of the fund more than half a billion dollars has been swept for non-EPF purposes, resulting in a backlog of important projects that protect and restore the state's land, air and water resources.

In 2007, the Legislature and Governor recognized the need to protect the integrity of the EPF and meet the growing demand for environmental projects by enacting the EPF Enhancement Act, which authorized the EPF to increase to \$300 million by 2010. Unfortunately, due to the economic downturn in the state and nation, this increase was not enacted and EPF funding was greatly reduced. During this time, critically important programs that combatted pollution, invasive species, created outdoor access and open spaces, and managed solid waste, were under funded, eroding the environmental integrity of many communities and important conservation lands. Fortunately, over the last few years, the EPF has been on the rebound. With extensive advocacy from New York's environmental community, the EPF has gone from \$123 million in fiscal year 2012, to \$177 million in 2015; and at last, in 2016, at the urging of the Friends of New York's Environment Coalition, the Governor and Legislature enacted a fully funded EPF at \$300 million.

This historic funding supports projects across the state that preserve farmland and open space, improve water quality, promote recycling, and combat invasive species, all while supporting thousands of jobs. The EPF now also provides new funding to help communities mitigate and adapt to climate change, incentives for clean vehicle purchases and infrastructure, and programs to advance a comprehensive environmental justice agenda.

While the State has fulfilled its promise of fully funding New York's EPF, there continues to be concerns about how the fund will remain at its current level in the out-years. In the State Fiscal Year 2016-2017 budget, the EPF's nearly \$130 million increase was funded from unallocated bank settlement funds, a one-time funding source that can vary from year to year. Additionally, with revenues from the 1996 Bond Act fully committed, and demand continuing to outpace annual state appropriations, New York State must identify a

permanent and reoccurring revenue source to ensure that the EPF remains fully funded at \$300 million moving forward.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor and New York State Legislature to:

- In Fiscal Year 2017/2018, maintain funding levels for the EPF at \$300 million.
- Pursue budget language that increases dedicated funds from the Real Estate Transfer Tax to the EPF.
- Support continued appropriations for the following important EPF categories: the Zoos, Botanical Gardens and Aquaria (ZBGA) funding, the Biodiversity Conservation and Research, Open Space Protection, Farmland Protection, Invasive Species Eradication, Ocean and Great Lakes Conservation Initiative, the Finger Lakes — Lake Ontario Watershed Protection Alliance, Local Waterfront Revitalization Program, Climate Change Mitigation and Adaptation, and the Water Quality Improvements program.
- Enact measures to the Bottle Bill to cover additional noncarbonated beverages and to transfer a portion of the revenues generated to the EPF, instead of the General Fund.
- Ensure the New York Works program provides funding for wastewater infrastructure upgrades, and enables the Environmental Facilities Corporation to bond EPF projects, helping to address the backlog in EPF projects.
- Administer a Landowner Incentive Program in conjunction with Audubon New York, to maintain and restore critical grassland and/or young forest habitats in New York that support bird species of greatest conservation need, or develop a new program that incentivizes proper stewardship of private lands for wildlife.
- Pursue legislation, such as a new Environmental Bond Act, to provide new funding mechanisms to address the great demand for open space, farmland protection and other vital environmental programs.
- Support restoration of state agency staffing from General Fund revenue or special funding categories other than the EPF.
- Oppose any attempts to weaken the integrity of the EPF through funding cuts, offloads of non-traditional programs or funding sweeps.

INCREASING FEDERAL WILDLIFE AND HABITAT FUNDING

The Issue: Audubon New York has consistently supported increased federal funding for parks, open space protection and wildlife conservation purposes and has worked closely with the Department of Environmental Conservation (DEC) and Office of Parks, Recreation and Historic Preservation (OPRHP) to ensure they are effectively administered. We believe that there should be a dedicated stream of federal funding in a Conservation Trust Fund that delivers funding to key environmental programs including the federal and stateside Land and Water Conservation Fund (LWCF), State Wildlife Grants (SWG), Forest Legacy, Neotropical Migratory Bird Conservation Act (NMBCA) and Cooperative Endangered Species Fund, among others.

The Land and Water Conservation Fund (LWCF) provides 50% matching federal grants to state and local governments to acquire, develop or improve parkland. This fund provides for increased recreational opportunities while protecting and preserving wildlife habitat, drinking water, and historic sites. A fully funded CTF would appropriate \$900 million for the LWCF. The Federal Forest Legacy program (FL) was created to aid states in protecting environmentally sensitive forest lands, by purchasing property or conservation easements from interested private landowners, and has helped acquire important habitat in the state. A dedicated funding source to pay for the Federal match for this program is essential.

Additionally, the Neotropical Migratory Bird Conservation Act established a matching grants program to fund projects that promote the conservation of birds in the United States, Latin America, and the Caribbean. The Act authorizes \$5 million per year for five years to be spent on bird habitat conservation efforts both here and abroad. At least 75% of these funds must be spent on projects outside the United States, in areas where neotropical migratory birds spend their winters and gain strength for their flights back to the United States.

Outside of the CTF, the Farm Bill as reauthorized in 2014 has provided significant resources for achieving wildlife and habitat conservation on private lands in New York through conservation easement programs, cost sharing programs, and incentivized conservation practices.

Legislative/Administrative Actions: Audubon New York strongly urges the New York Congressional Delegation to:

- Support full funding for a Conservation Trust Fund and the important programs it supports. Additionally, Audubon New York supports a permanent reauthorization and mandatory Land and Water Conservation Fund with equitable federal and stateside funding, with no incentives for increased offshore oil leases.
- Strongly support increased investments in the SWG program, and a federal match rate of 3:1 for both planning and implementation grants, to decrease the burden on cash strapped wildlife agencies and non-profit partners to leverage this funding.
- Support full funding of, the Conservation Titles in the Farm Bill to effectively achieve conservation of private lands in New York and other parts of the Atlantic Flyway.

SECURING DEDICATED STATE WILDLIFE PROGRAM FUNDING

The Issue: Created in 2001, the State Wildlife Grants (SWG) program provides federal dollars to every state and territory to support cost-effective conservation aimed at protecting wildlife species of greatest conservation need as identified in a State's Wildlife Action Plan (SWAP). The US Fish and Wildlife Services required submission of an updated SWAP for approval in the fall of 2015. SWG funds support a wide array of projects to restore degraded habitat, reintroduce native wildlife, develop partnerships with private landowners, educate the public, and monitor species populations. Federal SWG funding to implement the SWAP must be matched by non-federal funding. Within New York State, the Conservation Fund is the primary source of state funding for wildlife conservation and is supported by revenues from the sale of hunting and fishing license revenue. The fund supports vital conservation programs in the DEC, including endangered species, wildlife diversity and bird conservation programs and can be used to match SWG funds. However, declining revenues to the Conservation Fund and a reduction of support from the state's General Fund are threatening the state's wildlife protection efforts.

Several voluntary conservation funding mechanisms have been established to provide residents with opportunities to support conservation activities in the state, including the Habitat/Access Stamp, the Bluebird Open Space Conservation License Plates and the Return-a-Gift to Wildlife program. Revenues from these programs have funded many important conservation projects, including the state's Breeding Bird Atlas. In 2015, the state began an effort to promote these programs with creation of a bird watching page on the state's tourism website.

