

1 BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING
4 In the Matter of the
2021-2022 EXECUTIVE BUDGET ON
5 ENVIRONMENTAL CONSERVATION

5 -----

6

Virtual Hearing
Conducted via Zoom

7

8 January 27, 2021
9 9:37 a.m.

9

10 PRESIDING:

11 Senator Liz Krueger
12 Chair, Senate Finance Committee

12

13 Assemblywoman Helene E. Weinstein
14 Chair, Assembly Ways & Means Committee

14 PRESENT:

15 Senator Thomas F. O'Mara
16 Senate Finance Committee (RM)

16

17 Assemblyman Edward P. Ra
18 Assembly Ways & Means Committee (RM)

17

18 Senator Todd Kaminsky
19 Chair, Senate Committee on
Environmental Conservation

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20 Assemblyman Steve Englebright
21 Chair, Assembly Committee on
Environmental Conservation

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22 Senator Michelle Hinchey
23 Chair, Senate Committee on Agriculture

22

23

24 Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture

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3 PRESENT: (Continued)

4 Senator José M. Serrano
Chair, Senate Committee on Cultural
5 Affairs, Tourism, Arts and Recreation

6 Assemblyman Daniel J. O'Donnell
Chair, Assembly Committee on
7 Tourism, Parks, Arts and
Sports Development

8 Senator Kevin Parker
9 Chair, Senate Committee on Energy and
Telecommunications

10 Assemblyman Michael J. Cusick
11 Chair, Assembly Committee on Energy

12 Assemblyman Harvey Epstein

13 Assemblywoman Patricia Fahy

14 Assemblyman Robert Carroll

15 Senator Dan Stec

16 Assemblyman Steven Otis

17 Assemblywoman Didi Barrett

18 Senator Anna M. Kaplan

19 Assemblywoman Deborah J. Glick

20 Senator Pete Harckham

21 Assemblyman Robert Smullen

22 Senator John W. Mannion

23 Assemblyman Brian Miller

24 Assemblyman Harry B. Bronson

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3 PRESENT: (Continued)

4 Senator Brad Hoylman

5 Assemblyman Jeffrion L. Aubry

6 Assemblywoman Carrie Woerner

7 Assemblyman William Colton

8 Assemblyman Billy Jones

9 Assemblywoman Marianne Buttenschon

10 Assemblyman Philip A. Palmesano

11 Senator George M. Borrello

12 Assemblyman Chris Tague

13 Senator Patty Ritchie

14 Assemblyman Mark Walczyk

15 Assemblywoman Rebecca A. Seawright

16 Assemblyman Kevin M. Byrne

17 Senator Sue Serino

18 Assemblyman Chris Burdick

19 Assemblyman Angelo J. Morinello

20 Assemblywoman Karen McMahon

21 Assemblyman John Lemondes

22 Assemblyman William Conrad

23 Assemblywoman Jessica González-Rojas

24 Assemblyman Matthew Simpson

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3 PRESENT: (Continued)

4 Senator Rachel May

5 Assemblyman Brian Manktelow

6 Assemblyman Zohran K. Mamdani

7 Assemblywoman Vivian E. Cook

8 Senator James Tedisco

9 Assemblyman Erik M. Dilan

10 Assemblyman Steven Cymbrowitz

11 Assemblywoman Linda B. Rosenthal

12 Senator Daphne Jordan

13 Assemblyman José Rivera

14 Assemblywoman Judy Griffin

15 Assemblyman Jeff Gallahan

16 Assemblyman Khaleel M. Anderson

17 Assemblywoman Anna R. Kelles

18 Assemblyman Kenneth Zebrowski

19 Assemblywoman Pamela J. Hunter

20 Senator James Gaughran

21 Assemblyman Fred W. Thiele, Jr.

22 Assemblywoman Jaime R. Williams

23 Assemblywoman Stefani Zinerman

24 Assemblywoman Gina L. Sillitti

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3 PRESENT: (Continued)

4 Assemblywoman Amanda Septimo

5 Assemblywoman Jennifer Lunsford

6 Senator Diane J. Savino

7 Senator Jabari Brisport

8 Assemblyman Pat Burke

9

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1 CHAIRWOMAN KRUEGER: Good morning. My
2 name is Liz Krueger. I'm the chair of the
3 Senate Finance Committee, and I will be, I
4 guess, MCing today's hearing.

5 Of course I'm joined by my partner
6 from the Assembly, Helene Weinstein, the
7 chair of Ways and Means.

8 This is the Environmental Conservation
9 Executive Budget hearing, Wednesday,
10 January 27th. We start now. I suspect we
11 will be going on until the evening.

12 Some brief opening remarks before we
13 get this hearing going. It is a
14 constitutional requirement that we have our
15 budget hearings after the Governor offers us
16 his Executive Budget. Today is the second of
17 13 hearings conducted by the joint fiscal
18 committees of the Legislature regarding the
19 proposed budget for fiscal year '21-'22.
20 These hearings are conducted pursuant to the
21 Constitution and Legislative Law.

22 Today the Senate Finance Committee and
23 the Assembly Ways and Means Committee will
24 hear testimony concerning the Governor's

1 proposed budget for four different
2 departments: The Department of Environmental
3 Conservation, the Office of Parks, Recreation
4 and Historic Preservation, the Department of
5 Agriculture and Markets, the Public Service
6 Commission and the New York State Energy
7 Research and Development Authority -- and
8 they will be co-testifying, the last two.

9 Following each testimony there will be
10 some time for questions from the chairs of
11 the fiscal committees and other relevant
12 committees for that topic.

13 I will now introduce members from the
14 Senate, and Assemblymember Helene Weinstein,
15 chair of the Assembly Ways and Means
16 Committee, will introduce members from the
17 Assembly. And in addition, Tom O'Mara,
18 ranking member of the Senate Finance
19 Committee, will introduce members from his
20 conference.

21 Let me just get back to the ongoing
22 list -- one second -- of Senators who are
23 here already. And again, we are conducting
24 Zoom virtual hearings this year, which means

1 everything is a little bit of an experiment
2 for us. We have Senator Anna Kaplan, we have
3 Senator José Serrano, we have Senator Todd
4 Kaminsky, we have Senator Kevin Parker, we
5 have Senator Pete Harckham, we have
6 Senator -- I'm skipping my Republican
7 colleagues. I know we have Senator Rachel
8 May, we have Senator John Mannion, we have
9 Senator Michelle Hinchey.

10 And I think I'm going to turn it over
11 first to Tom O'Mara to just welcome his
12 Senate Republicans, and then we'll go to the
13 Assembly.

14 SENATOR O'MARA: Yes, thank you,
15 Chairwoman Krueger.

16 I would just like to recognize that we
17 are joined today by Senator Dan Stec, Senator
18 Patty Ritchie, Senator Sue Serino, and
19 Senator Jim Tedisco.

20 Thank you. I think that's all of
21 them.

22 CHAIRWOMAN KRUEGER: Thank you.

23 SENATOR O'MARA: Excuse me. Senator
24 Daphne Jordan is on here as well.

1 SENATOR BORRELLO: You forgot me also,
2 Tom.

3 SENATOR O'MARA: And George Borrello,
4 and I'm looking right at him.

5 CHAIRWOMAN KRUEGER: Trust me,
6 audience, it's hard to do this this way.

7 And I'm going to turn it over to
8 Assemblywoman Helene Weinstein, chair of Ways
9 and Means.

10 CHAIRWOMAN WEINSTEIN: Thank you,
11 Senator Krueger.

12 So for the Assembly so far we have
13 Assemblymembers Anderson, Aubry, Barrett,
14 Bronson, Burdick, Conrad, Dilan, Epstein,
15 Fahy, Glick, Gonzalez-Rojas, Griffin, Jones,
16 Kelles, Lunsford, Otis, Rivera, Sillitti,
17 Thiele, Woerner, Zebrowski, and Zinerman.
18 I'm sure that we will have other members
19 joining us as we move forward.

20 I'd like to ask our ranker on Ways and
21 Means, Assemblyman Ra, to introduce the
22 members of his conference who are here.

23 ASSEMBLYMAN RA: Thank you. Good
24 morning. We have joining us Assemblyman

1 Tague, the ranker on Agriculture; Assemblyman
2 Smullen, our ranker on Environmental
3 Conservation; Assemblyman Palmesano, who is
4 our ranker on Energy. And we also have Brian
5 Miller, Kevin Byrne, Angelo Morinello, and
6 Mark Walczyk.

7 CHAIRWOMAN KRUEGER: Thank you.

8 CHAIRWOMAN WEINSTEIN: And I do think
9 I neglected to mention Assemblyman
10 Englebright there, chair of EnCon, even
11 though I'm staring right at him also. He'll
12 be up shortly to ask questions after the
13 commissioner.

14 And as members join, we will
15 periodically add new members.

16 Back to you, Senator.

17 CHAIRWOMAN KRUEGER: Thank you so
18 much.

19 So as I mentioned, we have quite a few
20 government representatives. I would just
21 like to welcome, just in advance, to let
22 people know, we will have Basil Seggos,
23 commissioner, Department of Environmental
24 Conservation, followed by Erik Kulleseid,

1 commissioner of the Office of Parks,
2 Recreation and Historic Preservation,
3 followed by Richard Ball, commissioner of the
4 Department of Agriculture and Markets,
5 followed by John Rhodes, chair of the Public
6 Service Commission, testifying jointly with
7 Doreen Harris, acting president and CEO of
8 the New York State Energy Research and
9 Development Authority. We also know them as
10 NYSERDA.

11 After the final question and answer
12 period for each of the government reps, there
13 will be an opportunity for members of the
14 public to testify briefly their views on the
15 proposed budget under discussion.

16 I just want to highlight, people are
17 welcome to submit written testimony before.
18 We have quite a bit of written testimony, and
19 it will be up on the Senate website, and
20 people are welcome to submit testimony after
21 today's hearing. All Senators and
22 Assemblymembers will receive that.

23 Also during the course of this hearing
24 there may be times where a government

1 representative responds to a legislator's
2 question with "I have to get back to you with
3 that." We totally understand that. We are
4 asking that you please submit whatever your
5 answers are in writing both to the individual
6 legislator who may have asked, but also
7 directly to Helene Weinstein and myself, and
8 we will make sure to distribute the answers
9 to all of the members of the Legislature as
10 well.

11 Further, if you're a legislator who
12 does not get to ask all the questions you
13 hope today, if you give them to us, Helene
14 and myself, we can have staff make sure we
15 include in a follow-up letter to these
16 representatives questions that we may not
17 have been able to dive deeply enough into.

18 Now, why do I say that? Because now
19 I'm going to tell you how short the time
20 frame is. The governmental invitees are
21 getting 10 minutes to testify. The relevant
22 chairs of the committees are allowed a
23 10-minute first round and a five minute
24 second round of questions at the end, if they

1 need it. And we're hoping we don't need it.

2 Rankers get five minutes and a
3 three-minute second round. All other members
4 of relevant committees get just three minutes
5 with no second round. Non-invited and
6 nongovernmental witnesses, people who have
7 requested to testify, get three minutes, with
8 questions back from members of three minutes.
9 So you're saying to yourself, that's such a
10 short amount of time. And yet I'm telling
11 you if you spend the day with us, you'll
12 spend at least 12 hours with us.

13 And with that, our opening speaker is
14 Basil Seggos of the Department of
15 Environmental Conservation. And the chairs
16 of the relevant committee for this testifier
17 are Todd Kaminsky, the chair of EnCon for the
18 Senate, and Steve Englebright, the chair in
19 the Assembly.

20 Good morning, Basil.

21 DEC COMMISSIONER SEGGOS: Good
22 morning, Senator. And good morning,
23 everybody -- Chairwoman Krueger, Chairwoman
24 Weinstein, and members of the fiscal and

1 environmental conservation committees.

2 Again, my name is Basil Seggos. I'm
3 commissioner of the DEC. And I'm grateful
4 for the chance to spend time with you here on
5 Zoom. I'd rather be in person with you; for
6 sure, these are unique times. But
7 nonetheless, it is an honor today.

8 So I've submitted my written
9 testimony. In the interests of time and so
10 we can get to your questions, I'll just
11 summarize a few quick points and look back
12 really at 2020 to begin with, which was a
13 remarkably challenging year for our state and
14 really the whole world, of course, as the
15 pandemic raged and ravaged so many lives.

16 It's hard to believe what we went
17 through since we last sat down together in
18 the Well. But I can speak from a great deal
19 of experience what an honor it was to be at
20 the DEC this year, which shined very brightly
21 as the Governor put out the call for
22 assistance with the pandemic.

23 When he put out that request for help,
24 we had an incredible response from the

1 agency. All told, more than a thousand staff
2 out of our 3,000 staff -- a third of the
3 agency -- stood up, raised their hands and
4 pitched in during the pandemic.

5 We had our Forest Rangers, our ECOs,
6 regional directors, emergency management
7 staff leading the construction and operation
8 of testing sites, temporary hospitals, mass
9 vaccination sites now. We delivered
10 thousands of meals to New Yorkers who found
11 themselves hungry. We delivered PPE around
12 the state to first responders. We staffed
13 unemployment call centers -- as you know, so
14 many folks that lost work.

