



# 2021 State and Federal Conservation Policy Resolutions

PRESENTED BY THE AUDUBON COUNCIL OF NEW YORK STATE



Black Skimmer.  
Photo: Jean Hall / Audubon Photography Awards

## Securing Sustainable State Environmental Protection Funding

**The Issue:** In New York State, the Environmental Protection Fund (EPF) is the State's primary funding source for 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 provides a secure source of environmental funding, and is used to offset the negative consequences of 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 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.

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; 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.

During this time, critically important programs that combatted pollution, invasive species, created outdoor access and open spaces, and managed solid waste, were underfunded, 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 State'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.

While the State has fulfilled its promise of fully funding New York State's EPF, there continues to be concern about how the fund will remain at its current level. Additionally, the State must ensure that EPF funding is only used for its intended purposes, and not to supplement or offset agency spending or operational funding.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor and New York State Legislature to:

- ✓ In SFY 2020-21, maintain funding levels for the EPF at \$300 million.
- ✓ Support continued appropriations for the following important EPF categories: the Zoos, Botanical Gardens and Aquaria (ZBGA) funding, 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.
- ✓ Expand the Bottle Bill to cover additional noncarbonated beverages and alcoholic beverages, and then transfer a portion of the revenues generated to the EPF.
- ✓ 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.
- ✓ Support continued investments in wastewater, drinking water, and source water protection projects.
- ✓ Administer a Landowner Incentive Program to maintain and restore critical grassland and forest habitats that support bird species of greatest conservation need, or develop a new program that incentivizes proper stewardship of private lands for wildlife.
- ✓ Oppose any attempts to weaken the integrity of the EPF through funding cuts, offloads of non-traditional programs or funding sweeps.

## Increasing Federal Environmental Funding

**The Issue:** The Audubon Council 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 full funding for key environmental programs, including the federal Land and Water Conservation Fund (LWCF), Great Lakes Restoration Initiative (GLRI), and the Drinking Water and Clean Water State Revolving Funds, among others.

Federal investments in water infrastructure are needed to protect our freshwater resources and repair crumbling infrastructure which has impacted New York State's water quality, ecosystems, and public health. New York State's aging water infrastructure and source water is in dire need of protection and upgrades. The EPA has reported that, over the next 20 years, New York State will face the largest need in the country for wastewater infrastructure investment and the third largest need for drinking water infrastructure, with needs exceeding \$80 billion over the next two decades. Federal funding like the Clean Water State Revolving Fund and Drinking Water Revolving Fund will need to be at least doubled in order to meet the growing demand for infrastructure upgrades, so that fresh water resources, habitat and public health can be protected.

The LWCF provides 50% matching federal grants to state and local governments to acquire, develop or improve parkland. This funding helps create recreational opportunities while protecting and preserving wildlife habitat, drinking water, and historic sites.

The Great Lakes provide critical habitat for birds and drinking water for 30 million people. The GLRI was established to accelerate efforts to protect and restore the Great Lakes and the people and wildlife that depend on them. Currently, more than 150,000 acres of wetlands, coastal areas, and islands in the Great Lakes region have been restored or protected thanks to funding from the GLRI. To continue these efforts, the GLRI must continue to be funded at \$300 million.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the New York Congressional Delegation to:

- ✓ Support full funding of the LWCF.
- ✓ Support increased federal Drinking Water and Clean Water State Revolving Funds, as well as the adoption of a grant program versus the currently deployed loan program.
- ✓ Support at least \$300 million for the GLRI, and advocate for targeted funding of habitat restoration projects.

## 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).

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 licenses. The fund supports vital DEC programs, 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 and in 2017, the Governor's State of the State included a new I Bird NY campaign as part of its Adventure New York initiative to highlight the BCAs and other birding related resources within the state.

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 conservation partners, government agencies and legislators to jointly promote funding to sustain New York's fish and wildlife programs and ensure the state's environmental conservation laws are properly enforced.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor, New York State Legislature, and the New York State Department of Environmental Conservation, and the New York State Congressional Delegation 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 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 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, 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.
- ✓ Establish a tax on the purchase of outdoor equipment such as binoculars, birding scopes, cameras, camping equipment, canoes, kayaks, etc. to support wildlife funding programs targeting species of greatest conservation need.
- ✓ 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 nonprofit partners to leverage this funding.