Fish and wildlife programs benefit all New Yorkers and should receive General Fund support, but due to the state's fiscal constraints, these programs are left insufficiently funded. Consequently, staffing reductions and lack of funding have left the state unable to take advantage of federal matching funds. Audubon New York has been working with hunting and angling organizations, conservation partners, government agencies and legislators to jointly promote funding to sustain New York's fish and wildlife programs, ensure the state's environmental conservation laws are properly enforced, and enable programs, such as shorebird management on Long Island, to be effective.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, New York State Legislature and the New York State Department of Environmental Conservation to:

- Continue promotion of voluntary wildlife conservation funding programs, including Return a Gift to Wildlife, the Habitat Access Stamp, and Open Space Conservation License Plates, and expand the places where residents can purchase the Habitat/Access Stamp, to bring in additional revenues.
- Use of SWG funds to advance identified priority actions, including conservation incentives for private landowners and the hiring of new staff to implement recommendations, in addition to partnering with NGOs for that purpose.
- Administer a Landowner Incentive Program in conjunction with Audubon New York, to maintain and restore critical grassland and/or young forest habitats in New York that support bird species of greatest conservation need, or develop a new program that incentivizes proper stewardship of private lands for wildlife.
- Create a new funding source in the EPF to establish a Resilient Forests initiative that includes modification to the forest tax law to incentivize more forest owners to undertake management projects, provides funding to municipalities to fund the forest tax law changes, and establishes a new state-funded forest stewardship program to assist private forest owners.

- Create a new funding source, such as a new category in the EPF that is administered by a third party similar to the Land Trust Alliance's Conservation Partnership Program, to match federal SWG funding.

Bird and Wildlife Conservation

PROTECTING WILDLIFE AND PUBLIC HEALTH FROM FERAL AND FREE-ROAMING CATS

The Issue: Feral and free-roaming domestic cats have been estimated to kill at least a billion birds every year in the United States, including rare and endangered species such as the Piping Plover. Such cats have also been estimated to kill more than a billion native small mammals annually, outcompeting native predators such as the Great Horned Owl and Red-tailed Hawk for important prey species.

Although they were domesticated over 8,000 years ago and introduced to North America through European exploration and colonization, feral and free-roaming domestic cats are considered to be an exotic, or non-native, species in all environments they inhabit. Since they overwhelm native species in areas where they are introduced, domestic cats can be classified as an invasive species. There are many unlawful established colonies of feral and free-roaming domestic cats on public lands and sensitive wildlife areas across the state. As these populations increase, so do the threats to birds, other wildlife and human health. In fact, domestic cats have been identified by the International Union for the Conservation of Nature as one of the world's worst invasive species and a leading driver of bird species extinctions, and the 2014 State of the Birds report identified free roaming and feral cats as the leading cause of bird declines next to habitat loss.

Many steps can be taken to mitigate the risks that feral and free-roaming cats pose to birds and other wildlife; in particular, responsible cat owners should keep their cats indoors and avoid feeding feral or free-roaming domestic cats in natural areas. In addition, non-lethal population control programs such as the practice of "Trap, Neuter Return" (TNR), have not been proven effective to manage growing feral cat colonies, and encourages the abandonment of cats further exacerbating the problems. While some progress has been made in addressing the problem of feral and free-roaming cats, stronger controls and protections are needed to ensure that birds, other wildlife and their habitat are protected from the spread of this invasive species.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, the State Legislature, and local communities to:

- Oppose the feeding, maintenance and the practice of TNR of feral cat colonies in or near places where native wildlife may be impacted, including state and local parks, wildlife refuges and other natural areas.
- Encourage the education of cat owners and non-cat owners on responsible pet care, including the value of keeping cats indoors and not feeding feral or free-roaming domestic cats.
- Support reasonable measures including legislative and regulatory initiatives needed to require parks staff, other public land managers and municipalities to remove feral cat feeding stations and shelters on park property in or near Important Bird Areas or other sensitive wildlife habitats, and measures that will restrict and regulate the maintenance and movement of feral and free-roaming domestic cats outdoors.
- Urge the New York State Department of Agriculture and Markets to enforce Agriculture and Markets Law section 374, subdivision 5 through local animal control officers.
- Support legislation to authorize municipalities across the state to adopt a law allowing for cat registration and require a portion of the revenue generated from such registration programs to be dedicated toward pet owner education programs to keep cats indoors and programs to remove feral and free roaming cat populations from state and local parks, wildlife refuges and other natural areas.

MINIMIZING CONFLICTS WITH HUMANS AND LOCAL BIRD POPULATIONS

The Issue: In certain circumstances, bird interactions with humans are perceived to be overwhelmingly negative, as either a nuisance or threat to public health and safety. There are many reasons for such a perception, including noise, fecal material deposition, potential transmission of disease, crop predation and potential collisions with aircraft. Helping to manage these interactions are an array of federal, state and local agencies. The United States Fish and Wildlife Service, the United States Department of Agriculture's Animal and Plant Health Inspection Service, New York State's Department of Environmental Conservation and New York State's Department of Health all have jurisdiction over bird control programs and methods.

Although several bird species have been targeted for management, such as the American Crow, Canada Goose and House Sparrow, the Double-crested Cormorant provides an example of how extensively some bird interactions with humans are beginning to be managed. While there are many lethal and non-lethal management methods available to government agencies, decisions regarding species management must be based on sound science and not in response to public or funding source pressure. It should be recognized that lethal control methods could result in the killing of non-target species, such as through consuming poison used in management, and that often humane and non-lethal methods of control, such as habitat alteration and egg oiling, also exist.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, the State Legislature and wildlife management agencies to:

- Prior to action, require comprehensive avian and habitat surveys, and a thorough assessment of potential impacts of management to non-target species in order to avoid significant negative impacts to threatened species or ecosystems.
- Develop best management practices that are species-specific and based on science.
- Utilize proven humane and non-lethal controls whenever feasible, before resorting to lethal control methods.

COMBATING INVASIVE SPECIES

The Issue: Non-native, invasive plants, animals and pathogens pose a serious threat to the terrestrial and aquatic ecosystems of New York State. New York has been more heavily impacted by invasive plants than many regions of the United States, with an estimated non-native biomass as high as 35%, due in part to the state's long history of settlement, commercial agriculture and horticulture. More recently, the state has been plagued by the ballast water discharges from large commercial ships that utilize the state's major waterways, which accelerates the introduction and spread of aquatic invasive species such as the Zebra Mussel, Eurasian Milfoil and the Asian Shore Crab.

Invasive species have been associated with numerous environmental problems, such as the degradation of water quality and fisheries, reductions in agricultural output and a measurable loss of habitat for native plant and animal species. Invasive species represent the second leading cause of biodiversity loss, are responsible for the majority of bird extinctions since 1800 and currently threaten at least 69 species on the Audubon WatchList.