15 DEC was there. We are there. We're
16 there now. And we're helping to save the
17 lives of New Yorkers every day. And it
18 really has been the privilege of my life to
19 lead this amazing agency with its amazing
20 people over the last 12 months.

21 Throughout the crisis we never lost
22 sight of our core mission. Despite the
23 challenges of the pandemic and the downturn
24 of the economy, we remained focused on what

1 was important to the state during these
2 times. Of course, on climate change, the
3 existential crisis, but also this
4 once-in-a-century opportunity, we continue to
5 lead the nation on responding to the climate
6 crisis. We launched the 22-member Climate
7 Action Council pursuant to the CLCPA. We
8 launched and are running the Climate Justice
9 Working Group. We met key milestones under
10 the law in the value of carbon guidance and
11 greenhouse gas emission regulations. We
12 will, by the end of this year, meet the
13 CLCPA's goal of a full draft scoping plan for
14 how the state will address emissions
15 reductions.

16 And on resiliency, as you know, we are
17 all over the state working on storm response
18 and building the state back better -- up on
19 Lake Ontario, with the REDI Commission work
20 and all of the Army Corps projects, down
21 along the coast of Long Island and New York
22 City, and everything in between.

23 On environmental justice, I think we
24 all saw very, very plainly COVID laid bare

1 the conditions that certain communities
2 experience more than others, the
3 disproportionate impacts of pollution in
4 communities of color. DEC redoubled its
5 efforts on EJ policies and programs,
6 strengthening relationships with Indian
7 Nations and certainly awarding millions of
8 dollars to environmental justice organization
9 for a range of needs.

10 On emerging contaminants and
11 pollution, we worked with DOH to set the
12 nation's most stringent MCLs for PFOA, PFOS
13 and 1,4 dioxane. We addressed harmful algal
14 blooms across the state. We responded to
15 significant drinking water crises and issues
16 as they emerged and got on top of those very
17 quickly. We made a big and bold announcement
18 finally on the Grumman plume on Long Island
19 after many years of hard work, settling with
20 the Navy and Grumman to fully contain the
21 plume, and also reaching the largest natural
22 resource damage settlement ever in the state.

23 On outdoor recreation, we saw -- no
24 surprise -- record numbers of people on the

1 outdoors all over the state, you name it.
2 For us in particular in the Adirondacks and
3 Catskills, seeing just record turnouts and
4 pressure on communities and pressure on the
5 back country. We responded as best we could.
6 We launched two very important initiatives
7 that will provide short, medium and long-term
8 guidance to the department, the High Peaks
9 Advisory Group and the Catskills Advisory
10 Group, two separate groups that are then
11 giving us advice on some of the solutions to
12 sustainable use.

13 And in spite of the incredible strain
14 on the state's budget, the Governor remains
15 laser-focused on the environment. You saw
16 during his State of the State address the
17 incredible pronouncements on clean energy
18 commitments which would get us to 50 percent
19 of our green energy commitments. That's
20 ahead of schedule. That's a zero-emissions
21 electricity sector by 2040, and 70 percent
22 renewable energy by 2030. You'll hear
23 certainly more from NYSERDA and DPS on that.

24 We have a fully funded EPF, as the

1 Governor proposes it, \$300 million;
2 \$500 million dollars for water
3 infrastructure, that's wastewater and
4 drinking water; a fully funded Superfund.
5 That's the law that we use to -- and the
6 funds we use to address contamination across
7 the state. NY Works at \$75 million. Again,
8 important dollars that help to -- help us to
9 rebuild some of our assets outdoors. And of
10 course some funds to manage this ample
11 tourism.

12 And the Governor proposes to make
13 New York the final state in the U.S. to allow
14 supervised 12- and 13-year-olds to hunt big
15 game -- that's deer and bear -- and that will
16 create the next generation of safe and
17 responsible hunters.

18 So I'll end, as always, hopefully on a
19 note of optimism. The Governor's agenda is
20 aptly titled "Reimagine, Rebuild and Renew."
21 And that, in my view, has always
22 characterized DEC. And those words, in my
23 view, will be more important this year than
24 ever.

1 So not only is the Governor continuing
2 to lead on the environment, there are several
3 bright lights at the end of the tunnel I
4 think we can all share and be happy about.
5 The first, of course, being the vaccine and
6 our efforts to put as many shots in as many
7 arms as quickly as possible. The second,
8 with the Biden administration and a potential
9 optimism on local aid from Washington to help
10 restore our damaged economy. Lastly, a very
11 strong partner now in Washington on
12 environmental protection, and we look forward
13 to helping to guide some significant changes
14 in environmental policy nationally.

15 So with that, I believe I'm giving
16 back some time to the group. It's an honor
17 again to be with you here today. I look
18 forward to working with you, as always,
19 throughout the course of the year, and I look
20 forward to your questions.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 And our first questioner will be Chair
24 Todd Kaminsky, EnCon.

1 SENATOR KAMINSKY: Thank you so much.

2 Good morning, Commissioner.

3 DEC COMMISSIONER SEGGOS: Good

4 morning, sir.

5 SENATOR KAMINSKY: So let's get right
6 into it. Can you please tell us -- if we are
7 able to get the federal aid we hope, the \$15
8 billion -- whether you expect the bond act to
9 be back into the budget and submitted to
10 voters this fall?

11 DEC COMMISSIONER SEGGOS: I think it's
12 early to tell. I mean, you know, when we
13 pulled the bond act off the ballot last year,
14 no one took that more personally than the
15 Governor and myself.

16 We know that it's a -- will be a
17 valuable tool for us to address a range of
18 threats in New York State to our environment,
19 rebuild our state. We all want to see the
20 economy rebound, we want to see federal
21 dollars restore our budget writ large, a \$15
22 billion hit in our budget.

23 Certainly we'll take that up. I think
24 you heard Budget Director Mujica talk about

1 that in his Q&A during his budget remarks.
2 So I think we'll keep an eye on that and as
3 soon as the conditions warrant and it's right
4 to bring it to the voters, we'll have a
5 conversation about it.

6 SENATOR KAMINSKY: Okay. The
7 Legislature overwhelmingly, you know,
8 approved of doing it and the importance of
9 it, so we hope to work with you on that. We
10 hope the opportunity arises to do that.

11 DEC COMMISSIONER SEGGOS: Great.
12 Thank you, Senator.

13 SENATOR KAMINSKY: With respect to
14 WIIA, we're really glad to see more water
15 infrastructure funding in this budget. My
16 question is about last year's budget. The
17 money from last year still hasn't gone out.
18 Do you intend to put out the RFPs for that as
19 soon as possible so that we can at least get
20 that process started of getting that money
21 out there?

22 DEC COMMISSIONER SEGGOS: It's
23 something we're thinking about, Senator.
24 Certainly it was unfortunate we had to pull

1 that off last year as a result of the
2 downturn and the concerns about spending
3 in-state. It's something that I'll take to
4 my colleagues across -- up the hill, at the
5 Division of Budget. We'll take it into
6 account.

7 The Governor, I think as you've seen,
8 has reiterated his intent to keep the Clean
9 Water Infrastructure Act, WIIA, intact moving
10 forward.

11 SENATOR KAMINSKY: Okay, thank you.

12 Do you have enough staff to help
13 implement the CLCPA?

14 DEC COMMISSIONER SEGGOS: We do. You
15 know, it's a multi-agency endeavor. We --
16 DEC is cochair, along with NYSERDA. The
17 heads of major agencies, the commissioners of
18 major agencies are also staffing the panels.

19 We've been thrilled to have some
20 support from the Division of Budget to
21 increase our staffing within our climate
22 portfolio, so we actually have a few FTEs
23 arriving to help out on that.

24 This is going to be a multiyear

1 endeavor, as the economy rebounds and the
2 hiring freeze is lifted. We hope the --
3 we'll have the opportunity to direct staff
4 accordingly.

5 SENATOR KAMINSKY: Do you intend to be
6 part of a the New York effort to help
7 encourage the federal government to open up
8 more lease areas in the New York fight for
9 wind energy or in the coastal waters that
10 BOEM oversees?

11 DEC COMMISSIONER SEGGOS: Absolutely.
12 You know, we have an amazing opportunity with
13 offshore wind. And the Governor's talked
14 about that forcefully. We now have a partner
15 in Washington that I'm quite confident
16 understands the need to build out our
17 offshore wind infrastructure as quickly as
18 possible.

19 We are at the table, we've been at the
20 table with offshore wind, we've worked with
21 the Department of State on this for years.
22 We're ready to do whatever we can as an
23 agency to support the Governor's buildout.

24 SENATOR KAMINSKY: That's very good to

1 hear.

2 In a veto message almost two years
3 ago, the Governor took the step of banning
4 the dangerous insecticide chlorpyrifos. Can
5 you please tell us what steps were made in
6 furtherance of that directive and where
7 things stand now, please?

8 DEC COMMISSIONER SEGGOS: Sure,
9 Senator. So we are on schedule. We have
10 already banned the aerial spraying of
11 chlorpyrifos. Pursuant to the veto message,
12 there will be one final season this spring of
13 spraying on apple tree trunks. And then at
14 the end of this year there will be no further
15 use of chlorpyrifos in New York. We already
16 have actually pulled the registration for
17 25 different chemical additives as of last
18 December. So we're on target.

19 SENATOR KAMINSKY: Thank you,
20 Commissioner.

21 Assemblyman Englebright and I have a
22 bill on extended producer responsibility to
23 help us come up with an innovative way to
24 tackle the recycling crisis our state faces.

1 Have you reviewed the bill? And do
2 you believe the DEC and the second floor
3 generally is interested in pursuing the idea
4 of EPR and helping to get New York to be the
5 first state to adopt it?

6 DEC COMMISSIONER SEGGOS: Well, I
7 think as you know, Senator, we are believers
8 in EPR. We've worked together on electronic
9 waste, paint stewardship, a range of other
10 issues. We had proposed some EPR last year
11 that we tried to work on together.

12 I think at this point we are more than
13 willing to work with you on EPR. The waste
14 crisis isn't going away. There's an enormous
15 amount of packaging, for example, that's in
16 the environment. And I think there are, you
17 know, sensible ways to address this that
18 don't put a burden on consumers or on New
19 York businesses.

20 SENATOR KAMINSKY: Thank you so much.

21 Can you please tell me whether you
22 believe New York is doing enough to get more
23 electric vehicles on the road? And do you
24 believe that allowing companies to sell

1 directly to consumers might be a good way to
2 help advance the CLCPA's goals?

3 DEC COMMISSIONER SEGGOS: Well, two
4 answers there. I think we have an amazing
5 commitment to electric vehicles here in
6 New York. We've got 7,000 charging stations
7 right now. The Governor then just a few
8 months ago announced the Make Ready
9 initiative, which would get us to 50,000
10 charging stations by 2025. We have our
11 electric vehicles rebate, which has been very
12 successful, 30,000 electric vehicles sold
13 with those rebates. We have 75,000 EVs since
14 2013, I think better than 48 other states.

15 You know, that said, of course we can
16 do more. I think we need to take advantage
17 of the incredible interest in this and now
18 the lower prices for EVs and do what we can
19 to help consumers. We are part of a now
20 multistate initiative on medium/heavy-duty
21 vehicles to get those electrified by the
22 mid-2030s. We're moving our bus fleets into
23 renewables with MTA 100 percent renewables --
24 electric, by 2040, and then the five big

1 upstate fleets by 2035.

2 So it is a major commitment of the
3 state to electrify, and we certainly want to
4 do what we can to support that.

5 SENATOR KAMINSKY: Thank you.

6 Assemblyman Englebright and I had
7 written you a few weeks back about certain
8 endangered species that we're very concerned
9 might be removed from the Endangered Species
10 List, chief among them the gray wolf. We're
11 wondering if you've had a chance to review,
12 and where is the state's process right now in
13 terms of the possible delisting or the
14 keeping as an endangered species the animals
15 we referenced?.

16 DEC COMMISSIONER SEGGOS: Sure. Well,
17 I can at least confirm that there are no gray
18 wolves in New York at this point.

19 But we have the regulations out there,
20 which are guided by science. They're
21 overdue. We certainly see opportunities to
22 remove certain species from the list because
23 they have rebounded, and there's some species
24 of concern that we need to keep on the list

1 and perhaps enhance protections for.

2 We have -- within the next few months
3 we will have fully considered all of our --
4 all the public comments. We have yours, and
5 they've been very helpful. Expect to come
6 out with some pronouncements out about that
7 in the spring or summer.

8 SENATOR KAMINSKY: Okay, I appreciate
9 that.

10 And one of the tremendous privileges
11 of being the chair of this committee is the
12 time I've gotten to spend in the Adirondacks,
13 particularly in the High Peaks. I see Ranker
14 Stec has now sat up in his chair.

15 Wanting to know if there are any
16 innovative plans to address overuse that the
17 DEC is considering, perhaps a pilot program
18 of a reservation system or some other ways to
19 address the overuse issue. I know
20 Assemblyman Englebright and I stand ready to
21 work with you and come up with some
22 innovative ideas on that. And just wondering
23 what you have planned to possibly roll out on
24 that score.