## 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 State 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, trade, commercial agriculture, and horticulture. More recently, the state has been threatened by the Spotted Lanternfly, which has the potential to negatively impact agricultural crops such as grapes, hops, and hardwoods.

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 many species of birds of conservation concern.

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 restricts the sale, purchase, possession, introduction, importation, and transport of invasive species into New York.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council 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 PRISMs, DEC, and DAM.
- ✓ Support any federal and state legislation that would address the spread of, and damages caused by, invasive species, such as reauthorization of the state aquatic invasive species law 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.

## Protecting Wildlife 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. However, 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 encourage 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 AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor, the State Legislature, and local communities to:

- ✓ Oppose the maintenance of feral cat colonies, including the feeding of cats and the practice of TNR, in or near places where native wildlife may be impacted, including state and local parks, wildlife refuges and other natural areas.
- ✓ Work with municipalities and non-profit shelters to provide financial support associated with disbanding TNR colonies and other responsibilities associated with the care of feral and stray cats.
- ✓ Educate cat owners and non-cat owners about 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, to require park staff, other public land managers, and municipalities to remove feral cat feeding stations and shelters from park property in or near Important Bird Areas or other sensitive wildlife habitats, and to restrict and regulate the maintenance and movement of feral and free-roaming domestic cats outdoors.
- ✓ Urge the DAM 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 a number 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, the DEC, 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 have been 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 pressure from the public or funding sources. 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 AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor, the State Legislature, and local communities 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.

## Reducing Bird Collisions with Glass

**The Issue:** Collisions with buildings kill an estimated 300 million to 1 billion birds each year in the United States.. After predation by free-roaming cats, collisions are the leading anthropogenic cause of bird mortality.

The most vulnerable species are those that migrate through or to New York State; including several species of concern, such as the Canada Warbler, Wood Thrush, and American Woodcock. Window strikes are also a leading cause of urban mortality for Sharp-shinned Hawks, Cooper’s Hawks, Merlins, and Peregrine Falcons.

It has been demonstrated that the more glass on a building, the greater the danger to birds in flight. Birds experience difficulty in seeing clear glass or understanding that reflections in glass are not reality, and typically don’t recognize windows as barriers. During the day, reflective windows can mirror the surrounding landscape and clear glass can make birds think that habitat or sky is on the other side. Both of these circumstances create false illusions that can lead birds to collisions and death. The problem is seen most during spring and fall migration, when birds are actively foraging and refueling from their arduous nocturnal migration.

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 7,000 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.

New York City Audubon also manages the Bird Safe Glass Alliance in partnership with the American Bird Conservancy. The alliance is composed of architects, designers, conservationists, and ornithologists who are charged with developing strategies and projects that reduce the hazards posed by the use of glass in building construction. They have also produced the publication *Bird-Safe Building Guidelines*, which is distributed by the American Bird Conservancy.

Additionally, the 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. In 2019, this legislation was reintroduced in the House by Rep. Mike Quigley (D-IL) as H.R. 919 Bird-Safe Buildings Act of 2019.

In New York State, in 2019 a bill that would have created a Bird Friendly Building Council to study and recommend best practices for design to address collisions with man-made structures was passed by both houses of the Legislature but was vetoed by the Governor for budgetary reasons. At the same time, New York City has adopted legislation that requires all new buildings, and major retrofits, to incorporate bird friendly design including bird safe glass beginning in October 2020. This is a major step forward in addressing bird collisions in the largest city in the nation. New York City Audubon as part of the Bird Safe Building Alliance is actively engaged with the NYC Department of Buildings in helping to write guidance documents for implementation of this law. The NYC experience will answer many of the questions that would have been studied by the proposed Bird Safe Building Council.