New York State has made significant expenditures in the areas of agriculture, fisheries, transportation, parks and recreation to mitigate the impacts from, and address the spread of, invasive species. The state has also created nine Partnerships for Regional Invasive Species Management (PRISMs) to coordinate local control efforts with strong Audubon chapter and community support.

In addition, the state has made legislative progress to combat this threat, from creating the Invasive Species Task Force in 2003 to establishing the Invasive Species Council, which is chaired jointly by the DEC, the Department of Agriculture and Markets (DAM) and the DEC's Office of Invasive Species, in 2007. This council helps to provide the necessary state coordination to address the spread and management of invasive species, and was enhanced in 2012 when the Governor signed into law a comprehensive program that will restrict the sale, purchase, possession, introduction, importation and transport of invasive species into New York.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, the New York Congressional Delegation, the State Legislature, and local communities to:

- Support implementation of the Invasive Species regulations regarding prohibited and regulated invasive species developed by PRIMs, DEC, and DAM.
- Issue an executive order to implement Task Force recommendation #7: "All State agencies and authorities should take a leadership role in: 1) phasing out uses of invasive species; 2) expanding use of natives; 3) promoting private and local government use of natives as alternatives to invasives; and 4) wherever practical and where consistent with watershed and Weed Management Area plans, prohibiting and actively eliminating invasives at project sites funded or regulated by New York State."
- Support any federal and state legislation that would address the spread of, and damages caused by, invasive species, such as state legislation limiting discharges of ballast water in the Great Lakes and marine ecosystems, the National Aquatic Invasive Species Act, and measures to prevent the spread of Asian Carp.
- Support the continuation of the PRISMs and provide technical assistance to these initiatives.
- Support continued EPF funding to combat invasive species.

REDUCING BIRD COLLISIONS WITH GLASS

The Issue: Bird collisions with glass are estimated to result in a billion or more bird fatalities per year in the United States. Since 1997, New York City Audubon's Project Safe Flight has engaged hundreds of volunteers in monitoring bird collisions at a small number of buildings in Manhattan and has recorded over 5,000 fatalities, representing 100 different species. Glass is deceptive to birds, whether it mirrors nearby trees or appears to reveal a flight path through a human-built structure.

In recent years, New York State has experienced record growth in many communities on the fringes of, or actually in areas of, natural habitat, thus increasing birds' exposure to window glass. Historically, New York State has been home to major glass manufacturers, a declining industry that could be revitalized and become a significant economic development engine for job creation through developing, producing and requiring bird-safe glass to be used in construction.

New York City Audubon has established a Bird Safe Glass Working Group composed of architects, designers, conservationists and ornithologists who are exploring ways to manufacture a glass that is visible to birds and transparent to people, and has recently published Bird-Safe Glass Building Guidelines. The Leadership in Energy and Environmental Design (LEED) green building rating system developed by the U.S. Green Building Council allows credits for bird safety under the category of Innovation and Design process.

Additionally, National Audubon Society has been working on the federal level to advance the Bird-Safe Buildings Act, a cost-neutral bill that would require newly constructed, acquired or significantly renovated federal buildings to comply with bird-friendly façade measures, like shades, netting and UV reflective glass, to limit bird collision deaths. This legislation was introduced in the House in 2015 but did not advance in committee or in the Senate.

Legislative/Administrative Actions: Audubon New York urges the Governor, State Legislature and New York's delegation to:

- Appropriate funds for research and development for the creation and production of bird-safe glass products for use in residential and commercial buildings.
- Sponsor a Bird-Safe Glass conference consisting of manufacturers, utility companies, ornithologists, environmental groups, builders, glass designers, architects and representatives from the U.S. Green Building Council to develop recommendations and policies related to research into and use of bird-safe glass, and related to incorporation of bird-safe criteria into a bird-safe credit rating system of the U.S. Green Building Council LEED standards for buildings.
- Support the passage of the Federal Bird-Safe Buildings Act.

REDUCING LEAD CONSUMPTION BY HUMANS AND WILDLIFE

The Issue: Audubon New York supports effective management of the deer herd in New York through regulated hunting. An overabundant deer herd poses a significant threat to the health of wildlife habitats and the wildlife dependent on those habitats. Most deer hunters in New York use slugs and bullets that contain lead, which is a known toxic substance with serious health effects for wildlife and humans alike, including neurological damage, retarded growth and cognitive development, sensory loss, behavioral impacts and death.

Bullets and slugs containing lead pose a well-documented threat to scavenging wildlife that consume bullet fragments in wildlife carcasses that hunters fail to retrieve, internal organs of retrieved animals that are disposed of in the field and also from carcasses of wildlife considered vermin or furbearers that are not retrieved by hunters. Many species of wildlife in New York, including eagles, vultures, ravens, crows and numerous mammal species, consume meat from these carcasses and organs. Lead fragments also have been shown to be present in meat prepared for human consumption. Lead consumption from bullet fragments may pose a significant health risk to humans and a threat to wildlife, including a number of endangered, threatened or declining species.

Non-toxic ammunition (i.e. shot) has been required for waterfowl hunting since 1991, and now effective alternatives to lead bullets and slugs are available for hunting varmints, furbearers, and big game such as deer. The Wildlife Society supports the replacement of lead-based ammunition with non-toxic products and a phased-in approach to replacing lead ammunition in hunting. Audubon New York will strive to build consensus within the conservation community on a comprehensive approach to this issue.

Legislative/Administrative Actions: Audubon New York urges the Governor, State Legislature and the DEC to:

- Continue an educational effort to promote greater awareness of the consequences of lead exposure to wildlife and the potential gains for wildlife from the use of non-toxic ammunition, with the goal of phasing out the use of lead bullets and slugs for hunting.
- Develop regulatory criteria and labeling requirements for non-toxic ammunition that include a means for ready identification in the field.

PESTICIDE REDUCTION AND PROMOTION OF BIRD-FRIENDLY YARD and GARDEN MANAGEMENT

The Issue: In New York and across the United States, the use of lawn care pesticides and herbicides, primarily for aesthetic purposes, has proliferated at an alarming rate. Current research shows that three times more pesticides are applied per acre on household lawns and gardens than to agricultural crops. Pesticide use is directly linked to bird mortality, resulting in the deaths of an estimated seven million birds annually from lawn care pesticides, as well as other environmental and human health problems and concerns including population reductions of pollinator species.

Opportunities exist for pesticide reduction using new techniques such as Integrated Pest Management (IPM), which combines new technologies with traditional control methods, and which may not adversely impact agricultural output. Significant reductions in pesticide use can save farmers money and help protect the environment. The aesthetic use of pesticides for golf course management, lawn care and landscaping, which represents a large percentage of pesticides applied in New York, can be reduced by using the same innovations used in agriculture.

To educate homeowners on the negative environmental impacts from pesticide use and the available alternatives, the National Audubon Society and Audubon New York are promoting the Audubon At Home program that aims to create bird friendly communities and improve the health and value to wildlife of backyard habitats by, among other things, significantly reducing pesticide use. Additionally, the National Audubon Society and Audubon New York have initiated the Plants for Birds Program, an education and engagement effort aimed at providing communities and individuals with the tools to improve bird habitat in their own backyard using native plants. The focus of the program is to encourage native plant use in gardening and landscape practices, as it is shown to significantly improve habitat quality for wildlife while also reducing the need for pesticide application, as many native plants have natural defense systems to combat local pests.