1 DEC COMMISSIONER SEGGOS: Sure. Well,
2 listen, Senator, as far as I'm concerned,
3 this year was a significant problem in terms
4 of parking and impacts on trails. And by the
5 same token it was a boon to communities --
6 you had, during an economic downturn, lots of
7 traffic within some of the communities in the
8 park.

9 So I think we are looking at all
10 options for the Adirondacks. We convened the
11 High Peaks Advisory Group for that purpose.
12 I gave them no constraints. I said I wanted
13 to hear all the recommendations that they
14 could come up with and help us address this
15 issue and ultimately create more sustainable
16 use.

17 We like the numbers in the
18 Adirondacks, but we certainly want to make it
19 safer and better for the environment. So we
20 are considering all of our options. As far
21 as a permitting system, as I've said publicly
22 several times, that needs to be the last
23 option. We need to exhaust all of our
24 remedies before that, and that involves doing

1 what we've talked about publicly and with
2 you, launching a shuttle system -- something
3 that we wanted to do last year that we
4 couldn't because of the pandemic -- investing
5 in our trailheads, in our trails, something
6 that we started to do last year aggressively
7 and now, with the hopeful removal of the
8 pandemic, will allow us to get back in the
9 back country and rebuild some of these trails
10 to last a lot longer.

11 Communications. I mean, not everyone
12 needs to go to the High Peaks. The High
13 Peaks is an incredibly beautiful place, I
14 love going there with my family myself, but
15 the Adirondack Park is massive and there are
16 so many places to venture that don't require
17 you, you know, parking on a really busy
18 stretch of highway and being on a crowded
19 trail.

20 So we are all in on this. I think we
21 need to be honest with ourselves and look at
22 all of the potential options. I just need to
23 triage which ones are going to be most
24 effective in the short term, and there are so

1 many challenges when it comes to the concept
2 of a permit process.

3 SENATOR KAMINSKY: Okay, I appreciate
4 that. Thank you so much.

5 DEC COMMISSIONER SEGGOS: Thank you.

6 SENATOR KAMINSKY: Thank you, Chairman
7 Krueger.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assemblymember.

10 CHAIRWOMAN WEINSTEIN: Yes, thank you.
11 Before we go to our EnCon chair, I just
12 wanted to mention -- I'm not sure if I
13 mentioned that Assemblywoman Barrett was here
14 from the beginning of the hearing, and we
15 were joined by Assemblyman Carroll.

16 And on behalf of my ranker,
17 Assemblyman Ra, I just wanted to acknowledge
18 that Assemblymembers Simpson, Manktelow,
19 Gallahan and Lemondes also have been with us
20 at the hearing.

21 And now we go to our EnCon chair,
22 Assemblyman Steve Englebright, for
23 10 minutes. Thank you.

24 THE MODERATOR: You are muted,

1 Assemblymember.

2 ASSEMBLYMAN ENGLEBRIGHT: Okay. You
3 should be able to hear me now.

4 CHAIRWOMAN KRUEGER: Yes.

5 ASSEMBLYMAN ENGLEBRIGHT: Good
6 morning, Commissioner.

7 DEC COMMISSIONER SEGGOS: Good
8 morning, Assemblyman.

9 ASSEMBLYMAN ENGLEBRIGHT: First I just
10 want to reinforce what you said about the
11 heroic way in which your staff has stepped up
12 to assist the citizens of the state in this
13 pandemic. I've seen that firsthand here at
14 my own district, where you have your regional
15 office and also are running one of the
16 screening sites for the pandemic. I tip my
17 hat to you, and I want to say thank you for a
18 job well done.

19 DEC COMMISSIONER SEGGOS: Thank you.
20 Thank you very much. I'll pass that on to my
21 staff.

22 ASSEMBLYMAN ENGLEBRIGHT: I have a
23 number of questions.

24 The top priority probably is climate

1 in this state. And the CLCPA authorized the
2 formation of six advisory groups, including
3 energy-intensive industries. However,
4 detailed information from those meetings
5 isn't always available for the public or the
6 Legislature. And the CLCPA is based on the
7 ideal of public engagement and involvement.

8 So within that context, what steps are
9 being taken to ensure that advisory group
10 information is complete and available to the
11 public and to the Legislature?

12 DEC COMMISSIONER SEGGOS: Good
13 question, Assemblyman.

14 So we are meeting at a very aggressive
15 clip, not just the CAC but the six panels
16 plus the Climate Justice Working Group, the
17 Just Transition Working Group. We've had
18 dozens of meetings.

19 And as I've instructed all of the
20 panel chairs, these meetings need to be made
21 available to the public and all meeting
22 materials need to be posted online. And that
23 has happened.

24 Now, what also happens is there are

1 sidebar meetings when convenient, sort of
2 subpanel meetings with two or three members
3 when they can discuss as needed between the
4 formally scheduled meetings. So I've
5 encouraged that. I haven't told them that
6 they must have those meetings in public,
7 because it's simply impossible to do so, you
8 know, at 8 o'clock, 9 o'clock at night when
9 someone has to address an issue.

10 Nonetheless, all the materials that
11 come out of these subpanels and panels is
12 being posted and will be made available, and
13 we try as best as we can, given the somewhat
14 challenging circumstances of Zoom, to
15 communicate from the panels up into the CAC,
16 so you see those broadly attended meetings
17 online, all that information is being shared.

18 There's no question we want the public
19 involved in this. If we don't have the
20 public involved in the CLCPA proceedings, it
21 will be much more difficult to communicate
22 the solutions to them in the long run. So
23 you have tapped into a very important point.

24 ASSEMBLYMAN ENGLEBRIGHT: I hope you

1 sharpen your pencil and continue to refine
2 ways to communicate on this important topic.

3 DEC COMMISSIONER SEGGOS: Always.

4 ASSEMBLYMAN ENGLEBRIGHT: The CLCPA
5 requires state agencies and authorities to
6 invest no less than 35 percent of overall
7 benefits of certain spending to benefit
8 disadvantaged communities.

9 How much funding does the Executive
10 Budget contain for this purpose this year?

11 DEC COMMISSIONER SEGGOS: Well, there
12 isn't a specific line item for this purpose
13 this year.

14 Right now we have the Climate Justice
15 Working Group, which is charged with defining
16 what a disadvantaged community is. That work
17 is underway. Remember, those investments
18 will be made pursuant to the ultimate
19 definition. We have an interim definition
20 that the group has agreed upon which will
21 help guide interim investments.

22 But since this full scoping plan isn't
23 due until the end of this year, what we have
24 right now is effectively an awareness-builder

1 within the agencies that there needs to be
2 investments to those levels. It's a 35
3 percent mandate, but I've told the public
4 that we want to exceed 40 percent if we can.

5 We have the RGGI regulations that went
6 out this year that actually adhere to that.
7 They're -- built into the RGGI regulations is
8 a mandate for 35 percent investment pursuant
9 to CLCPA.

10 And as you know, within our
11 environmental justice portfolio we've been
12 putting millions of dollars into
13 capacity-building grants, youth job training,
14 and community empowerment grants, all
15 administered by DEC through the EPF. So
16 that's something that is critical to our path
17 moving forward.

18 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

19 You said in your opening statement
20 that we have, quote, a fully funded EPF.
21 Despite that, however, the EPF contains a \$3
22 million decrease, from 16 million to
23 13 million, for the Zoos, Botanical Gardens
24 and Aquariums Program, which is of course one

1 of the main ways that the public learns about
2 and becomes invested into the environment,
3 through our environment teaching, learning
4 and research institutions.

5 How do you explain and reconcile that
6 we have, quote, a fully funded EPF and such a
7 massive cut to this important education and
8 research --

9 DEC COMMISSIONER SEGGOS: Sure. Year
10 to year, as you know, Assemblyman, we make
11 adjustments to the EPF based on the projected
12 needs that we see coming down the pipe. Some
13 of those needs might be policy-based and some
14 are simply project-based.

15 As far as the ZBGA line, a critical
16 line, when I took over in 2015, that was
17 under \$10 million. We boosted it to about
18 15, 16 for a series of years. We proposed to
19 drop it this year only to help fund other
20 very important programs, including a boost to
21 the Environmental Justice line and others.

22 So that's the only reason for it.
23 We're totally committed to the ZBGA
24 associations. I'm a frequent patron, with my

1 kids, myself.

2 ASSEMBLYMAN ENGLEBRIGHT: The
3 Environmental Justice line is going up
4 1 million. It still leaves 2 million out
5 there. I would just ask you again to sharpen
6 your pencil here. This is a priority.

7 The other priority here is the Land
8 Acquisition Program, which shows a decrease
9 of \$1 million. Why is this being decreased?
10 And why -- and if you could, tell us
11 something about recent and planned
12 acquisitions.

13 DEC COMMISSIONER SEGGOS: Sure.

14 Well, we have made considerable
15 investments in land over the years. Again,
16 much like the ZBGA line, we do propose
17 fluctuations to the Land line. We have a
18 variety of funding sources, as you know, for
19 land, not just through the EPF but the Clean
20 Water Infrastructure Act. We intend to
21 reinvigorate that this year with both DEC and
22 Ag & Markets, you know, setting aside land
23 through those funding schemes.

24 So the actual dollars available for

1 land acquisitions, land protection, is much
2 greater than what you see in the EPF. We
3 had -- even with the pandemic, we closed on
4 31 projects last year, nearly 9,000 acres
5 across the state. We've completed, as you
6 know, some of the big acquisitions up in the
7 Adirondacks and the Catskills and elsewhere.

8 And between DEC and Parks, we are
9 proposing a land acquisition line this year
10 that comports with what we think we can
11 purchase this year. As opposed to having an
12 arbitrary figure in there that we try to
13 meet, we want to know what land we can
14 actually purchase. So that's what the line
15 reflects.

16 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

17 The budget includes something for
18 rail-advantaged housing. The Executive
19 proposal includes Article VII legislation to
20 authorize the DEC to establish uniform
21 standards and conditions to expedite
22 environmental approval of residential
23 rezoning projects within a half-mile of Long
24 Island Rail Road and Metro-North stations

1 outside of the city.

2 This is out of left field, really.

3 And I'm just wondering if you could, you
4 know, explain why the DEC needs to get
5 involved in local zoning, and what is the
6 purpose? And where did this legislation idea
7 come from?

8 DEC COMMISSIONER SEGGOS: Good
9 question.

10 So we're hearing talk within the CLCPA
11 of encouraging communities that are walkable
12 and more proximate to mass transit, ways to
13 get cars off the road. As you know, the LIRR
14 and Metro-North corridors are very congested,
15 and consumers more and more -- residents have
16 been more interested in taking mass transit
17 as opposed to having to jump in a car.

18 So that's something we're trying to
19 encourage from a policy perspective. And I
20 think just to be very clear, what we see our
21 role in this year is to consult with a range
22 of agencies and localities to generate
23 basically guidelines that the local counties
24 and of course municipalities can choose to

1 adopt to streamline the process of making
2 these denser housing opportunities proximate
3 to the rail lines.

4 And something from a policy
5 perspective I think is going to be helpful.
6 But ultimately it's not something we're
7 telling communities to do, or counties, it's
8 something that we're providing as an option
9 to those that seek to opt in.

10 ASSEMBLYMAN ENGLEBRIGHT: I see.

11 Each year I ask you this question; I'm
12 going to ask you again. Does the DEC have
13 the staffing resources necessary to fulfill
14 its permitting and oversight obligations?
15 And I know you've asked for seven FTEs for
16 the CLCPA. If you could, tell us how that
17 additional staff would be assigned.

18 DEC COMMISSIONER SEGGOS: Okay. So I
19 will say that we do have the staff we need at
20 DEC. We've had extraordinary support from
21 the Governor and the Division of Budget for
22 the last six years. Slightly up since I took
23 over. And this year we learned the extent to
24 which the DEC can continue to manage its core

1 operations even when faced with, you know,
2 loaning a thousand staff to the pandemic
3 response and being able to keep up with our
4 core mission demands. A fairly astounding
5 year in that sense.

6 So we have made adjustments over the
7 years when needed. We go to DOB and ask the
8 budget director for assistance where we think
9 we have some real programmatic needs. This
10 year happens to be in the work of the CLCPA.
11 So adding expertise -- attorneys,
12 professional staff, technical staff -- to
13 support the work that we see coming our way
14 through the work of the CLCPA.

15 We can get to the end of the scoping
16 plan with the staff that we have, but I think
17 what we are going to see is an increase in
18 the number of regulatory proceedings, the
19 permanent applications that are going to be
20 coming our way, the coordination with other
21 agencies as renewables are built around the
22 state. So that's mainly what the seven FTEs
23 are designed to get us ready for.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 So we'll go to the Senate. And, Chair
2 Englebright, you'll have an opportunity to
3 have a second.