Accordingly, we propose that New York State should build on this experience and pass legislation that would:

- ✓ Mandate that all new state construction, including SUNY, incorporate Bird Safe Building Design/Glass within one year.
- ✓ Require local governments to adopt building codes that mandate bird safe glass/design within two years
- ✓ Direct SUNY to create a Task Force to evaluate its campus buildings to identify buildings that pose a significant threat for bird collisions and to develop a program to retrofit buildings. In doing so the Task Force shall produce a report making recommendations on evaluation and retrofit strategies that can be used as a model for both public and private sector owners.
- ✓ Create a Task Force in the State Division of Economic Development consisting of manufacturers, suppliers, architects, and avian advocates to:
  - Develop guidelines for bird safe building design/glass that can be used for local building code administration ;
  - To work with New York State businesses in the glass supply and fabrication business to position them to ramp up and retrofit their production processes to meet this demand and to place New York State as the home of industry leaders in bird safe glass production;
  - Identify major suppliers of residential windows to explore incorporating bird safe glass in their products; and



- Recommend grant programs and /or tax incentive programs that can be used to facilitate and expedite the use of bird safe glass.

## Reducing Lead Consumption By Humans and Wildlife

**The Issue:** The Audubon Council 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 State use slugs and bullets that contain lead, which is a known toxic substance with serious health effects for wildlife and humans, including neurological damage, retarded growth and cognitive development, sensory loss, behavioral impacts, and death.

Bullets and slugs containing lead pose a 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 that are not retrieved by hunters. Many species of wildlife, including eagles, vultures, ravens, crows, and numerous mammal species, also consume these carcasses. 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 approach to replacing lead ammunition in hunting.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council 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 people and the potential benefits from the use of non-toxic ammunition, with the goal of phasing out the use of lead bullets and slugs for hunting.
- ✓ Collect data on how many hunters are currently using copper versus lead, either through the current permit system or on annual reporting forms.
- ✓ Develop regulatory criteria and labeling requirements for non-toxic ammunition that include a means for ready identification in the field.
- ✓ Advocate for the passage of legislation to ban the use of lead ammunition in hunting.

## Pesticide Reduction and Promotion of Bird-Friendly Management

**The Issue:** In New York State 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 to other environmental and human health problems, and there are concerns that it is causing 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 State, 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 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 backyards 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, because many native plants have natural defense systems to combat local pests.

On the policy front, the Audubon Council has supported passage of the Birds and Bees Protection Act, which would establish a five year moratorium on the use of neonicotinoid pesticides. Neonics have been shown to have negative effects on migrating birds, which eat treated seeds that are spilled in agricultural settings. This can cause migrating birds to become disoriented, and cause weight loss in birds that consume treated seeds.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and the DEC to:

- ✓ Support programs and legislative initiatives designed to significantly reduce the use of pesticides and to implement IPM programs across New York State, including measures to restrict the current use of neonicotinoid pesticides.
- ✓ 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 that consider the impact on non-target species and public health.
- ✓ 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.

## 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 New York City 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 migrating birds and wildlife in 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 ‘Lights Out New York,’ requiring all state owned buildings to turn off non-essential outdoor lighting during the spring and fall bird migrations.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York’s delegation 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 the owners and managers of buildings they rent to comply with the State’s Lights Off practices.

## Promoting Responsibly-Sited Wind Power, Transmission Infrastructure, Solar power, and Geothermal Developments

**The Issue:** Energy from nonrenewable sources, such as fossil fuels, is associated with several major negative environmental impacts. These include 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, signed the Climate Leadership and Community Protection Act into law in 2019.

The Audubon Council supports the proper siting and development of renewable and cleaner sources of energy, including power-producing wind turbines, solar arrays, geothermal heat pumps, and associated transmission structures, because they have the potential to reduce the negative environmental impacts of fossil fuels, including carbon dioxide emissions.

However, all energy development has some impact on habitat and wildlife. This can happen by direct mortality from collisions, through habitat degradation from turbine and transmission line construction and maintenance, and through wildlife behavioral changes that cause increased energy expenditures. The potential impacts of wind turbines and other sources of energy can be mitigated through proper site assessments prior to construction to avoid the placement of energy developments in high risk areas.

When it comes to renewable energy, New York has recently made large commitments, including:

- 70% renewable energy for electricity generation by 2030;
- 100% emissions free power by 2040;
- 9,000 MW of offshore wind energy by 2035; and
- 6,000 MW of solar energy by 2025

The Audubon Council is supportive of these new commitments, we encourage the siting of solar development in areas that do not displace or disrupt natural habitats, such as roof tops, brownfield sites, and pre-existing right-of-ways.