On the policy front, Audubon New York has strongly supported passage of the state's "neighbor notification" law that allows counties to enact local laws requiring neighbors to be alerted to impending commercial pesticide applications, and has been successful working with local Audubon chapters to encourage counties to adopt this important tool. Audubon also secured passage of the Child Safe Playing Fields Act in 2010 to reduce pesticide use on school grounds. **Legislative/Administrative Actions:** Audubon New York strongly urges the Governor, the State Legislature and local communities to:

- Support programs and legislative initiatives designed to significantly reduce the use of pesticides and to implement Integrated Pest Management programs across New York State, including measures to restrict the current use of neonicotinoid pesticides until further analysis can be conducted on their impacts to pollinator species.
- Adopt measures which restrict the use of neonicotinoid pesticides by State agencies.
- Adopt local laws consistent with state law for neighbor notification of pesticide applications.
- Support and implement scientifically based approaches to pesticide spraying, including considering the impact on non-target species and public health from pesticide exposure.

- Implement alternative means of providing disease vector control and response practices that are proven effective based on the best available science, and that will not negatively affect habitat or vulnerable bird populations.
- Continue funding for State programs that reduce waste tire stockpiles in New York in an effort to reduce the use of pesticides in vector control methods by reducing mosquito populations.

PROMOTING RESPONSIBLY SITED WIND POWER, TRANSMISSION INFRASTRUCTURE AND BIOFUEL DEVELOPMENTS IN NEW YORK STATE

The Issue: Energy from nonrenewable sources, such as fossil fuels, is associated with several major negative environmental impacts. These include, but are not limited to, habitat loss and damage from mining and drilling, oil spills, pollution, acid rain and global climate change. Recognizing the need to act now, Governor Cuomo, with support from the New York State Public Service Commission, ratified the New York Clean Energy Plan, mandating that 50% of all electricity consumed in the state come from renewable sources by 2030.

Audubon New York supports the development of renewable and cleaner sources of energy, including power-producing wind turbines that are properly sited, biofuels and transmission structures, because they have the potential to reduce the negative environmental impacts of fossil fuels, including carbon dioxide emissions.

Even though wind power is a clean, renewable source of energy with few negative environmental impacts, these facilities have the potential to harm birds, bats and other wildlife. This can happen by direct mortality from collisions, through habitat degradation from turbine and transmission line construction and maintenance, and through behavioral changes that cause increased energy expenditures. These potential impacts of wind turbines and other sources of energy can be mitigated through proper site assessments prior to construction of facilities, to avoid the placement of wind energy developments in high risk areas.

Evaluation of risks associated with a proposed wind power development requires thorough evaluation of avian mortality and other impacts at existing and new facilities. The U.S. Fish and Wildlife Service has produced a set of guidelines for the siting, lighting and construction of communication towers and wind turbines to mitigate bird kills. The New York State Department of Environmental Conservation has developed guidelines for studying potential and realized bird and bat mortality at wind power facilities in New York State, including site assessment and post-construction studies of impacts. Currently, New York's wind project siting guidelines apply only to land-based projects. With new proposals for off-shore wind in development including one off the coast of Long Island, NYSERDA is working with the Biodiversity Research Institute (BRI) and the Marine Wind Energy Project to help define the goals of environmental assessments and identify priorities for future research on offshore wind. In September 2016, NYSERDA released a blue print for the State's Offshore Wind Energy Action Plan. Audubon NY anticipates to actively participate in the development of the Action over the remainder of 2016 and 2017.

One of the cornerstones of achieving New York's Clean Energy Standards mandate is better, and more reliable energy supply distribution, through in and out-of-state energy transmission structures, like pipelines, compressor stations and storage facilities transmission pipelines. While transmission structures are critical to a reliable and cost-effective energy supply in New York, some of the proposed energy distributors (transmission pipelines, e.g.) traverse through critical bird habitat. As with land-based and offshore wind and solar energy projects, in most cases, a modest adjustment in the siting of a proposed project could have a major beneficial impact on the fate of birds and their habitats.

Additionally, New York State is seeking to increase development of biofuels. Specific attention must be paid to the impacts of the production of biofuel crops on wildlife species and habitats. Bobolinks, Short-eared Owls, Eastern Meadowlarks and other species that depend on open pasture habitats, are in serious decline in New York, and may be disproportionately impacted by development of biofuels and wind energy. In particular, biofuel crops that do not provide suitable breeding or foraging habitat for these species could contribute to significant declines.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor and State Legislature to:

- Require avian assessments at proposed wind turbine development sites to follow the DEC guidelines, and ensure that these guidelines for bird and bat studies are codified through the state energy planning process or through legislation.
- Create comprehensive siting and permitting guidelines that assess and mitigate impacts to birds and their habitats.
- Oppose wind power development on sites determined to be of high risk to bird populations, including bird migration pathways or in areas where birds are highly concentrated during migration; sites in habitats important to state and federally listed bird species; Important Bird Areas (IBAs) and Bird Conservation Areas (BCAs) identified for their importance to large numbers of migrants, either raptors or nocturnal migrants; and IBAs and BCAs where construction of the turbines (i.e., the footprint) would fragment and significantly lower the habitat value of the site.
- Oppose transmission pipeline development on sites in habitats important to state and federally listed bird species; Important Bird Areas (IBAs) and Bird Conservation Areas (BCAs) identified for their importance to large numbers of migrants, either raptors or nocturnal migrants; and IBAs and BCAs where construction of the turbines (i.e., the footprint) would fragment and significantly lower the habitat value of the site.
- Require all proposed energy developments, including renewable energy, to go through appropriate and comprehensive environmental reviews and cumulative impact assessments. In the development of new energy transmission infrastructure, the protection of IBAs, BCAs, wetlands and unfragmented habitats should be a priority.
- Ensure that representatives of the DEC's Division of Fish & Wildlife; Division of Lands and Forests and Office of Invasive Species Coordination are consulted in the implementation of the State Energy Plan, including the implementation of the Offshore Wind Action Plan, and that these plans assess and document the effectiveness of alternative energy sources in offsetting our need for fossil fuels and actually reducing carbon dioxide emissions.
- Ensure that state agencies such as the DEC, NYSERDA and the Public Service Commission have oversight regarding the development of energy, including renewable energy facilities, in New York State.

ENACTING A NEW YORK STATE ‘LIGHTS OUT’ PROGRAM

The Issue: During the spring and fall migration, millions of birds migrate through the skies of New York State. Many species of shore birds and songbirds rely on constellations to help them navigate to and from their summer breeding grounds throughout the state. However, excessive outdoor lighting, especially in adverse weather conditions, can cause these migrating birds to become disoriented, a phenomenon known as fatal light attraction. This phenomenon has led to the death of an estimated 100 million birds annually by collisions with windows, walls, floodlights, the ground or even each other.