4 Senate?

5 CHAIRWOMAN KRUEGER: Sorry about that.
6 Thank you very much.

7 We're going to go to our ranking
8 member of the committee, Senator Stec.

9 Are you there, Senator Stec?

10 SENATOR STEC: I'm here. Can you hear
11 me? Excellent.

12 Commissioner Seggos, good to see you.
13 Happy New Year.

14 DEC COMMISSIONER SEGGOS: Thank you,
15 Senator, good to see you.

16 SENATOR STEC: Yup. And like my
17 colleagues, the chairs of EnCon, said before,
18 I'll also say thank you for the work you're
19 doing, you and your department on the
20 pandemic. I had the opportunity to be in
21 Plattsburgh the other day, and I saw some DEC
22 people, along with DOH and DOT, getting ready
23 for a vaccination site up there at the --

24 CHAIRWOMAN KRUEGER: You know what,

1 Senator Stec? This is Liz again. Are you
2 the ranker on EnCon or --

3 SENATOR STEC: Yes.

4 CHAIRWOMAN KRUEGER: You are the
5 ranker on EnCon.

6 SENATOR STEC: Yes.

7 CHAIRWOMAN KRUEGER: Great, you're
8 just -- fine. Please continue. Thank you.

9 SENATOR STEC: Okay, no problem.
10 Thank you.

11 And I was delighted that my new chair,
12 Senator Kaminsky, asked about the Adirondack
13 trails. As you know, that's near and dear to
14 my heart. You can see over my left shoulder
15 I've got my 46er plaque hanging up there.

16 I want to tell you, I just want to
17 agree, for those that were paying attention
18 to the Senator's questioning, I agree with
19 your direction there as far as your take on
20 the permitting and what needs to be done. We
21 certainly need more infrastructure money
22 spent in there.

23 Can you update us, very briefly, on
24 where we stand with all the projects that are

1 going on in the High Peaks, both the -- I
2 know some of them are tied up with some
3 litigation efforts. But the tree cutting,
4 the constitutional amendments to be prepared
5 for the World University Games that are
6 coming in 2023, and obviously the associated
7 work with the trailheads and trail
8 maintenance and, you know, what timber and
9 all that that the lawsuit's doing there.

10 DEC COMMISSIONER SEGGOS: Sure. Well,
11 as you know, the lawsuit impacts some of our
12 work, some of our ability to create
13 additional parking, some trails that might
14 help to connect certain areas in the park.

15 But we also understand that we are
16 able to apply NY Works funds to improve
17 parking conditions and improve a number of
18 the trailheads across the park, the
19 high-volume trailheads within our plans in
20 the coming year, plans that we had last year
21 that we weren't able to undertake because of
22 COVID. We aim to improve a number of those
23 very high-volume areas.

24 We've seen, again, really good input

1 from stakeholders as well as the High Peaks
2 Advisory Group on locations that are of
3 particular concern.

4 The shuttle service that we're going
5 to be working on with the Town of Keene and
6 others, again, getting people from
7 centralized parking locations into trailheads
8 on a reliable basis.

9 I expect that to begin in earnest this
10 year. The investments that are being made
11 into the ORDA facilities are remarkable, not
12 just at the Mount Van Hoevenberg site but
13 really at Whiteface and across the board,
14 those investments. Some of which, of course,
15 require constitutional amendments, but some
16 don't. As I'm sure you've seen the work at
17 ORDA, it is proceeding fairly aggressively.

18 So we are constrained in some sense by
19 the litigation when it comes to some of the
20 recreational enhancements that we wanted to
21 make in the Adirondacks, but we understand
22 that in terms of overuse we have some tools
23 available to us now that I'm confident this
24 year we'll be able to undertake.

1 SENATOR STEC: I appreciate that. And
2 I know my time is limited, so I apologize for
3 jumping around a little bit.

4 I want to thank you and congratulate
5 the Executive; some of the things I've seen
6 proposed I'm very supportive of. The EPF
7 generally, where we are maintaining that
8 level of funding, given everything, all the
9 pressures that we have, I think is important.
10 Specifically the commitment to aquatic
11 invasive species, all our waterways, Lake
12 George specifically, but others in the North
13 Country.

14 The hunting age, proposal to lower the
15 hunting age, I know that that's a little
16 hot-button issue for some of us on this call.
17 But could you just talk briefly -- you know,
18 how does New York's hunting age rates compare
19 to other states?

20 And with this proposed move, that will
21 be a revenue enhancer; that might soften the
22 blow for some people. How does that put us
23 in line with what other states are doing?

24 And what statistics might be out there

1 that would point to whether or not, you know,
2 teenagers hunting is a safety issue or not
3 relative to other states' experiences?

4 DEC COMMISSIONER SEGGOS: Good
5 questions.

6 So we are the last state in the U.S.
7 that does not allow juniors, age 12 and 13,
8 to hunt big game, deer and bear. Our
9 proposal is, I believe, a very responsible
10 one. It gives those-aged individuals a
11 chance to go in the woods, get a license, but
12 only when supervised by an adult. And that's
13 typically the -- what we see in other states
14 across the country.

15 It happens to be the safest population
16 of hunters out there. Why? Because they're
17 being supervised, they're learning, they're
18 fresh out of the course. And it's a chance
19 to really generate the next generation of
20 hunters. As you know, the hunting population
21 is aging nationwide. License sales have been
22 dipping nationwide. We've been doing all we
23 can to sustain this incredibly important
24 sport, which is a big part of the upstate

1 economy, and have seen really strong returns,
2 particularly in 2020 with people heading
3 outside and hunting in record numbers.

4 Juniors already hunt, that's the
5 important thing. Individuals aged 12 and 13
6 are already allowed to hunt small game. So
7 this merely extends it to big game. We will
8 see enhanced revenue, it's about 10,000
9 additional licenses that we expect to sell
10 every year. Those are 10,000 hunters who are
11 possibly going out of the state and spending
12 money elsewhere.

13 So for us it's a chance to get those
14 kids before they go into, you know, careers
15 and sports or Xbox or whatever, get them
16 interested in conservation. And it's a very
17 important conservation tool for us.

18 SENATOR STEC: Well, I appreciate
19 that. And as a general rule, anything we can
20 do to prevent anything from leaving the state
21 to go have a better positive experience
22 elsewhere I think is a good idea. So I think
23 this is an example.

24 If I could, one more very brief

1 question. I always asked every year when I
2 was the Assembly ranking member on EnCon for
3 eight years whether or not -- and I know the
4 answer, because I understand that we all have
5 bosses and, you know, that we've got to carry
6 the water for. But I get concerned about how
7 much we're tasking your department more and
8 more every year with newer and newer
9 initiatives without additional staffing and
10 additional resources. So it continues to be
11 a general concern of mine. I won't put you
12 on the spot and ask you to answer the
13 question whether or not the boss's budget is
14 good enough for you.

15 But specifically, you know, in the
16 High Peaks in particular, but in the North
17 Country -- and as many of you know, I'm the
18 son of a retired Forest Ranger, in full
19 disclosure. I'm a DEC guy and I'm in the
20 corner, generally speaking, of the Rangers
21 because I grew up with one, I was raised by
22 one. The numbers on Forest Rangers in the
23 Adirondacks and in the state is relatively
24 consistent today with what it was when I was

1 a teenager and my father was an active Ranger
2 in the Adirondacks. But yet we own a lot
3 more public land now, we have a lot more
4 people recreating in the Adirondacks. I
5 mean, I've seen the numbers and it's been an
6 exponential growth. We've been talking about
7 -- I say high use, I don't like to say
8 overuse in the Adirondacks. But there is a
9 need for more Rangers. And again, given this
10 climate, I understand that there's real
11 challenges with that. But I also get very
12 concerned and I'd like to see if you could
13 comment on there's been some discussion off
14 and on over the years about consolidating
15 titles and merging Rangers with ECOs. And
16 again, growing up, I'm familiar with the ECOs
17 as well. My dad worked side by side with
18 them. Different missions --

19 THE MODERATOR: Sorry, Senator, your
20 time has expired.

21 SENATOR STEC: -- different skill
22 sets. So if you could comment on that
23 quickly, Basil.

24 And I apologize, Chairwoman, I'm done.

1 DEC COMMISSIONER SEGGOS: Okay,
2 assuming I have the time to comment on that,
3 absolutely, the Rangers have been doing
4 incredible work. Of course all of our
5 divisions do incredible work, and we do have
6 the resources we need.

7 We have made adjustments with the
8 Ranger force over the years. Since I've been
9 here, we've had three classes. So the Ranger
10 force in general is up. When it comes to
11 managing the high use in the Adirondacks, we
12 have brought in the expertise of a range of
13 other divisions and agencies, including State
14 Police, DOT, to improve safety. It's a major
15 issue for us. We always look to adjust the
16 force as needed. And certainly if the
17 economy improves and our budget picture
18 improves statewide and the hiring freeze is
19 lifted, we'd look to hold an academy in the
20 foreseeable future.

21 But, you know, we need to apply the
22 best possible sort of science to how we -- to
23 how we police those areas. I tip my hat to
24 the work that the Rangers have done, but I'm

1 grateful also to the work of DOT and many
2 other agencies that are pitching in around
3 the edges and really making an effort for us.

4 CHAIRWOMAN KRUEGER: Thank you.

5 DEC COMMISSIONER SEGGOS: I am not
6 interested in a merger at this time. You
7 raised that point. Right now we're looking
8 at enhancing the roles of both divisions
9 separately.

10 CHAIRWOMAN KRUEGER: Thank you,
11 Commissioner.

12 SENATOR STEC: Thank you.

13 CHAIRWOMAN KRUEGER: Assembly.

14 CHAIRWOMAN WEINSTEIN: Yes.

15 Before we go to our ranker on EnCon,
16 quite a few members have joined us since we
17 started: Assemblymember Lupardo, chair of
18 our Agriculture Committee; Assemblyman
19 Cusick, chair of our Energy Committee;
20 Assemblymembers Mamdani, Williams, McMahon,
21 Buttenschon, Seawright, Cymbrowitz.
22 Assemblymember O'Donnell, chair of our
23 Tourism Committee, and Assemblymember Cook.

24 And now we go to our ranker on EnCon,

1 Assemblymember Smullen.

2 I just want to remind members to keep
3 an eye on the clock because the time is both
4 for your question and for the commissioner's
5 answers. Thank you so much.

6 CHAIRWOMAN KRUEGER: And if I could,
7 before the clock starts -- I'm sorry -- I
8 should introduce Senator Anna Kaplan, Senator
9 Brad Hoylman, Senator José Serrano,
10 Senator Sue Serino, Senator Daphne Jordan. I
11 think those are the Senators who joined us
12 since last. Senator Kevin Parker. Senator
13 Pete Harckham.

14 Thank you. Excuse me for
15 interrupting.

16 CHAIRWOMAN WEINSTEIN: Sure. Now we
17 go to Assemblyman Smullen for five minutes.

18 ASSEMBLYMAN SMULLEN: Thank you, Madam
19 Chair.

20 Mr. Seggos, it's great to see you here
21 this morning, my friend.

22 DEC COMMISSIONER SEGGOS: Good to see
23 you again.

24 ASSEMBLYMAN SMULLEN: Thank you for

1 your service to our state, thank you for your
2 service to our country. I see over your
3 right shoulder your souvenir of your Afghan
4 adventures. It's good to see you.

5 I'll keep it, in the interests of
6 brevity, rapid-fire questions here so we can
7 get to what we need to talk about.

8 Clean water, EPF, Superfund, you know,
9 lots of money for infrastructure. Has the
10 pandemic affected the rate of build of that
11 infrastructure in 2020, and how is it going
12 to affect 2021? Very briefly.

13 DEC COMMISSIONER SEGGOS: Very
14 briefly. Obviously we saw major impacts to
15 construction across the state particularly at
16 wastewater level, in the last year there's an
17 enormous pent-up demand. We've made good
18 strides, invested up to \$5 billion over the
19 last five years. But 2020 was a blip, and we
20 need to obviously get our men and women back
21 to work at wastewater, and that's what the
22 Governor hopes to do with these grants.

23 I will note that while grants didn't
24 go out in 2020, we did make over \$2 billion

1 in loans out of EFC for wastewater
2 infrastructure. So that was a very important
3 set of loans that we put out.

4 ASSEMBLYMAN SMULLEN: Good. And it's
5 good to see updating hundred-year
6 infrastructure like the Conklingville Dam,
7 and the state bearing that share as opposed
8 to the five counties that benefit from the
9 flood protection in that area. So that's
10 very heartening to see.

11 Mr. Stec has hit a little bit on
12 Forest Rangers and EnCon Officers. Recently
13 we passed body cams for state police
14 officers. Do we need body cams for our
15 workforce in the forests and byways?

16 DEC COMMISSIONER SEGGOS: Good
17 question. I'm not sure how that would work
18 with many of our back-country areas. You
19 know, as you know, we have a limited amount
20 of cell coverage in the back country. It
21 hasn't been something we've discussed. It's
22 something that, of course, pursuant to the
23 Governor's leadership on public safety, we
24 would fall under that guidance.

1 ASSEMBLYMAN SMULLEN: Sure. Yeah, I
2 know we need more cellphone coverage in rural
3 areas so we have universal cellphone
4 coverage. We need universal broadband. We
5 need universal cellphone coverage in New York
6 State so the Rangers can do their jobs, so
7 the ECOs can do their jobs. That would be
8 very important going forward.

9 So a couple of technical questions
10 about DEC itself. Were you contacted
11 involving the automatic voter registration
12 effort and whether DEC could be involved in
13 that? There's almost a million hunters, you
14 know, fishermen, people that interact with
15 DEC every year, wouldn't that be a great way
16 to encourage people to participate in the
17 democratic process?