Additionally, as the state pursues additional renewable energy sources, especially wind turbines, these new developments will require a 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 DEC has also 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 State's wind project siting guidelines apply only to land-based projects.

Another cornerstone of achieving New York's Clean Energy Standard 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. While transmission structures are critical to a reliable and cost-effective energy supply in New York State, some of the proposed energy distributors, such as transmission pipelines, should not traverse through critical bird habitat nor threaten water resources. 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, their habitats, and our freshwater resources. However, going beyond this, The Audubon Council supports a ban on new fossil fuel infrastructure, including the building of new natural gas pipelines.

It is noted there is some attempt in New York State focusing on seeking to increase the development of biofuels. Biofuel development should not be pursued. Biofuels are not "clean" energy sources, producing as do fossil fuels, CO<sub>2</sub>, carbon monoxide, nitrous oxide and polluting airborne particulates. Biofuels have many negative environmental, social and health impacts and contribute to global warming. For good reason, biofuels are excluded from the recently passed Climate Leadership and Community Protection Act.

Additionally, specific attention must be paid to the negative 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 grassland habitats are in serious decline in New York State, and may be disproportionately impacted by the development of biofuels and wind energy on agricultural lands. In particular, biofuel crops that do not provide suitable breeding or foraging habitat for these species could contribute to declines.



### **LEGISLATIVE AND ADMINISTRATIVE ACTIONS**

The Audubon Council strongly urges the Governor and State Legislature to:

- ✓ Support the State's commitment to combat climate change as laid out in the CLCPA, and fully fund the development of the clean, renewable energy systems enumerated in that law. These energy solutions include use of the following technologies: solar, wind, hydroelectric, geothermal, tidal energy, wave energy, ocean thermal and fuel cells not derived from fossil fuels.
- ✓ Oppose investments and subsidies for energy systems, such as biofuels, which produce greenhouse gases and other harmful pollutants, thereby contributing to global warming and causing negative health impacts.
- ✓ 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, their habitats, and water resources.
- ✓ Oppose wind power, solar development, and transmission infrastructure on sites determined to be of high risk to bird populations, including bird migration pathways or areas where birds are highly concentrated during migration; 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; and IBAs and BCAs where construction of 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 un-fragmented habitats should be a priority.
- ✓ Ensure that appropriate environmental entities from the state are consulted and involved in the implementation of the Clean Energy Plan, and 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.
- ✓ Ensure that new and emerging site assessments, standards, and guidelines for offshore wind energy properly account for avian presence and avoid potential harm to birds, bats, and other wildlife.
- ✓ Advocate for incentive programs and adoption of photovoltaic residential solar, including rooftop solar installation.
- ✓ Encourage the development of bird-safe concentrated thermal solar or "solar towers" to protect birds and other wildlife from the intense light and heat created by the mirrored solar panels.
- ✓ Advocate for incentive programs for the adoption of geothermal heat pumps by homeowners and businesses.

## Combating Climate Change

**The Issue:** Climate change resulting from human activity is altering ecosystems worldwide. This poses a significant threat to global biodiversity and the interconnected global food web impacting all life - humans, birds, other terrestrial and ocean life, insects and microscopic life - the foundation of our food chain. The longer we wait the harder it will be to reverse this threat.

Increased concentrations of greenhouse gases, such as carbon dioxide (CO<sub>2</sub>) and methane, prevent heat from escaping the earth's atmosphere causing 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 CO<sub>2</sub> emissions.

In fact, the last time the atmospheric CO<sub>2</sub> amounts were this high was more than 3 million years ago, when temperature was 2°-3°C (3.6°-5.4°F) higher than during the pre-industrial era, and sea level was 15-25 meters or *50-80 feet higher than today*.

CO<sub>2</sub> concentrations are rising mostly because of the fossil fuels that people are burning for energy. Fossil fuels like coal and oil contain carbon that plants pulled out of the atmosphere through photosynthesis over the span of many millions of years; we are returning that carbon to the atmosphere in just a few hundred years.