New York City Audubon, a local Audubon Chapter, has created a volunteer monitoring effort, called Project Safe Flight, in which citizen scientists search city streets for birds that have collided with buildings. In addition to monitoring bird collisions, New York City Audubon has been successful in enacting a “Lights Out NY” campaign with the City of New York. Through this program, the City and Audubon are promoting education and outreach by encouraging owners of tall buildings to turn off lights during migration season to help save night-migrating birds while reducing energy costs. In addition, Lights Out NY requests that tenants in these buildings turn off lights in unused offices, and/ or pull the shades down in active offices to eliminate potential avian confusion.

Excessive outdoor lighting is also having dire consequences for numerous other animal and insect species that navigate at night, and is being linked to various health threats from prolonged exposure to light. It also degrades and impairs the enjoyment of the natural nighttime environment, while costing the state millions in wasted electricity for the unnecessary lighting of the sky. In 2014, the state enacted the ‘Healthy, Safe and Energy Efficient Outdoor Lighting Act’ that will reduce the unnecessary lighting of the night sky, thus decreasing the threats posed to the migrating birds and wildlife of New York. It would also, promote the use of energy efficient lighting products, and ones that reduce light cast into the nighttime sky, decreasing the demand for electricity, which will reduce air pollution produced in energy generation, and decrease costs to municipalities and the state. In addition, in 2015 Governor Andrew Cuomo launched the ‘Lights Out New York’, requiring all state owned buildings to turn off non-essential outdoor lighting during the spring and fall bird migrations.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor and local municipalities and building managers to:

- Enact local “Lights Out New York” programs for municipal and high rise buildings to turn off outdoor lighting during the spring and fall bird migrations, and promote the use of energy efficient lighting products and ones that are designed to reduce the lighting of the nighttime sky

Direct state agencies to encourage building management companies, within which agencies are tenants to comply with the State’s Lights Off practices.

Habitat Conservation

COMBATING CLIMATE CHANGE

The Issue: Climate change is the change in average weather over time, whether due to natural variability or as a result of human activity. This change in climate has the potential to alter the native ecosystems worldwide posing a significant threat to humans, birds, other wildlife and biodiversity. The process is accelerated by increased concentrations of greenhouse gases, such as carbon dioxide and methane, which prevent heat from escaping the earth's atmosphere and cause temperatures to rise. In the last 100 years greenhouse gas emissions have increased beyond historic natural cycles and average global temperatures have increased by 1.44 degrees Fahrenheit, correlating to the 30% increase in Carbon Dioxide emissions.

For decades, climate change has been one of the greatest conservation challenges and has become one of the leading threats to birds and other wildlife in New York and across the nation. Recently, the National Audubon Society issued a report that found if actions are not taken to reduce greenhouse gas emissions and protect the places that birds need to thrive now and in the future, nearly half of North American birds are predicted to be negatively impacted by climate change leaving them with an uncertain future. Prior research by Audubon and others have also found that climate change is already causing changes in the distribution of birds, other wildlife and their habitats disrupting patterns of migration, and food availability. For example, many species of migratory birds are migrating and laying eggs earlier in the spring and shifting their ranges both toward the poles and steadily upward, otherwise known as the escalator effect. As precipitation and other climate factors are projected to change under different emissions scenarios, many bird species will face significant range restrictions and have increased difficulty in finding suitable habitat.

In absence of significant federal action to combat climate change, New York State continues to be a national leader through the creation of the Regional Greenhouse Gas Initiative (RGGI), the first cap and trade program for carbon dioxide emissions from power plants, and other important initiatives to reduce energy use and promote efficient technologies. These initiatives include establishment of a goal to reduce CO₂ emissions 50% below 2010 levels by 2030, and 80% by 2050 which is the level of reduction that leading climate change experts have determined is necessary to prevent the worst effects of global warming, as well as creation of the Renewable Portfolio Standard (RPS) and the Energy Efficient Portfolio Standard (EEPS), Renewable Heat NY program and the New York Sun – Solar program.

While New York State has been on the cutting edge of the efforts to address climate change, the state remains extremely vulnerable to its impacts. Hurricanes Sandy and Irene and Tropical Storm Lee all have recently highlighted the risks posed by more frequent severe weather and sea level rise fueled by climate change. They have also highlighted the need for the state to be doing more to combat this threat by aggressively developing renewable energy and promoting increased energy efficiency to reducing energy consumption and greenhouse gas emissions, and protecting and enhancing the habitats birds and other wildlife will need to survive now and into the future.

Legislative/Administrative Actions: To combat this urgent threat, Audubon New York urges:

- Strong support of the Environmental Protection Agency's Clean Power Plan which proposes to reduce carbon emissions from existing power plants nationwide 30% by 2030.
- The Governor to work with participating states to ensure the RGGI is strengthened and successfully implemented by achieving the reduced cap on emissions targets, and to work with the Legislature to dedicate a portion of the proceeds generated from the auction of allowances to support on the ground conservation, including IBA protection and stewardship, developing a forest carbon off-set program, and promote education initiatives to help state residents and businesses reduce emissions.

- The Governor and Legislature to maintain funding for the New York Sun – Solar program; ensure the developing Clean Energy Fund and Greenbank investments promote bird-friendly energy choices, consumer energy efficiency decisions, and promote habitat protection to assist bird species as they respond to a changing climate; ensure that the proceeding to Reform the Energy Vision in New York prioritizes expansion of properly sited renewable energy and energy efficiency measures; and promote emission reductions through carbon sequestration from forest protection and management.
- The Governor and the DEC to ensure the final State Wildlife Action Plan (SWAP) and future versions of the Open Space Conservation Plan incorporate Audubon’s bird science/stronghold data and prioritize habitat protection strategies to help sustain species in an uncertain climate future.
- The Governor and Legislature to adopt bird smart coastal resiliency improvements through utilization of ecological infrastructure, avoidance of areas where coastal engineering is unnecessary to protect human communities, and maintenance of natural coastal processes.
- Local governments and citizens to reduce their carbon footprints and dependence on non-renewable fossil fuels by utilizing many existing conservation methods, including recycling, mass transit, local food sources, green building codes, renewable energy sources and energy efficient products.
- The New York Congressional Delegation to support and call for passage of comprehensive legislation to combat climate change, reduce dependency on fossil fuels, reduce CO₂ emissions and provide resources to protect birds, other wildlife and their habitats from a changing climate.

The Governor and Legislature to maintain funding for the EPF’s Climate Change Mitigation and Adaptation Account.

REDUCING ACID DEPOSITION (ACID RAIN)

The Issue: Acid deposition continues to be a chronic environmental problem in New York State and throughout the Northeast, which already has severely degraded aquatic and terrestrial ecosystems throughout the region. Although air quality has gradually improved with implementation of the 1990 Clean Air Act, surface water, soil and trees in the Adirondacks, Catskills, Hudson Highlands and Long Island Sound, as well as other parts of the Northeast, remain in a seriously degraded condition due to acid deposition.