18 DEC COMMISSIONER SEGGOS: So I am not
19 certain about the automatic voter
20 registration, whether we were contacted on
21 that. We certainly have a huge list of
22 hunters and anglers in New York that are
23 regular purchasers of licenses, but I'm not
24 aware of a connection there.

1 ASSEMBLYMAN SMULLEN: Sure. Sure.

2 And then a separate question, separate area.

3 You know, we're -- in the budget we're
4 going to legalize marijuana and we're going
5 to get 20 million to -- you know, a few
6 hundred million into the outyears. Has any
7 thought been put back -- I mean, last year we
8 enacted a ban on fracking. Has there been
9 any thought within DEC as far as costing out
10 what the benefit to the state would be if,
11 instead of Pennsylvania doing it, that we
12 were able to do it ourselves here and take
13 that economic benefit and then, you know,
14 kind of patch the hole in the COVID-19
15 economic budget crisis?

16 DEC COMMISSIONER SEGGOS: So you're
17 saying have we explored the potential
18 benefits of fracking in New York?

19 ASSEMBLYMAN SMULLEN: What the
20 economic benefits would be if fracking were
21 not banned.

22 DEC COMMISSIONER SEGGOS: No, I -- not
23 since we -- not since I've been at DEC. We
24 have certainly and are looking very

1 would need temporarily to be able to help
2 with that coming out of this COVID crisis?
3 People are going to recreate this year, and
4 that's a good thing. We need to keep them
5 for the long-term. But how can we help?

6 DEC COMMISSIONER SEGGOS: No doubt.
7 Thank you for raising that, Assemblyman.

8 I mean, I think we are very well
9 covered when it comes to our preparedness for
10 the coming year from a recreational
11 perspective. If we need any help with
12 anything, it's frankly, you know, getting
13 Washington to help bail out our -- the state
14 and local impacts to our economy. And I
15 think that's really, to my perspective, what
16 will change the playing field for DEC and
17 most of our executive agencies.

18 THE MODERATOR: Time has expired.

19 ASSEMBLYMAN SMULLEN: Thank you very
20 much for the time today. I really --

21 DEC COMMISSIONER SEGGOS: Good to see
22 you, sir.

23 ASSEMBLYMAN SMULLEN: Good to see you,
24 sir.

1 DEC COMMISSIONER SEGGOS: Thanks.

2 CHAIRWOMAN WEINSTEIN: Senate?

3 THE MODERATOR: Chair, you are muted.

4 CHAIRWOMAN WEINSTEIN: We go to the
5 Senate for --

6 CHAIRWOMAN KRUEGER: Oh, I'm sorry, I
7 didn't have my voice on. Excuse me.

8 I want to explain that when you raise
9 your hand, you go into the list, but it's
10 actually giving chairs and rankers top
11 priority. But I'm actually going to be
12 following -- it's Helene's choice for the
13 Assembly -- the time that I saw you actually
14 raise your hand or you had texted me that you
15 had a question.

16 I'm not going to stay in the order you
17 might be seeing it on your screen, because
18 that would prioritize people just because
19 they're a ranker or chair on one of four
20 different committees.

21 So with that in mind, so that people
22 don't go "Why did you skip me?", I'm not
23 skipping you. The first person who asked was
24 Pete Harckham.

1 SENATOR HARCKHAM: Thank you,
2 Madam Chair.

3 Commissioner, terrific to see you.
4 Thank you for --

5 DEC COMMISSIONER SEGGOS: Good to see
6 you as well.

7 SENATOR HARCKHAM: I'm sorry, I know
8 we've been trying to reach each other these
9 past few days. I look forward to speaking
10 with you in detail about some of these
11 issues.

12 DEC COMMISSIONER SEGGOS: Me too.

13 SENATOR HARCKHAM: I only have three
14 minutes, so I'll get right to it.

15 First, I want to say your team in the
16 Hudson Valley, Kelly Turturro and her team
17 are fabulous, they are absolutely fabulous,
18 so kudos there.

19 I want to talk about water. In my
20 district, water, water, water. You know,
21 I've got East of Hudson Watershed in my
22 district. Almost all my communities are
23 living with enhanced MS4s for phosphorus
24 reduction. We also have local reservoirs,

1 neighborhood lakes. So water is really top
2 of mind.

3 The absence of infrastructure, aging
4 septic, not only is an environmental issue,
5 it's an economic development issue, it's an
6 affordable housing issue, yadda yadda yadda.

7 We have legislation that both houses
8 passed that would have monitored 40,000 miles
9 of streams, which the Trump administration
10 had deregulated. So the veto message was we
11 didn't have the personnel in DEC to do that.

12 We're bringing on 47 people to deal
13 with climate change and resiliency issues,
14 which is fabulous. I don't have a problem
15 with that, I applaud that. But could we not
16 have maybe put 40 folks on climate change and
17 seven people onto the water side of the shop?

18 DEC COMMISSIONER SEGGOS: Good
19 question. So I think conceptually we agree
20 that we'd like to improve protections for our
21 streams and watersheds. It's something we've
22 been talking about for several years.

23 As you know, we had proposed an effort
24 last year in the budget that unfortunately

1 wasn't successful. And then when we saw
2 your -- the Legislature's effort during the
3 session on streams -- again, conceptually,
4 certainly not a bad idea. But it gave us
5 pause as we looked at it. It could have
6 demanded dozens of staff, as we began to be
7 unpack what that would have meant for the
8 agency, right in the middle of the pandemic
9 when we were in a hiring freeze and people
10 were working from homes and shelters. That,
11 for us, was a reason why we I think put a
12 hard look on that.

13 Can we improve our already aggressive
14 watershed protection rules and regs? Yes, we
15 can look into that, and we'd be happy to talk
16 with you about it. But I think it's really
17 important to understand that that would have
18 layered onto our staff an enormous burden in
19 the context of a very challenging economy.

20 SENATOR HARCKHAM: Okay. In my 10
21 seconds left, I just want to put on your
22 radar streamlining funding for lake
23 protection and cleanup. It's -- you know,
24 you have some of it, the State Department has

1 some of it, EFC has some of it. So we need
2 to find ways to streamline that, and be happy
3 to speak with you.

4 And also enhanced treatment unit
5 decentralized septic regulations, we'd love
6 to speak with you about that. About a third
7 of the cost of a conventional sewage
8 treatment plant.

9 DEC COMMISSIONER SEGGOS: Got it.
10 Let's get a call going on that. Be happy to
11 talk with you more about it.

12 SENATOR HARCKHAM: Terrific. Thank
13 you.

14 DEC COMMISSIONER SEGGOS: Thanks. I
15 appreciate it.

16 SENATOR HARCKHAM: Thank you, Madam
17 Chair.

18 CHAIRWOMAN KRUEGER: Assemblymember.

19 CHAIRWOMAN WEINSTEIN: I just needed
20 to unmute. Next on the Assembly side, for
21 three minutes, Assemblyman Burdick.

22 ASSEMBLYMAN BURDICK: Trying to unmute
23 here.

24 THE MODERATOR: You are unmuted,

1 Assemblyman.

2 ASSEMBLYMAN BURDICK: Okay, thank you.

3 So thank you, Madam Chair.

4 And thank you, Commissioner, for your
5 work.

6 With the CLCPA mandate to move
7 entirely to renewably sourced electricity,
8 some advocate simply prohibiting the issuance
9 of permits for new fossil-fueled power
10 plants. I'd like your thoughts about that
11 and, more broadly, how we can disincentivize
12 new fossil-fuel plants and incentivize
13 renewably sourced plants.

14 And if we can get to the question,
15 East of Hudson Watershed Corporation, which
16 Senator Harckham mentioned -- highly regarded
17 entity. Would you favor money for water
18 quality improvement projects to go to the
19 corporation, which as you know is compromised
20 of many municipalities in the Hudson Valley?

21 DEC COMMISSIONER SEGGOS: Okay, two
22 great questions, Assemblyman.

23 Let me take the first one on climate
24 and fossil fuel infrastructure. As you know,

1 the Governor has put extraordinary emphasis
2 on building out renewables in New York. That
3 is our emphasis. You'll hear about that from
4 DPS and NYSERDA today, the billions of
5 dollars that will be moved into those
6 technologies that ultimately are now becoming
7 extremely cost-competitive with traditional
8 sources of energy.

9 So I think in some respects you're
10 going to see the marketplace nationwide, with
11 some pronouncements coming out of Washington
12 now. The marketplace will further
13 incentivize the buildout of that
14 infrastructure, whether it's wind, solar,
15 bringing in hydro more effectively, improving
16 our transmission lines, the work that NYPA is
17 going to be doing on reducing constraints
18 within the grid. All of that will have an
19 extreme impact on bringing cheaper sources of
20 energy, cheaper and cleaner sources of energy
21 to New Yorkers. And that, in a way, might
22 edge out some of the more traditional sources
23 over time.

24 We don't have the authority to say no

1 to a particular type of industry or
2 energy-producing business. We certainly
3 through the CLCPA, though, will be looking
4 for ways to hit our emissions targets or beat
5 our emissions targets, and that's going to
6 involve, you know, breaking down barriers and
7 finding ways to incentivize the types of
8 emissions-reducing technologies that we all
9 need.

10 In terms of East of Hudson
11 Watershed -- really New York City DEP
12 waters -- we're absolutely committed to
13 helping DEP build out its watershed
14 protection efforts. As you may have heard,
15 we were able to get \$200 million to the city
16 just last week for -- out of the Clean Water
17 Infrastructure Act, and that will be applied,
18 I know, to some of these municipal projects
19 within their watershed.

20 And the Environmental Facilities
21 Corporation is always available to help make
22 grants. The only question would be is
23 whether or not the loans they're able to make
24 are going to be cost-competitive with the

1 rates that the city can get itself.

2 But we understand that it is the
3 largest source of unfiltered water -- with
4 highest quality -- in the world, and we need
5 to do everything we can to avoid any kind of
6 filtration on that work spot.

7 ASSEMBLYMAN BURDICK: Last question,
8 if we can get to it, reducing our waste
9 stream. Deposits on wine and liquor bottles.

10 CHAIRWOMAN WEINSTEIN: Uh -- quick
11 answer.

12 ASSEMBLYMAN BURDICK: I'll deal with
13 it offline. Thank you very much,
14 Madam Chair.

15 CHAIRWOMAN WEINSTEIN: Thank you.
16 Thank you so much. We'll go to the Senate.

17 Just before we go to the Senate, if
18 you don't have time to ask a question, if
19 it's really important and you need it done
20 publicly, you can include -- send me -- if
21 you're on the Assembly side, send me email.
22 But we certainly can ask, post-hearing, the
23 commissioners for responses that will
24 circulate to all members. Thank you.

1 Senate?

2 CHAIRWOMAN KRUEGER: Same thing for
3 Senators. Thank you, Helene.

4 We were also joined by Senator Jim
5 Gaughran.

6 And our next question is Senator
7 Michelle Hinchey.

8 DEC COMMISSIONER SEGGOS: Thank you.
9 You're still muted, Senator.

10 SENATOR HINCHEY: Turn on the video,
11 not the mute.

12 Hello. Thank you, everyone. I will
13 jump in. Commissioner, thank you so much for
14 being here.

15 DEC COMMISSIONER SEGGOS: Thank you,
16 Senator.

17 SENATOR HINCHEY: We talk a lot about
18 the Adirondacks, but many of our DEC lands
19 outside of the Adirondacks, specifically in
20 the Catskills, don't get as much attention
21 and are facing the same problems with
22 significantly less resources.

23 Many of the DEC-maintained parks in
24 the Catskills were overutilized this summer,

1 as we've talked about and we saw everywhere.
2 This was particularly apparent in my district
3 in places such as Platte Clove in Greene
4 County. How can we support places currently
5 designated as wilderness with the needed
6 infrastructure to handle the new population?
7 They need things like safe walkways, parking,
8 Forest Rangers and stewards, and other
9 infrastructure, both for the safety of guests
10 but also for the protection of the land and
11 resources, which are currently unavailable in
12 part due to their designations.

13 DEC COMMISSIONER SEGGOS: Great
14 questions.

15 I think the Adirondacks only gets more
16 attention in the press. We're giving it a
17 great deal of attention here at DEC. We have
18 two regions that cover the Catskills, and it
19 is part of our history.

20 So we are very well aware of the usage
21 issues in the Catskills, in particular last
22 year but really for the last few years,
23 places like the Blue Hole, which saw
24 incredible visitorship, we had to move into a

1 permit system in this very narrow corridor.

2 We've been making investments in the
3 Catskills to drop people to centralized
4 locations to help them get to places. I'm
5 sure you've seen we have money in the budget
6 for the visitor center in -- the Hinchey
7 Visitor Center there on Route 28. Again,
8 we're using locations like that to help
9 educate visitors to all the various places
10 that they can go in the Catskills.

11 We have dedicated staff and stewards
12 at fire towers in all of the various
13 locations around the region. We expect to
14 put at least \$2.6 million in NY Works into
15 trailheads and improving parking lots.