We have been aware of this threat for decades. The National Audubon Society issued a report in 2019, *Survival by Degrees*, 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 two-thirds of North American birds are predicted to be negatively impacted by climate change, leaving them with an uncertain future. Many bird species will face significant range restrictions and have increased difficulty in finding suitable habitat to breed successfully.

Under the current federal administration there has been a concerted effort to undermine climate and renewable energy progress made up until 2016, with the U.S. exiting the Paris Climate agreement, and announcing efforts to roll back the Clean Power Plan.

Fortunately, in the absence of federal action to combat climate change, New York State continues to be a national leader through its participation in the Regional Greenhouse Gas Initiative (RGGI) and the passage and implementation of the Climate Leadership and Community Protection Act, which requires New York State to reach carbon neutrality by 2050. However, more must be done, building upon the current state and federal legislation. As the Intergovernmental Panel on Climate Change has warned, deep and far reaching social and political changes are needed by 2030 to prevent the worst impacts of catastrophic climate change. The goal of 100% clean energy must be reached as soon as possible.

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 have highlighted the risks posed by more frequent severe weather and sea level rise fueled by climate change. They have also underscored the need to be doing more to combat this threat by aggressively developing renewable energy, promoting increased energy efficiency to reduce energy consumption and greenhouse gas emissions, and protecting and enhancing the habitats birds and other wildlife need to survive now and into the future.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor and State Legislature to:

- ✓ Encourage New York's senators and congressional delegation to support and call for passage of comprehensive legislation to combat climate change, reduce dependency on fossil fuels, reduce CO<sub>2</sub> emissions, and provide resources to protect New York and the planet, including:
- ✓ Enact a carbon emissions tax
- ✓ Support expansion and modernization of mass transit opportunities

- ✓ Support development of and create tax incentives for purchase of alternative energy vehicles such as electric and hydrogen powered trucks, buses and cars.
- ✓ Work with participating states to ensure the RGGI is strengthened and successfully implemented by achieving the reduced cap on emissions targets, and dedicate a portion of the proceeds generated from the auction of allowances to support on-the-ground conservation, including IBA protection and stewardship, a forest carbon off-set program, and promote education initiatives to help state residents and businesses reduce emissions.
- ✓ Maintain funding and investments that 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 expansion of properly sited renewable energy and energy efficiency measures; and promote emission reductions through carbon sequestration.
- ✓ Ensure the final State Wildlife Action Plan (SWAP) and future versions of the Open Space Conservation Plan incorporate the National Audubon Society's climate data and prioritize habitat protection strategies to help sustain species in an uncertain climate future.
- ✓ Encourage the adoption of coastal resiliency improvements that utilize ecological infrastructure and maintain or restore natural coastal processes.
- ✓ Call on the New York Congressional Delegation to support passage of comprehensive legislation to combat climate change, reduce dependency on fossil fuels, reduce CO<sub>2</sub> emissions, and provide resources to protect birds, other wildlife, and their habitats from a changing climate.
- ✓ Maintain funding for the EPF's Climate Change Mitigation and Adaptation Account, including planning and implementation grants for Climate Smart Communities.
- ✓ Urge 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.

## Protecting New York's Freshwater Wetlands

**The Issue:** Freshwater wetlands provide essential habitat for many species of migratory waterfowl, as well as species of concern, 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, 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.

Until recently, the DEC had the authority to regulate wetlands 12.4 acres or greater in size and wetlands of unusual local importance, while the federal government regulates the rest. However, the Trump Administration recently rolled back the Water of the United States rule, which has eliminated the federal government's authority to regulate small or isolated wetlands. This rule protected 60 percent of stream miles in the United States and one-third of the nation's drinking water supply, including more than 11 million in New York State. This authority shall remain suspended until the conclusion of pending litigation, or until the state passes legislation giving the DEC authority to regulate these smaller wetlands.

In recent years, state measures have been introduced to increase protection of wetlands, including 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, this measure has not been passed, leaving these essential habitats unprotected.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council strongly urges the Governor, the State Legislature, and local communities to:

- ✓ Defend the Waters of the United States Rule and other federal legislation 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 state legislation that would provide the DEC with the authority to regulate Class C and D streams.
- ✓ Pass local ordinances to protect important freshwater wetland resources.
- ✓ Explore administrative options to increase the DEC authority over freshwater wetlands that are less than 12.4 acres in size, in absence of state legislative action, and ensure the state DEC releases updated wetland maps for the state.