Current scientific knowledge indicates that in order to most effectively reduce acid deposition, we must not only lower the emissions levels of sulfur dioxide and nitrogen oxides, but also the emissions of ozone producing chemicals and heavy metals. Under the current acid deposition control program, the United States Environmental Protection Agency predicts that without additional controls, half or more of all lakes in the Adirondacks will become critically acidified by the year 2040, which is why in 2005 they issued the Clean Air Interstate Rule (CAIR) that proposed to reduce SO₂ emissions in 28 eastern states by over 70% and NO_x emissions by over 60% from 2003 levels.

In the absence of a stronger federal approach, New York State has done all it reasonably can to reduce acid deposition within the state using state law and actions. Measurable steps have been taken to require New York's electric generators to meet the toughest air emission standards for sulfur dioxide and nitrogen oxides and to adopt tougher air emission standards for sport utility vehicles, which took effect in 2005. Additionally, New York State has enacted a law that will stop power plants from trading, selling or transferring pollution credits to states upwind of New York.

Legislative/Administrative Action: Audubon New York urges the Governor and the New York Congressional Delegation to:

- Support a stronger national air pollution control program that reduces the level of pollutants and contaminants which contribute to the already unacceptable level of acid deposition within the state.
- Specifically endorse and support federal legislation that adequately controls the four pollutants of nitrogen oxide, sulfur dioxide, mercury and carbon dioxide, to both mitigate acid deposition and address the issue of climate change.
- Ensure continued federal and state funding for monitoring of acid rain impacts in the Adirondacks along with the Attorney General, continue to seek and enforce clean air solutions at the state and regional levels.

PROTECTING NEW YORK'S FRESHWATER WETLANDS

The Issue: Freshwater wetlands provide essential habitat for many species of migratory waterfowl, as well as numerous threatened and endangered species such as the Bald Eagle and Osprey. Wetlands also provide a place for countless other amphibian, avian, fish and other wildlife species to nest, breed and feed. Each individual wetland community is highly intricate, with most containing a diverse range of plant and animal species, including some species that are exceptionally rare. Additionally, freshwater wetlands provide countless other environmental benefits, ranging from flood protection and stormwater runoff control to filtering water of pollutants and sediment.

Freshwater wetlands provide important habitat in numerous Audubon Important Bird Areas (IBAs) throughout the state, including Vischer Ferry Nature and Historic Preserve in Saratoga County and the Great Swamp in Dutchess and Putnam Counties. Currently, the DEC has the authority to regulate wetlands 12.4 acres or greater in size, while the federal government regulates the rest. A 2001 Supreme Court ruling, however, limited the federal government's authority to regulate "isolated" wetlands under the Clean Water Act. Isolated wetlands are defined as not being connected by surface water to navigable waters of the U.S., meaning that the federal government has rolled back the protection of these vital areas, leaving many freshwater wetlands unprotected in New York State.

In recent years, several federal and state measures have been introduced to increase protection of wetlands, including the Clean Water Restoration Act (CWRA), which would reestablish federal authority over isolated wetlands, and the Clean Water Protection/Flood Prevention Act, which seeks to strengthen New York's wetlands law by increasing the state's ability to protect these important freshwater wetlands. Unfortunately, neither of these measures has been passed, leaving these essential habitats unprotected. In 2015, the EPA and Army Corps of Engineers finalized a rule to clarify the definition of the waters of the United States protected under the Clean Water Act.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, State Legislature, New York Congressional Delegation and local municipalities to:

- Support implementation of the Waters of the United States Rule and other federal legislation similar to CWRA that would reinstate federal jurisdiction over freshwater wetlands.
- Pass the Clean Water Protection/Flood Prevention Act or similar state legislation to expand New York's authority to protect wetland habitat.
- Pass local ordinances to protect their important freshwater wetland resources.
- Explore administrative options to increase the DEC authority over freshwater wetlands, in absence of state legislative action, and ensure the state DEC releases updated wetland maps for the state.

CONSERVING AND RESTORING THE GREAT LAKES

The Issue: The Great Lakes, touching on eight states and two Canadian provinces, are a world-renowned and globally significant freshwater resource that contains nearly 20% of the world's fresh water. The Lakes are essential to the economic and cultural identity of the region, providing forty-two million people with drinking water, recreation, health and overall quality of life.

Additionally, the Great Lakes are host to many Audubon Important Bird Areas (IBAs) and provide critical habitat to a diversity of bird species, including many that are threatened and endangered. In particular, the Great Lakes basin in New York contains some of the last and largest undeveloped islands and shorelines in the lower Great Lakes that provide essential nesting and stopover points for hundreds of thousands of migrating birds.

A variety of environmental threats exist to the entire Great Lakes ecosystem, such as water diversions from the basin, invasive species introductions, shoreline development and pollution. Additionally, if left unchecked, increasing withdrawals of water could lead to lowering water levels, which could result in an increase in both shoreline and stream erosion, which would make the Great Lakes more susceptible to invasive species and contamination from pollution. To address these major threats facing the Great Lakes, numerous state and federal actions are underway, including:

- The Great Lakes Restoration Initiative (GLRI), a multi-year conservation strategy launched by President Obama and Congress, which has provided hundreds of millions of dollars for on-the-ground restoration projects.
- Plan 2014 - a new water level regulation plan for the Lake Ontario – St. Lawrence River system recently advanced by the International Joint Commission (IJC), that seeks to restore natural flows to the system after 60 years of environmentally damaging water level regulation.
- Implementation of the Great Lakes Compact in New York through passage of comprehensive water management legislation in 2011, which required development of regulations to manage water withdrawals and water conservation standards.
- Establishment of the New York Ocean and Great Lakes Ecosystem Conservation Council of State Agencies to coordinate the management of our freshwater and marine resources, and issue reports on how state law can be properly amended to improve management of these important habitats.

Legislative/Administrative Action: Audubon New York strongly urges:

- The DEC to implement the water withdrawal regulations by establishing strong water conservation and efficiency measures, and a program to monitor in-stream flow.
- The Governor and Legislature to maintain EPF funding for the conservation and restoration of the Great Lakes, to provide matching funds for the GLRI.
- The Governor, DEC and DOS to continue the Ocean and Great Lakes Ecosystem Conservation Council.
- The United States, Canada and New York State to support and formally adopt the IJC's Plan 2014, which will move toward more natural water levels to benefit the environment, while respecting other interests along Lake Ontario and the St. Lawrence River.
- The President and Congress to continue major investments in the GLRI and to provide support for priority Great Lakes programs.

PROTECTING THE ADIRONDACK PARK

The Issue: The Adirondack Park is a 6.2 million acre globally important biological reserve providing habitat for hundreds of species of birds and other wildlife, and generating hundreds of millions of dollars in tourism, recreation revenue, as well as vital forest products. It is the largest state protected park in the continental United States, and a unique mix of public and private land. To oversee management of the Park and to protect its scenic and natural character, the Adirondack Park Agency (APA) was established in 1971 to review and regulate development projects on private lands — a full 58% of the Park. Since the creation of the Park, more than 2.7 million acres have been permanently protected, and the state and The Nature Conservancy have made substantial progress in securing conservation easements on more than 600,000 acres of privately held forestland in the Adirondack Park which provide for continued sustainable forestry, significant public recreation and fishing access, as well as alleviating potential subdivision and development pressures.