16 We also convened this year the
17 Catskills Advisory Group, so -- last year we
18 convened the High Peaks Advisory Group in the
19 Adirondacks to help us deal with high-usage
20 issues there. We then appointed, a few
21 months ago, the Catskills version of that,
22 which is going to look at broader issues
23 within the Catskills to help advise me on
24 ways in which we can better manage tourism in

1 the Catskills -- again, a good thing for the
2 hamlets but a tough thing for the back
3 country in some respects.

4 Very important for us to link
5 communities all across New York to these
6 wonderful places. These are our
7 constitutionally protected lands, and we
8 understand our obligation to protect them.

9 SENATOR HINCHEY: Thank you. And with
10 my 20 seconds left, Assemblyman Englebright
11 touched on the cuts to the EPF Farmland
12 Protection Program, which I really
13 appreciate. But additionally, in 2020 the
14 Environmental Facilities Corporation did not
15 accept any new applications or award any new
16 grants for the Water Infrastructure
17 Improvement Act. In my district much of the
18 water infrastructure is almost 100 years old.
19 As we've heard already on this call, it's
20 across New York State, and in urgent need of
21 upgrades and repairs.

22 Understanding we're facing financial
23 hurdles, but when will a request for
24 proposals be issued and grants to start

1 again?

2 DEC COMMISSIONER SEGGOS: Great
3 question. As I said earlier, we're intending
4 to move ahead this year with our planned \$500
5 million program for clean water. We
6 obviously have last year where we hit the
7 pause button on the spending in the RFP, and
8 it's a question right now as to how the
9 economy recovers as to whether or not we can
10 look back at 2020 and see if we can address
11 some of those needs.

12 But again, we did make \$2 billion of
13 grants -- of loans, I'm sorry, out of EFC
14 last year. Grants and loans go best
15 together. Hopefully 2021 will be better than
16 2020.

17 CHAIRWOMAN KRUEGER: Thank you.
18 Assembly.

19 SENATOR HINCHEY: Thank you very much.

20 DEC COMMISSIONER SEGGOS: Thanks a
21 lot.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Now we go to Assemblymember
24 González-Rojas.

1 DEC COMMISSIONER SEGGOS: I think
2 you're on mute still.

3 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Hello.
4 Can folks hear me and see me? Great.

5 DEC COMMISSIONER SEGGOS: Gotcha.

6 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank
7 you to the chairs.

8 And thank you to the commissioner for
9 the update that the Climate Justice Working
10 Group, established by the CLCPA to identify
11 disadvantaged communities throughout the
12 state, is up and running.

13 My district includes the Queens
14 neighborhoods of Jackson Heights, East
15 Elmhurst, Corona and Woodside. We're just
16 south of LaGuardia Airport. We're just east
17 of several peaker plants in Astoria and Long
18 Island City. And we have Northern Boulevard,
19 which is essentially a highway that tears
20 through the center of our district. So we
21 have obvious pollution concerns and harms to
22 our neighbors.

23 We're a very dense working-class
24 community that lacks green space. And I want

1 to ensure that impacted communities like mine
2 have a voice.

3 So could you provide more color to the
4 ways in which the communities will be engaged
5 by the working group and the timeline for the
6 working group to complete its work? I think
7 I heard you earlier say December 2021. But
8 if you can provide a confirmation of that.
9 And I want to know if it will be done in time
10 to inform the Climate Action Council's draft
11 scoping plan.

12 DEC COMMISSIONER SEGGOS: Okay. Good
13 questions.

14 So yes, it is the objective of the
15 Climate Justice Working Group to provide that
16 direction on really what a definition of a
17 disadvantaged community is. It may sound
18 simple, but it is somewhat complicated: What
19 data sets do you use, and then how do you
20 ensure that that definition then comports
21 with the work of the CAC?

22 That work is underway in parallel.
23 The two -- effectively, the two bodies, if
24 you want to call them that -- are

1 communicating with one another. We are
2 narrowing the definition right now, the
3 definition of disadvantaged, down to
4 something that we believe is going to be
5 workable. And this is obviously being done
6 not just by DEC and NYSERDA, but by the input
7 of the working group itself, and in
8 consultation with the many members of the CAC
9 and its various panels.

10 So it has to happen. It's in the law.
11 But it also is between me and Doreen. It's
12 our mission to ensure that once we do the
13 scoping plan and get that rolling, that we
14 exceed the targets, frankly. I think we have
15 to, based on everything we've known about the
16 disproportionate impacts in communities of
17 color and other disadvantaged communities,
18 that we have to ensure that this incredible
19 law, which will impact the entire economy of
20 the state, that the benefits are being felt
21 in an equitable way.

22 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank
23 you so much. And will it be done in time to
24 inform the CAC?

1 DEC COMMISSIONER SEGGOS: Yes, it
2 should be.

3 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Okay.

4 DEC COMMISSIONER SEGGOS: Yup. We
5 expect to take public comment on the
6 definition within the next few months.

7 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And,
8 sorry, will there be language accessibility
9 for those who are not English-dominant?

10 DEC COMMISSIONER SEGGOS: Yes. We
11 will make that -- as we do with most of our
12 programs, we have language accessibility
13 options, and certainly for this one we would.

14 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.
15 Thank you so much, Commissioner.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 We go to the Senate.

19 CHAIRWOMAN KRUEGER: Thank you. New
20 State Senator John Mannion, from Syracuse.

21 SENATOR MANNION: Thank you. I
22 appreciate the time.

23 Very quickly, so I represent parts of
24 the Finger Lakes, including Owasco,

1 Skaneateles, and Otisco, and of course this
2 is an issue that's of great concern as it
3 relates to harmful algal blooms.

4 I'm wondering -- I read over the
5 summer about the Army Corps of Engineers and
6 that they have new emerging technologies
7 related to addressing these. Is there any
8 funding or planned set-aside for the state to
9 purchase something like what the Corps of
10 Engineers have, which are these habitats or
11 ultrasonic wave systems that could be
12 deployed in New York State and moved from
13 lake to lake to address when we are either
14 suspecting that a bloom will occur or that --
15 or preemptively?

16 Thank you.

17 DEC COMMISSIONER SEGGOS: Senator,
18 great question. I'm glad you asked it.
19 We're actually partners with the Army Corps
20 on that. We started out that in Lake
21 Chautauqua, that particular device. We also
22 tested it down on Long Island at Lake Agawam.

23 We have also been developing, in
24 conjunction with SUNY ESF in your district,

1 as well as Cornell and Clarkson, our own
2 technologies. We've been developing that.
3 It's somewhat akin to the approach of the
4 Army Corps habitat project. We've been
5 testing it, as I think I put out a release in
6 sort of mid-to-late summer, testing it on
7 Lake Neatahwanta near Rochester and Oneida.

8 That is underway right now. We put a
9 little over \$11 million into HABS research
10 and response last year. All of the Finger
11 Lakes have some level of coverage for HABS.
12 We talked about those kinds of devices.
13 Those are devices that address the problem
14 after it's already happened.

15 We're also putting our resources into
16 fixing the problems in advance and trying to
17 reduce the frequency of HABS. Skaneateles,
18 Otisco, Owasco, we put money into Owasco
19 wastewater and drinking water intakes so that
20 hopefully we can get out of the business of
21 having to respond over time and more into
22 protecting the watershed itself. But it's --
23 for us, in that part of the state, that's our
24 number-one issue.

1 SENATOR MANNION: Great. That's great
2 to hear. I'm glad to hear that we are ahead
3 of it in that regard. I appreciate it.

4 And I don't know how much time I have,
5 I am not timing myself, so please, any of the
6 leaders of the hearing can cut me off --

7 THE MODERATOR: Thirty seconds,
8 Senator.

9 SENATOR MANNION: Thank you, really.

10 Can you speak to the status as far as
11 Class 3 streams? I know that there was
12 legislation last year that was vetoed by the
13 Governor. Thank you.

14 DEC COMMISSIONER SEGGOS: Sure. Happy
15 to talk about it. We have -- we do have
16 among the most protective protections for
17 streams in New York of any state.

18 That legislation, as it came to us
19 last year, had a fairly extreme fiscal to it.
20 We projected probably dozens of staff that we
21 would have needed to apply to it.

22 So I think -- as I said earlier, we're
23 willing to work with the Legislature on ways
24 in which to improve our stream protection

1 program. We're totally committed to clean
2 water across the state.

3 We've been putting lots of money into
4 protecting watersheds through the EPF as well
5 as through the Clean Water Infrastructure
6 Act. It's a core priority. And if there are
7 regulatory loopholes, we want to close them.

8 SENATOR MANNION: Thank you.

9 DEC COMMISSIONER SEGGOS: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Yes, we go to
13 Assemblywoman Woerner.

14 ASSEMBLYWOMAN WOERNER: Hi.

15 DEC COMMISSIONER SEGGOS: Hi, there.

16 ASSEMBLYWOMAN WOERNER: Thank you,
17 Madam Chairwoman.

18 And thank you, Commissioner, for your
19 testimony. As always, there's a million
20 things that we could talk about with respect
21 to the work of DEC, and I appreciate your
22 thoroughness.

23 I want to drill down on the
24 sportsmen's programs that are in the policy

1 section of the budget this year. And I know
2 that Senator Stec asked you questions earlier
3 as well, so I want to follow up on that.

4 You mentioned both crossbow --
5 expanded crossbow hunting and youth hunting
6 as an important conservation tool for DEC.
7 Can you speak quickly to the habitat benefits
8 that these proposals are anticipated to have?

9 DEC COMMISSIONER SEGGOS: Of course.
10 It's a great question. I mean, hunting is a
11 very important conservation tool, certainly
12 for us. You see deer populations -- if you
13 just talk about deer, deer can wreak havoc in
14 forests, they can wreak havoc in our --
15 certainly in our urban and suburban areas as
16 well. They -- accidents with deer on roads,
17 there's about 70,000 accidents a year,
18 incredibly.

19 So there are real issues that we need
20 to contend with when it comes to managing the
21 deer population.

22 Increasing the number of hunters in
23 New York and making sure the sport of hunting
24 is viable over time, that is a very important

1 objective of ours as we see the hunting
2 population largely aging. Kids who get into
3 hunting perhaps are exposed to it too late,
4 and their interests have gone elsewhere,
5 they've gone into computer games, they've
6 gone into other kinds of sports. And I think
7 the opportunity we can give youth hunters
8 ages 12 and 13 -- again, supervised, safe --
9 bring them into the sport of hunting, expose
10 them to the sport of hunting, and make them
11 lifetime hunters.

12 It's only a good tool for us to help
13 manage the landscape better. The
14 predator/prey balance is out of whack in New
15 York when it comes to our deer populations,
16 and we need to have a viable hunting economy
17 in order to control the landscape.

18 ASSEMBLYWOMAN WOERNER: Thank you.

19 And since this is a budget hearing,
20 you had mentioned that 10,000 additional
21 licenses are anticipated as a result of this.
22 How much is that, in terms of dollars, is
23 that estimated to add to the conservation
24 funds?

1 DEC COMMISSIONER SEGGOS: Good
2 question. I can't tell you the exact number.
3 I know that we were looking just at the
4 license figures. Ten thousand licenses is
5 a -- it's a big number. And in conjunction
6 with crossbow, expanding the crossbow and
7 allowing crossbow to be used during the bow
8 hunting season, again, another boost to the
9 conservation funds with the number of
10 individuals that would seek to enter the
11 season at that time.

12 ASSEMBLYWOMAN WOERNER: Thank you.

13 And then, just finally, for people who
14 don't know, how are those conservation funds
15 used?

16 DEC COMMISSIONER SEGGOS:
17 Conservation funds are used not just on the
18 landscape but also to support key staff that
19 are doing conservation work, our ECOs as well
20 as some of the wildlife biologists that are
21 helping to manage the herds.

22 But we also apply some of those
23 conservation fund dollars right back into the
24 landscape and into hunting opportunities.

1 ASSEMBLYWOMAN WOERNER: Thank you very
2 much, Commissioner. That's all I have.

3 DEC COMMISSIONER SEGGOS: Thank you.

4 CHAIRWOMAN WEINSTEIN: Senate.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Rachel May.

7 SENATOR MAY: Thank you.

8 And it's great to see you,
9 Commissioner.

10 DEC COMMISSIONER SEGGOS: Good to see
11 you, Senator.

12 SENATOR MAY: I wanted to follow up on
13 my wonderful new colleague John Mannion's
14 question about harmful algal blooms. And
15 I've got to tell you, ESF is in my district,
16 not his.

17 DEC COMMISSIONER SEGGOS: My bad.

18 SENATOR MAY: But that's okay, I'm
19 willing to share.

20 What does DEC do to monitor thermal
21 pollution in our lakes and streams? Because
22 that's one cause of the harmful algal blooms,
23 or factor.

24 DEC COMMISSIONER SEGGOS: No doubt.

1 triggered a bloom for the first time in
2 memory. So there's no doubt that these
3 things are happening.

4 And whenever we have a permittee, for
5 example, that's discharging into one of the
6 Finger Lakes or nearby water bodies, and if
7 it's a hotter discharge, we're requiring
8 monitoring on that. So there is a connection
9 there.