## Reducing Acid Deposition

**The Issue:** Acid deposition continues to be a chronic environmental problem in New York State and throughout the Northeast, which have severely degraded aquatic and terrestrial ecosystems. 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 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 SO<sub>2</sub> emissions in 28 eastern states by over 70% and NO<sub>x</sub> 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 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 AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York State's congressional delegation to:

- ✓ Defend federal regulations like the Clean Air and Clean Water Acts, as well as important climate change initiatives and programs funded through the federal government like energy innovations funding, the National Oceanic and Atmospheric Administration's climate change research program, and the EPA's budget.
- ✓ 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. As well as support federal funding for the Adirondack Lake Survey Corporation, which conducts critical monitoring on the presence of acid rain in the region.
- ✓ 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 the Adirondack Park

**The Issue:** The Adirondack Park is a 6.2 million acre globally important biological preserve that provides habitat for hundreds of species of birds and other wildlife, and generates hundreds of millions of dollars from tourism, recreation revenue, and forest products. It is the largest state-protected park in the continental United States, and has 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 6 million acres have been permanently protected

Nonetheless, competing land use interests threaten the Park's biological integrity, including illegal use of ATVs in the Forest Preserve, snowmobile trail development plans, and many of the hamlet's needed infrastructure upgrades, including development of power lines, roads, and bridges.

In early 2016, Governor Andrew Cuomo completed the state's largest Adirondack land purchase in over 100 years, by purchasing the last of the 65,000 acres of former Finch-Pruyn paper company lands from the Nature Conservancy. The 20,500+ acre Boreas Ponds tract contains some of the Adirondack Park's purest waters and its wildest, rarest and most fragile wildlife habitat.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York's delegation 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.
- ✓ Support land classifications that properly protect pristine landscapes and preserve wildlife habitat.

## Protecting and Restoring the Hudson River

**The Issue:** In 1987, New York State passed the Hudson River Estuary Management Act. The law directed the DEC to develop a management plan and program for the conservation of the tidal portion of the river from the Federal Dam in Troy 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 the EPA declaring dredging complete in October 2015.

In March 2016, EPA committed to perform a five-year review of the remedy, which they completed in June 2017, finding that their course of remediation is working as intended and will be protective of public health and environment. However, according to the DEC, 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. The Governor's office and NYSDEC have sued the EPA, and demanded further remediation and for the federal government to hold GE accountable for the proper cleanup of the Hudson.

While progress is being made in the restoration of the Hudson River, new threats continue to emerge, especially with the Trump administration's repeal of Clean Water and Air Rules, signaling that stronger protections are needed.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York's delegation 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 various Diadromous fisheries management plans (American Shad, Atlantic Sturgeon, Striped Bass, River Herring, and American Eel). Support examination of factors that impact these species populations such as power plants, ocean by-catch and predation, as well as the commercial and recreational harvest of these species.
- ✓ Support studies that characterize the status of the stocks, along with activities that protect and restore in-river spawning and nursery habitats for all Diadromous fish species and allocate funds and resources necessary to support for such activities. Maintain and enhance where necessary the long term DEC and Volunteer Hudson River survey's for striped bass, American Shad, River Herring, Atlantic Sturgeon and American eel.
- ✓ Support the DEC's efforts to hold EPA and GE accountable for the proper remediation of the Hudson River, ensuring the cleanup that meets the intended goals of the plan and complies with state 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 oppose any future barge

anchorage proposals. 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.

## Restoring Long Island Sound

**The Issue:** Long Island Sound is a globally significant ecosystem providing critical habitat and food resources for an extraordinary array of resident and migratory birds, fish and other wildlife, including whales, dolphins and seals, while also contributing more than \$8.5 billion to the Northeast regional economy annually. 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, and excessive nitrogen discharges from sources like sewage treatment plants, reaching its lowest point since the 1980's, progress in water quality improvements have been made. The EPA, New York City Department of Environmental Protection (DEP) and the DEC, for example, came to an agreement to achieve nitrogen reduction goals of 58.5% below 1990 levels by 2017 as part of the Long Island Sound Nitrogen Reduction Plan, which was achieved. Breeding pairs of Bald Eagles have returned to Long Island after an absence of many decades, due to sufficient and healthy fish resources.