Nonetheless, competing land use interests threaten the Park's biological integrity, including illegal use of ATVs on the Forest Preserve, a snowmobile trail development plan, increasing rates of second home development and a proposal for major expansion of the Whiteface Ski Center in the High Peaks area. The most alarming challenge is the recently approved Adirondack Club and Resort at Tupper Lake. It is the largest development to ever come before the Adirondack Park Agency, and will severely fragment more than 6,400 acres of forest habitat for construction of the resort. The development will occur on pristine Wild Forest habitat, threatening the bird species and other wildlife that depend on the mountain and extensive wetlands.

Legislative and Administrative Action: Audubon New York strongly urges the Governor and Legislature to:

- Provide adequate funding to ensure that the staffing positions at the APA are filled at all times.
- Support legislation for the effective protection of Adirondack Park's backcountry, scenic vistas, shorefronts and bodies of water, while allowing communities within the park the ability to make critical infrastructure upgrades through a more streamlined process outside of a Constitutional Amendment.
- Maintain increased revenue for invasive species management in the Adirondack Park.
- Provide increased revenue for incentives to promote sustainable forestry, including reforms to the 480A program.

PROTECTING AND RESTORING THE HUDSON RIVER

The Issue: In 1987, New York State passed the Hudson River Estuary Management Act. The law directed the New York State Department of Environmental Conservation to develop a management plan and program for the conservation of the tidal portion of the river from the Federal Dam in Troy south to the Verrazano Narrows and its associated shore lands. The goal of the Hudson River Estuary Management Plan was to protect, restore and enhance the productivity and diversity of natural resources along the Hudson River Estuary. It was intended to sustain a wide array of present and future human benefits through a continually evolving action plan. Nonetheless, the Hudson River has been plagued by numerous environmental setbacks:

- Populations of the estuary's signature fish, the Atlantic Sturgeon and American Shad, are at unacceptably low numbers. The sturgeon fishery had been closed in 1996 and the shad fishery was closed in 2010, resulting in the loss of traditional fisheries of cultural importance to the region.
- The United States Environmental Protection Agency (EPA) released a Record of Decision in February 2002 that called for an extensive clean-up of Hudson River sediments contaminated with PCBs discarded by General Electric. The PCB dredging program began in 2009 and moved into the demobilization process with EPA declaring dredging complete in October 2015. In March 2016, EPA committed to perform a five-year review of the remedy, which it expects to issue in the spring of 2017.
- The amount of residual PCB contamination following completion of the EPA's cleanup will create a barrier for natural restoration opportunities and expose our wildlife to risks for decades.

While progress is being made in the restoration of the Hudson River, new threats, including the US Coast Guard's proposal to install additional anchorages along the river to allow for increased barge shipments of oil on the Hudson, are signaling stronger protections are needed.

Legislative/Administrative Action: Audubon New York strongly urges the Governor, Legislature and federal government to:

- Continue efforts by the New York State DEC to fulfill the goals of the Hudson River Estuary Management Plan.
- Maintain increased funding for the estuary management program in the Environmental Protection Fund, while also exploring potential federal funding options to support this work.
- Allocate funds and resources necessary to accomplish key items in the Shad Recovery Plan. Examine other factors that impact shad populations such as power plants, ocean by-catch and predation, as well as the commercial harvest of shad.
- Initiate studies that characterize, protect and restore in-river spawning and nursery habitats, ecosystem changes and assessments of adult spawning stock and juvenile surveys of both sturgeon and shad.
- Continue support of the EPA's PCB remediation plan as detailed in the most recent Consent Decree, including implementation of Phase 2 of the plan. All operations must utilize the best technologies to restore disturbed areas, comply with protective standards and ensure that treatment and disposal of spoils do not adversely impact the ecological or cultural resources of the Hudson River Valley.
- Work with EPA and other federal agencies to ensure the remedial action is adequate and meets its intended goals and complies with state and federal standards.
- Work with the federal and state trustees of the Natural Resources Damages Assessment Claim process as they assess the broad range of damages and pursue opportunities to suggest specific projects that benefit bird and other wildlife conservation.

- Ensure the most stringent environmental regulations govern the transportation, distribution and storage/anchorage of oil by rail cars and barges to ensure the health and safety of the River's communities and natural resources, including enforcement of tanker car safety, development of oil spill response plans and the U.S. Coast Guard's barge anchorage proposal. Audubon New York has identified 6 significant river shoreline habitats as Important Bird Areas (IBAs) which need to be protected from potential oil spills and the placement of infrastructure.

CONSERVING THE HUDSON HIGHLANDS, STERLING FOREST, AND THE GREAT SWAMP

The Issue: The four-state Highlands region encompasses nearly two million acres of critical land and water resources, extending from eastern Pennsylvania through New Jersey and New York, to northeastern Connecticut, forming a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor. Within the Highlands exist critical watershed lands that provide and protect high quality drinking water for over 15 million Americans. The USDA Forest Service has recognized the Highlands region, which includes four New York State counties, as “nationally” significant due to the quantity and quality of the region’s lands and waters. There exists wildlife habitat and recreational resources such as Sterling Forest State Park in Orange County and Great Swamp in Putnam/Dutchess Counties, both of which are IBA areas and located within two hours travel of nearly 25 million Americans.

Concern exists however, as the region is facing some of the highest rates of development pressure in the state. Real estate development particularly threatens the Great Swamp’s integrity and survival of its sensitive ecosystems. Commercial development involving casinos and golf courses have also been proposed throughout the Highlands. Thus, numerous initiatives have been implemented to help protect this valuable region:

- The Highlands Stewardship Act, enacted by Congress in 2006, authorizes \$10 million annually to facilitate a state and federal partnership to help the Highlands states conserve priority lands and waters.
- In 2006, New York State purchased 575 acres to expand Sterling Forest State Park to more than 18,200 acres, protecting this important IBA from potential development

Legislative/Administrative Action: Audubon New York urges the Governor, State Legislature and the New York Congressional Delegation to:

- Support public acquisition of buffer lands to Sterling Forest for park-related purposes.
- Advocate against any development of sensitive environmental areas within the Highlands region, such as Sterling Forest and the Shawangunk Ridge.
- Call for a full environmental review of all the proposed major developments in the Catskill-Highlands region and other sensitive areas
- Support the long-term protection of The Great Swamp ecosystem and encourage all levels of government to prioritize its protection through various methods, notably through the acquisition of priority parcels and legislation to establish the Great Swamp Conservation Area.
- Support full funding of the Highlands Stewardship Act at the authorized \$10 million annual level.

RESTORING LONG ISLAND SOUND

The Issue: Long Island Sound is a globally significant ecosystem providing critical habitat for an extraordinary array of birds, fish and other wildlife, while also contributing annually more than \$8.5 billion to the Northeast regional economy. Its water quality and marine environment impact more Americans than any other estuary in the United States, as more than 28 million people, a full 10 percent of the U.S. population, live within 50 miles of its shores. Subsequently, in 1985, the Sound was one of the first four estuaries designated by Congress to the National Estuary Program. This designation allowed for the Long Island Sound Study Management Committee to begin research of the Sound's needs and develop a Comprehensive Conservation and Management Plan (CCMP) for its restoration and management.