10 SENATOR MAY: Good. Thank you.

11 And I also want to talk about oil and
12 gas industry waste. We passed my bill to --
13 for DEC to monitor that or to declare that as
14 hazardous waste, but there's still oil and
15 gas industry waste being used for deicing and
16 controlling dust on roads in New York. And
17 how do we get to the point of banning that
18 practice?

19 I have a bill to do it. Is DEC in
20 support of that?

21 DEC COMMISSIONER SEGGOS: So we are
22 working on the regulations pursuant to the
23 law that was passed last year. We expect
24 that to go to the public this year.

1 You're referring to -- in terms of the
2 brine that's applied to roads, salt applied
3 to roads in the winter as a deicer. That's
4 something that certainly communities have
5 relied upon. It ends up being somewhat less
6 if applied correctly, potentially less
7 polluting than just rock salt. So I defer to
8 some of my DOT colleagues on the better
9 applications between the two. But we're
10 aware of the issue. There's a limited
11 universe of oil and gas operators here in
12 New York, and that's where that material is
13 likely coming from.

14 SENATOR MAY: All right, thank you
15 very much.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.
18 Assembly.

19 CHAIRWOMAN WEINSTEIN: We have -- next
20 we go to Assemblyman Otis.

21 ASSEMBLYMAN OTIS: Hi, there,
22 Commissioner. How are you doing? Good to
23 see you.

24 DEC COMMISSIONER SEGGOS: Good to see

1 you, Assemblyman.

2 ASSEMBLYMAN OTIS: So I want to talk a
3 little about clean water and certainly
4 compliment the folks at DEC and EFC
5 especially for, even during the pandemic,
6 getting the 2019 grants processed and getting
7 the 2020 loans out the door, which has been
8 very efficient, very helpful. They have not
9 missed a beat.

10 DEC COMMISSIONER SEGGOS: Good.

11 ASSEMBLYMAN OTIS: So thank you for
12 that.

13 DEC COMMISSIONER SEGGOS: I'll let
14 them know. Thank you.

15 ASSEMBLYMAN OTIS: Thank you.

16 So we have, with the Governor's
17 multiyear commitment of clean water, the most
18 robust clean water program in the country.
19 We took a year off last year because of the
20 pandemic, and I think everybody understands
21 that. The expectation is we're going to have
22 a new round of clean water funding, a new
23 round of WIIA grants out the door.

24 Can we look at a situation where,

1 since we took a year off -- we have the
2 \$500 million commitment. But if the
3 applications come in to be more robust than a
4 normal year, can we look for other kinds of
5 funding sources to do better than the
6 \$500 million, to do better than the
7 \$300-plus-million that probably gets spent on
8 WIIA, to try and meet those applications if
9 they come in? Do we have contingency plans
10 to try and make that happen?

11 DEC COMMISSIONER SEGGOS: It's a good
12 question, and certainly something we're aware
13 of and are thinking about. It's premature
14 for me to answer at this time where we might
15 be in a few months when the CFA does go out.
16 Hopefully we'll be in a better place
17 economically. I know the Division of Budget
18 and the -- the Budget Director is aware of
19 the importance of the program and fully
20 supports it. If there's more we can do,
21 obviously we always want to.

22 We are able to move somewhat
23 creatively when we need to. So in terms of
24 the expediency of enhancing the program,

1 that's something we can look at later in the
2 year.

3 ASSEMBLYMAN OTIS: That would be
4 great. That would be all that I can ask.
5 And I think there's an opportunity; there's a
6 lot of pent-up need.

7 The last question, different topic.
8 On EPF, some of the EPF funding from
9 2020-2021 has been spent, other lines have
10 not been spent. I think it would help the
11 whole budget process if we can get a rundown
12 of what money actually has been and or will
13 be disbursed line by line within EPF, and it
14 would help us round out how we prioritize our
15 part of the budget discussions for EPF going
16 forwards. I think that would be a great
17 assist.

18 And again, thank you for the great job
19 that you do, everyone at DEC during the
20 pandemic. And New York will continue to lead
21 in a lot of these areas with all of us
22 working together.

23 DEC COMMISSIONER SEGGOS: Thank you,
24 Assemblyman. We'll work with you on the EPF

1 spending and get that out to you.

2 ASSEMBLYMAN OTIS: Great, thank you.

3 CHAIRWOMAN WEINSTEIN: And
4 Commissioner, if you could share that with
5 both myself and Chair Krueger.

6 DEC COMMISSIONER SEGGOS: Will do.

7 CHAIRWOMAN WEINSTEIN: Now we go to
8 the Senate.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Senator George Borrello.

11 SENATOR BORRELLO: Thank you so much.

12 And Commissioner, thank you very much
13 for your service and thank you for being here
14 today. Also I want to thank you for what you
15 have done with harmful algal blooms. You
16 mentioned Chautauqua Lake. That's in my
17 district. And there's some great
18 ground-breaking stuff there this year with
19 Army Corps, so I appreciate that very much.

20 DEC COMMISSIONER SEGGOS: Absolutely.
21 Thank you.

22 SENATOR BORRELLO: My question
23 pertains to the fast-tracking of green energy
24 projects. You know, I think in addition to

1 silencing local opposition and also cutting
2 out local governments and local regulations,
3 it also seems to be in direct conflict with
4 DEC's mission to protect the ecology and
5 environment of our area as well as protecting
6 our natural resources.

7 You know, you've been able to
8 fast-track projects that have bypassed
9 protecting natural habitats and endangered
10 species. So that's really my concern, is
11 that this, quote, unquote, fast-tracking is
12 also bypassing the normal DEC due diligence
13 that we have when it comes to green energy.

14 There's also probably no greater
15 representation of that than the
16 Thruway Authority and their fast-tracking of
17 those industrial wind turbines that they
18 placed at Thruway exits in Western New York
19 that now stand as a symbol of government
20 waste. But also there were no public
21 hearings, there was no -- they did not adhere
22 to any of the DEC rules. And now, because
23 they are inoperable because they were
24 purchased by a foreign company that's now

1 bankrupt and can no longer get parts, they
2 stand as really a symbol of what happens when
3 you fast-track something and -- and in the
4 end to something that's critically important
5 to preserving the integrity of our ecology
6 and environment.

7 I'm very, very concerned, particularly
8 when you start talking about offshore wind in
9 our freshwater lakes. And I understand that
10 there's a need and push for renewable energy.
11 But how will DEC ensure that we are not
12 causing more damage than we are doing
13 anything beneficial?

14 DEC COMMISSIONER SEGGOS: Good
15 questions. And I can tell you that DEC is
16 very much in the mix on all of our efforts to
17 fast-track renewables here in New York. We
18 helped to create the Office of Renewable
19 Energy Siting last year. It went through the
20 Legislature and ultimately, with DPS and DEC,
21 creating the regulations that will govern
22 that.

23 We are thoroughly involved in that.
24 We understand our role is to protect the

1 ecology of the state, to ensure that
2 permitting takes place during any projects.
3 And I know we can accomplish that with a
4 degree of urgency because the climate crisis
5 is an urgent matter.

6 We know that we have to reprioritize
7 the way we do business in New York, and
8 certainly within DEC to be able to respond to
9 some of these applications that are coming
10 across. I know we can do it. I know that my
11 staff is empowered to do that. That's why
12 we're asking the Legislature for support to
13 increase our staffing levels within the
14 Climate Office. That will then help us
15 address some of the concerns you raise on the
16 ecological impacts.

17 SENATOR BORRELLO: Thank you.

18 DEC COMMISSIONER SEGGOS: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assembly.

21 CHAIRWOMAN WEINSTEIN: We go to

22 Assemblyman Carroll.

23 ASSEMBLYMAN CARROLL: Good morning,
24 Commissioner Seggos. And thank you so much

1 for being with us. And thank you,
2 Chair Weinstein and Chair Krueger.

3 I want to go back to a question one of
4 my colleagues had asked before. Considering
5 the aggressive goals of the CLCPA and the
6 Governor's words in his State of the State
7 that we must replace fossil fuel plants with
8 clean energy, no ifs, ands or buts -- that's
9 a quote from the Governor from two weeks
10 ago -- do you agree that the state should
11 stop allowing for the construction of any new
12 significant fossil fuel projects and that the
13 DEC should use its permitting authority to
14 block any such projects?

15 DEC COMMISSIONER SEGGOS: Good
16 question. I do agree with the Governor, we
17 need to transition away from fossil fuels and
18 into a renewable energy economy. And by the
19 way, it happens to be a fantastic economic
20 opportunity.

21 That's exactly what we're doing with
22 the CLCPA CAC, is finding a way to create
23 this economy-wide scoping plan which will
24 then reduce those emissions.

1 We do not have the authority to say no
2 to projects when they come to us. We have to
3 process applications. Do we give it a hard
4 look? Absolutely. The CLCPA now gives us a
5 hook, with Section 7(2), where we can begin
6 to ask more rigorous questions of the
7 applicant about both the existing and
8 proposed and then downstream impacts from a
9 climate perspective on -- on our --

10 ASSEMBLYMAN CARROLL: Commissioner,
11 let me just cut in here, because I have
12 limited time. If the State of New York -- if
13 most of our non-carbon energy -- I think
14 40 percent of our state energy is produced by
15 non-carbon sources, but the vast majority of
16 that is nuclear or hydro, all of which was
17 built decades and decades ago.

18 Why does the DEC not have authority --
19 and if you really don't have authority, what
20 does the Legislature need to do to make sure
21 that we turbo-charge the production of
22 renewable energy like solar and wind and stop
23 the production of dirty fossil fuel pipelines
24 and power plants that keep us addicted and

1 keep the economic incentive for the State of
2 New York to keep using natural gas and other
3 carbon sources? What do we need to do? How
4 does that get there?

5 DEC COMMISSIONER SEGGOS: Assemblyman,
6 this is exactly why the Governor -- after he
7 said those words, he then went into an
8 incredible speech about the investments that
9 we are going to make in our renewable
10 economy: Offshore wind, onshore wind and
11 solar, \$4 billion of investment, 150,000
12 jobs. You know, hitting our targets within
13 the CLCPA. And that's also why we created
14 the Office of Renewable Energy Siting,
15 fast-tracking those projects.

16 Again, as I said earlier, we will get
17 to the point where those technologies can
18 out-compete the traditional energy
19 technologies. Now, I will direct you to DPS
20 and NYSERDA for some of the details on that
21 because, again, I'm not an energy expert.
22 But, you know, being part of the
23 administration and the work that we're trying
24 to do on it, I'm confident we can get there.

1 ASSEMBLYMAN CARROLL: Thank you.

2 DEC COMMISSIONER SEGGOS: Thank you.

3 CHAIRWOMAN WEINSTEIN: Assembly.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Senator Pat Ritchie.

6 SENATOR RITCHIE: Commissioner, I
7 first want to say how much I appreciate your
8 responsiveness and your staff's
9 responsiveness to issues that are important
10 to all of us in our districts.

11 DEC COMMISSIONER SEGGOS: Thank you,
12 Senator.

13 SENATOR RITCHIE: One of them has been
14 the flooding issue, which you certainly are
15 well aware of, and the \$300 million that the
16 state committed to the REDI Commission.

17 I'm just wondering if you could give
18 us a status update on the progress, what
19 money has been disbursed, approved, any
20 additional projects that are identified. And
21 is there a way for us to actually view where
22 we're at in that process, given the water was
23 down this past year? I'm just wondering if
24 that was helpful in getting more projects

1 done.

2 DEC COMMISSIONER SEGGOS: Good
3 question, Senator.

4 Yeah, the water was down. And that
5 did give us a chance to both get in there
6 from a permitting perspective as well as the
7 applicants to get in there and do the work.

8 We have about 91 percent of the
9 permits already awarded. There's been
10 9 percent that submitted incomplete
11 applications or deficient applications. So
12 we've made great progress on that. That's
13 corresponded to a lot of the work that's
14 already taken place. We did ribbon cuttings
15 up and down the coast of the St. Lawrence
16 River and the lake itself.

17 We'll be happy to give you a more
18 detailed accounting on that, but that work
19 was really vital in 2020. It was able to
20 continue, and it was able to provide some
21 early protections to potentially future
22 floods. So I think we are right now on a
23 course toward a more moderate year -- that's
24 my hope, at least -- that will enable some of

1 the projects that we announced the year
2 before last to get to completion.

3 SENATOR RITCHIE: Thank you very much,
4 Commissioner.

5 DEC COMMISSIONER SEGGOS: Thank you,
6 Senator.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: So we go now to
10 Assemblywoman Fahy for three minutes.

11 THE MODERATOR: The Assemblymember
12 appears to not be present.

13 CHAIRWOMAN WEINSTEIN: Okay. So we
14 will skip her and go to --

15 ASSEMBLYWOMAN FAHY: I'm here. Hello.
16 Hello, I'm here. Sorry.

17 CHAIRWOMAN WEINSTEIN: Okay, Pat,
18 you're on.

19 ASSEMBLYWOMAN FAHY: Couldn't get the
20 muting/unmuting.

21 Thank you so much, Chair. And thank
22 you, Commissioner. Thank you for your
23 service to the state and to our country, as
24 well as to your staff.