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.
- In 2015, New York developed the Long Island Nitrogen Action Plan (LINAP), a multiyear initiative to reduce nitrogen in Long Island's surface and ground waters, an effort conducted by DEC, the Long Island Regional Planning Council (LIRPC), and Suffolk and Nassau counties, with input from multiple partners and stakeholders.
- In 2017-18, the New York State budget included \$10.4 for shellfish restoration in the Long Island Sound, an effort that will improve water quality and shoreline resiliency, as well as a \$2.5 billion investment in water quality statewide through the Water Infrastructure Improvement Act. This funding will help Long Island tackle necessary upgrades to wastewater treatment plants, pump stations and sewer systems.

Despite the progress that has been made, there continues to be conflicting interests and long-standing issues that threaten the quality of water and coastal habitats of the Long Island Sound. For example, the EPA recently determined that additional work is needed to achieve the nitrogen reduction goals in the Long Island Sound, releasing a draft strategy to further improve dissolved oxygen conditions, and attain other related water quality standards in Long Island Sound. The shoreline of the Sound is particularly vulnerable to rising sea levels due to climate change, which will impact critical buffering salt marshes, recreational areas and developed lands.

Additionally, proposals for large-scale development on the Long Island Sound have the potential to impact the Sound's marine resources. 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.

Of particular importance for preservation, Plum Island is an important migratory bird stopover site on Long Island Sound, supporting at-risk species, including concentrations of waterbirds and breeding federally listed species. Currently, the Department of Homeland Security (DHS) is proposing to sell Plum Island, and the General Services Administration is working to finalize a Supplemental Environmental Impact Statement. Various forms of legislation have been introduced and/or passed by Congress to protect the island, however, neither form of legislation has secured the island's permanent

preservation or repealed language from a federal appropriations act which requires DHS to sell the island to the highest bidder.

#### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York's delegation to:

- ✓ 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.
- ✓ Support continued investments in wastewater, drinking water, and source water protection projects, through the State's Clean Water Improvement Act.
- ✓ Support increased federal Drinking Water and Waste Water State Revolving Funds, as well as the adoption of a grant program versus the currently deployed loan program.
- ✓ Ensure the open spaces and important habitats on Plum Island are permanently protected, such as through creation of a National Wildlife Refuge, that a clean-up plan is written and implemented, and that any development is 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.
- ✓ Support continued investments by the State in the LINAP.
- ✓ Ensure funding for State and federal regulatory programs that protect tidal wetlands and other productive habitats, such as intertidal sand and mud flats and submerged aquatic vegetation, habitat restoration and enhancement activities, fisheries management, including population monitoring, and species regulation and restoration; and wildlife management, including population monitoring and programs to protect and restore populations of endangered and threatened coastal plants and animals, as called for in 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 beaches and bays in this area provide critical habitat for numerous Species of Greatest Conservation Need (SGCN), including federally and state-listed shorebirds, as well as long-legged waterbirds and wintering waterfowl. There are seven global Important Bird Areas in this region. These areas are important feeding, spawning, nesting, and stopover habitat for birds, 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 efforts.

In 2014, 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, guides the management and protection of these significant coastal habitats into the future. In addition, there have been numerous proposals that have the potential to impact the marine and coastal environments through pollution and habitat degradation, including the siting of renewable energy facilities and infrastructure, including Liquefied Natural Gas (LNG) terminals, and new transmission lines as offshore wind energy is developed off of Long Island's coast and other industrial uses.

### LEGISLATIVE AND ADMINISTRATIVE ACTIONS

The Audubon Council urges the Governor, State Legislature, and New York's delegation 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 that were put forward by the Jamaica Bay Watershed Protection Plan Advisory Committee to NYCDEP at the time of 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, 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 facilities to ensure they will not adversely impact the marine and coastal environments or further contribute to climate change. We oppose the construction of Liquefied Natural Gas (LNG) terminals due to their negative impacts on habitat, wildlife and climate change.
- ✓ Implement the Community Risk Reduction and Resiliency Act and ensure that the state creates 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.

- ✓ 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 uses.