While Long Island Sound has suffered from unprecedented pollution, habitat loss, ecosystem and fishery disruption, as well as excessive nitrogen discharges from sources like sewage treatment plants, progress in water quality improvements have been made. The New York City Department of Environmental Protection (DEP) and the New York State DEC, for example, came to an agreement to achieve nitrogen reduction goals of 58.5% below 1990 levels by 2017. Additionally, Audubon New York, along with the National Audubon Society and Audubon Connecticut, has been instrumental in advancing federal and state measures to restore Long Island Sound, including:

- The Long Island Sound Restoration Act, passed by Congress in 2000 (and was reauthorized in 2005), authorized \$40 million annually to be spent on upgrading the wastewater infrastructure and protecting water quality to meet the nitrogen reduction goals of the Long Island Sound CCMP.
- The Long Island Sound Stewardship Act, passed in 2006, authorizes up to \$25 million annually for the acquisition of land and conservation easements, and the enhancement and improvement of exemplary natural areas around the Sound. It also establishes public access to the Sound as a major goal.
- In 2002, the State of New York purchased the largest remaining expanse of open space on the entire Long Island Sound from the KeySpan Corporation (now part of National Grid), protecting 520 acres for parkland and farming purposes in Jamesport, Long Island.

Overall, proposals for large-scale development on the Long Island Sound have the potential to impact the Sound's marine resources. All such development proposals should be considered within the context of the CCMP, and take into account all the various uses, stakeholders and environmental needs of this ecosystem. In addition, Plum Island is a critically important migratory bird stopover site on Long Island Sound, supporting a great diversity of at-risk species including large concentrations of waterbirds, and is also one of the 33 inaugural sites identified through the Stewardship Initiative. Currently, the Department of Homeland Security is proposing to sell Plum Island in order to build a new research facility in Kansas, and the General Services Administration has finalized an Environmental Impact Statement to authorize the sale.

Legislative/Administrative Actions: Audubon New York strongly urges the Governor, State Legislature the New York Congressional Delegation and local communities to:

- Support updating the CCMP to provide a clear blueprint for restoring the Sound, and aggressively push for its implementation, including the prioritization of funds to initiate a comprehensive action plan to protect, restore and enhance tidal marshes throughout the Sound.
- Increase funding for the Long Island Sound program to \$10 million and the Clean Water State Revolving Fund to \$1.468 billion, and pass the Long Island Sound Restoration and Stewardship Act, which will streamline these programs and reauthorize their funding for another 5 years.
- Develop a new Governor's Agreement to ensure that the cleanup and restoration of the Sound continues under the new administrations in New York, Connecticut and the Environmental Protection Agency.
- Support increased funding for the state Water Infrastructure Improvement Act which was enacted in 2015.

- Ensure the open spaces and important habitats on Plum Island are permanently protected, such as through creation of a National Wildlife Refuge, and that public access to the Island is maintained, a clean-up plan developed, and any development limited to areas already disturbed.
- Ensure that state regulations and permits are consistent with, and support new and developing nitrogen reduction targets and goals of the CCMP.

Preserving the Lower Hudson-Long Island South Shore Beaches and Bays

The Issue: Long Island is the 17th most populated island in the world, encompassing four counties: Nassau, Suffolk, Queens, and Kings (the latter two being part of New York City). The beaches and bays in this area provide critical habitat for numerous Species of Greatest Conservation Need (SGCN), including at-risk beach-nesting shorebirds and long-legged waterbirds, and wintering waterfowl, and are host to seven global Important Bird Areas. These areas are important feeding, spawning, nesting and stopover habitat for birds, especially the Red Knot, fish and other wildlife, many that are endangered or threatened, and contribute to the overall health of the Atlantic Ocean.

Audubon Chapters, including the Great South Bay Audubon Society, South Shore Audubon Society, Huntington-Oyster Bay Audubon Society, and New York City Audubon, have been active participants in various planning groups to protect shoreline habitat of Long Island, including: South Shore Estuary Reserve Council, the South Shore Estuary Citizen Advisory Committee, Technical Advisory Committees to the Long Island South Shore Estuary Comprehensive Management Plan and the Hudson/Raritan Estuary Restoration Plan, Floyd Bennett Field Blue Ribbon Council, Jamaica Bay Task Force, and many post-Sandy restoration evaluation efforts.

Recently, the Community Risk Reduction and Resiliency Act was enacted which amends various public infrastructure financing and permitting programs to require consideration of future climate risk, including sea level rise, storm surges, and flooding, as part of the application and review process. This legislation, along with other various planning initiatives, including the General Management Plan for Gateway National Recreation Area, will guide the management and protection of these significant coastal habitats into the future. In addition, there have been numerous proposals to site renewable energy facilities, Liquefied Natural Gas (LNG) terminals, and other industrial uses that have the potential to impact the marine and coastal environments through pollution and habitat degradation.

Legislative/Administrative Action: Audubon New York strongly urges the Governor, State Legislature, DEC, Federal Agencies and local governments to:

- Pursue state and federal legislation and funding initiatives that implement the South Shore Estuary Reserve Management Plan; enable land acquisition additions to national, state and municipal parks and refuges; establish post-storm conservation plans; and protect and naturally restore beaches and dunes.
- Pursue a reduced harvest of Horseshoe Crabs in New York waters, stricter enforcement of seasonal take limits and closed areas, increased monitoring and, if data warrants it, a closure of the Horseshoe Crab fishery in New York.
- Support the recommendations put forward by the Jamaica Bay Watershed Protection Plan Advisory Committee to NYCDEP for the creation of a comprehensive Watershed Protection Plan to restore the water quality and ecological integrity of Jamaica Bay for the benefit of the residents and visitors.
- Ensure any large scale and long term beach nourishment projects that may be proposed by the U.S. Army Corps of Engineers throughout the area included in or adjacent to the Fire Island National Seashore do not adversely impact beach nesting bird habitat.
- Require that any offshore wind, LNG, or other proposed industrial project undergo comprehensive environmental reviews, including detailed environmental impact analysis, studies of potential bird mortality and life cycle carbon dioxide emissions assessments for LNG facilities to ensure they will not adversely impact the marine and coastal environments or further contribute to climate change.
- Implement the Community Risk Reduction and Resiliency Act and ensure DEC develops regulations to adopt formal sea level rise projections for the state, and the state create a long term coastal management strategy that prepares for sea level rise by gradually moving people and structures out of vulnerable areas and working with natural processes
- Ensure that the National Park Service and other federally held lands in the region are managed to provide the strongest conservation of birds and other wildlife.
 - Define ‘wildlife’ as a fundamental resource for National Park’s Gateway National Recreation Area (Gateway)
 - Restrict recreation use of New York Harbor islands to protect sensitive nesting and foraging habitat for SGCN
 - Provide adequate enforcement personnel to protect resources from inappropriate human use

- Ensure that the ponds of the Jamaica Bay Wildlife Refuge and other sensitive habitats damaged by hurricane Sandy are restored to provide the best possible habitat for SGCN based on the best available science.