1 this morning about some electric vehicles and
2 that -- can you talk a little bit about
3 replacement?

4 As you know, on electric vehicle sales
5 we are not even in the top ten of states in
6 this country, and nowhere near where
7 California is. Is there an effort to move
8 with replacing your fleet and encouraging
9 more on electric vehicles?

10 And then I have one other question
11 on -- if we can watch time. Thank you.

12 DEC COMMISSIONER SEGGOS: Okay. So
13 absolutely, there's a huge emphasis on EVs
14 within state government right now. As I
15 mentioned earlier, the Governor is making a
16 major investment to get enough charging
17 stations out there. We're 7,000 stations
18 now, getting up to 50,000 stations by 2025.
19 So it's a fairly quick buildout.

20 It's the so-called Make Ready
21 initiative; we need to make ready the
22 infrastructure to enable enough charging
23 stations for people to actually plug in.

24 We have sold, in New York, 75,000 EVs

1 since 2013. That does keep us ahead of the
2 curve. But absolutely, we need to be able to
3 do more. We can lead by example with
4 transitioning our fleets for sure -- first to
5 hybrid, if there are no alternatives, and
6 then certainly into EVs over time, leading by
7 example.

8 ASSEMBLYWOMAN FAHY: Okay. Okay.
9 Thank you. And I look forward to working
10 with you more on that.

11 A lot of talk this year, I think after
12 the last couple of years, about marijuana
13 legalization. And it looks like timing is a
14 little bit better this year with some
15 movement on that. We've seen in some other
16 states that they're just now catching up on
17 recycling efforts as well as energy use. And
18 in fact in -- I think it's in Seattle where
19 they're actually having brownouts because
20 energy usage is much more intensive with
21 electricity as well as water use.

22 Are you involved in those discussions
23 with the Governor's office to make sure that,
24 one, we're ensuring there's recycling in

1 deposits, especially because there's a lot of
2 single-use on marijuana -- again, assuming we
3 are legalizing. Can you just talk about are
4 you involved in those discussions,
5 Commissioner?

6 DEC COMMISSIONER SEGGOS: So I'm not
7 personally involved with it, Assemblywoman,
8 but we are one of the involved agencies in
9 the buildout of that industry. And certainly
10 when it comes to flagging issues that need to
11 be addressed as that industry is built out,
12 we will approach it as we do all other
13 agricultural industries, in partnership with
14 our friends over at Ag & Markets and
15 elsewhere. So we will be at the table.

16 ASSEMBLYWOMAN FAHY: Okay. Thank you.
17 I look forward to more on that.

18 Thank you, Chair.

19 DEC COMMISSIONER SEGGOS: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 We go to the Senate now.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Senator Sue Serino, who couldn't have
24 her hand up for some reason because Zoom

1 wouldn't allow her to.

2 Hi, Sue.

3 SENATOR SERINO: Good morning,
4 Chairwoman. And thank you so much. I'm
5 sorry, I don't know why it wasn't working.

6 And thank you, Commissioner, for
7 taking our questions.

8 And those who know me know that I'm
9 always talking ticks. So as you know, Lyme
10 and tick-borne diseases are a major problem
11 in the state. I actually live in the
12 epicenter. While I know the limited amount
13 of funding that the state has dedicated to
14 this issue in the past often goes through the
15 Department of Health or it's provided through
16 direct Aid to Localities, I'm incredibly
17 disappointed to once again see no real
18 funding lined out anywhere in this year's
19 budget proposal.

20 So I'm wondering if you can comment on
21 the scope of the problem from your
22 perspective and whether you believe the state
23 needs to do more to effectively address this
24 issue.

1 DEC COMMISSIONER SEGGOS: So I will
2 ask you to raise that with the Department of
3 Health, because that is largely within their
4 purview.

5 You know, we see managing the natural
6 environment as something crucial for us. We
7 have a limited amount of land in Long Island,
8 downstate, certainly much more upstate,
9 working with Parks, working on the types of
10 things we can do to reduce the likelihood of
11 any tick-borne infections with visitors.
12 That's something that we stress with any of
13 our facilities.

14 We also need to do what we can to
15 control the populations of deer in the
16 suburban area. I mean, that is a major
17 vector, it's a major problem for us across
18 the state. And if we have an ability to
19 better manage the deer population, that will
20 take us a long way to addressing the tick
21 issue as well.

22 SENATOR SERINO: Yeah, and like I've
23 said, I'm always talking ticks, so I've
24 talked to the Department of Health about

1 this, and I talk to everybody about it,
2 because it's always a very big disappointment
3 for me that we don't have money dedicated in
4 the budget every year.

5 But it sounds like you are
6 acknowledging that you are aware of the
7 issues with ticks and Lyme disease, right?

8 DEC COMMISSIONER SEGGOS: Absolutely.
9 I had Lyme disease myself, so I'm well aware.

10 SENATOR SERINO: You know. You know.
11 I mean, I have people talk to me all the time
12 like -- they can't function. It's just
13 devastating. Some people get so, so sick.

14 So I thank you, commissioner, for
15 acknowledging this, and thank you for taking
16 our questions today.

17 DEC COMMISSIONER SEGGOS: Thank you,
18 Senator.

19 CHAIRWOMAN KRUEGER: Thank you.
20 Assembly.

21 CHAIRWOMAN WEINSTEIN: Thank you.
22 We go to Assemblywoman Lunsford.

23 ASSEMBLYWOMAN LUNSFORD: Thank you so
24 much. Commissioner, I really appreciate you

1 being here.

2 My district includes the High Acres
3 Landfill, which I'm sure you are well-versed
4 in. We have a solid waste disposal problem
5 in this state. It's at crisis levels. I'm
6 seeing here in the Executive Budget that
7 there's a \$40.6 million line item for solid
8 waste disposal programs. I'd like to know
9 specifically how the DEC is going to use
10 those funds to promote waste reduction and
11 also how to divert things from landfills.

12 I'd also like to know when the DEC's
13 SNM value for 2030 is going to be released.

14 DEC COMMISSIONER SEGGOS: Okay, good
15 questions.

16 There's no question in New York we do
17 have -- we do produce too much waste. When
18 we produce it downstate, we've got to truck
19 it upstate or out of the state. We've got to
20 get to the point where we're just landfilling
21 less, burning less, recycling more.

22 So the EPF has been a powerful tool
23 for us over the years in helping us to
24 provide those grants. This year we are going

1 to continue that program. Controlling gas at
2 landfills, improving recyclables, the
3 recycling rates -- we've had a total downturn
4 in the recycling economy worldwide because of
5 some changes in China's acceptance policies,
6 which has caused us to struggle. Be happy to
7 give you breakdowns on where we're heading on
8 that with the EPF.

9 I will call your attention also to the
10 organics legislation that we passed with you
11 a couple of years ago that is set to go into
12 effect on the first of 2022. We'll be making
13 announcements about that soon. That will
14 dramatically reduce the amount of organics
15 waste going into landfills, including
16 High Acres and elsewhere. That's going to
17 go, you know, into recycling as well as to
18 food banks, reducing the amount of that food
19 waste.

20 So happy to talk more about that with
21 you. We can provide all the information we
22 have on the process of reducing waste in
23 New York and how we're going to address this
24 crisis.

1 ASSEMBLYWOMAN LUNSFORD: Thank you so
2 much.

3 I would like it if you could forward
4 some of those breakdowns to my office.

5 DEC COMMISSIONER SEGGOS: Great.

6 ASSEMBLYWOMAN LUNSFORD: Also, is
7 there any additional funding or legislation
8 that we could provide to help foster waste
9 reduction and landfill diversion?

10 DEC COMMISSIONER SEGGOS: Well, as I
11 told the Senate chair earlier, you know, we
12 will work with you on any of the EPR
13 initiatives that you're discussing. It's not
14 in the Executive Budget, but we're very
15 familiar with the concept and how to make it
16 work, and we're doing it with electronic
17 waste right now, and we're doing it with
18 paint stewardship and other issues.

19 So I think that certainly, in terms of
20 reducing waste, is one of the more effective
21 ways to do it.

22 ASSEMBLYWOMAN LUNSFORD: Thank you so
23 much.

24 And with my remaining seconds, I'm

1 going to ask you which of the DEC funds are
2 classified as clean energy funds, such that
3 they would be subject to that 35 percent
4 provision in the CLCPA?

5 DEC COMMISSIONER SEGGOS: Okay, good
6 question. We don't make as many investments,
7 if you will, in energy infrastructure as some
8 of the other agencies might do, or we don't
9 channel those types of dollars.

10 That said, we have a regulatory role
11 and we will be involved in creating the
12 regulations which then guide those
13 investments from other agencies or private
14 entities or quasi-public authorities.

15 We also, as you may know, we drafted
16 the RGGI regulations this year, the update to
17 the original greenhouse gas initiative, which
18 then controls emissions from power plants.
19 We put in a 35 percent requirement into that,
20 that investments within RGGI need to go
21 pursuant to where we will end up with the
22 CLCPA. So we're trying to get ahead of the
23 spending on that and where we may land with
24 the overall scoping plan.

1 ASSEMBLYWOMAN LUNSFORD: Thank you
2 very much.

3 DEC COMMISSIONER SEGGOS: Thank you.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 We go to the Senate now.

6 CHAIRWOMAN KRUEGER: Thank you.

7 I -- just a little technical
8 assistance. Some people are saying that they
9 can't see the clock, so I want to point out
10 if you take your mouse and you go to the box
11 that has the clock, you go to the top right,
12 three little dots will pop up. You hit that,
13 and choose that box to stay on the first
14 screen, so the clock will always stay on the
15 first screen of the hearing.

16 If you're losing Helene or me and you
17 find that sad, you can do the same thing for
18 our boxes, although we won't take offense if
19 you don't want to look at us today.

20 With that, Senator Tedisco.

21 (Pause.) Senator Tedisco, are you
22 around?

23 SENATOR TEDISCO: Yup.

24 CHAIRWOMAN KRUEGER: Okay.

1 SENATOR TEDISCO: Can you hear me?

2 CHAIRWOMAN KRUEGER: There you are.

3 SENATOR TEDISCO: Okay.

4 Commissioner.

5 DEC COMMISSIONER SEGGOS: Senator.

6 SENATOR TEDISCO: You're looking good,

7 Commissioner. Thank you for your service.

8 You're looking healthy and youthful. The

9 stress isn't impacting you at all.

10 (Laughter.)

11 SENATOR TEDISCO: So congratulations.

12 DEC COMMISSIONER SEGGOS: I have a

13 filter. I have a Zoom filter right now

14 making me younger.

15 (Laughter.)

16 SENATOR TEDISCO: I want to ask you

17 about clean water and sublevel maintenance,

18 sewer, water, gas lines, sanitary lines. The

19 Comptroller says 30 to 35 to 40 billion of

20 maintenance. Now, we're not only talking

21 about roads and bridges, we're talking about

22 the sublevel. You've heard already some of

23 these lines are a hundred years of age. Just

24 validate this very quickly. Some are

1 actually made of wood.

2 DEC COMMISSIONER SEGGOS: I've heard
3 that. I'm not sure which ones, but I've
4 heard that.

5 SENATOR TEDISCO: It's true, though.

6 DEC COMMISSIONER SEGGOS: Yup.

7 SENATOR TEDISCO: Okay? That's where
8 we are. You talked about grants, you talked
9 about loans. They take a while to get out
10 there. Rensselaer, Albany, Saratoga,
11 Amsterdam, every county across this state --
12 Amsterdam had sewage going into the Hudson
13 River, was it last year or the year before?
14 Very bad situation out there. These are
15 emergencies.

16 We have a bill in place we passed when
17 we were in the majority in the Senate called
18 SWIAP, Safe Water Infrastructure Action Plan.
19 We have a CHIPS program, roads and bridges,
20 beautiful program based on a formula for
21 villages and towns. They fix their roads
22 with it. It's about a half a billion
23 dollars, 450 to \$500 million. The problem
24 with that, Commissioner, is they're putting

1 down beautiful roads now, and guess what's
2 happening? They're collapsing because of the
3 sublevel, and we're throwing good money after
4 bad because they don't have the funding to
5 fix the sewers and the sanitary and the water
6 lines.

7 Now, I know you can't cut a ribbon on
8 a sewer line. Who's that fellow with Jackie
9 Gleason? He worked in the sewers. Maybe he
10 could put a ribbon there. It's not really
11 big for the politicians.

12 It's unbelievably important for our
13 constituents, not only in safety and health
14 for the water -- the financial cost when you
15 put down a line, a beautiful road or a bridge
16 and it collapses because you can't
17 maintain -- you know, we have the technology.
18 We put visuals through the source. We can
19 tell which ones are beginning to fail.

20 Before they put those new roads down
21 with that CHIPS programs, shouldn't we have
22 a program that we can really help them to
23 evaluate the sublevel so they're not putting
24 good money after bad?

1 And in an emergency, those grants and
2 loans are great, into the billions of
3 dollars. They take time. When it takes
4 time, that's a health concern when you can't
5 get that break fixed. Can you talk about
6 would you support something like that, a
7 sister program called SWIAP for sublevel that
8 we do for roads and bridges before we put
9 down great roads and they collapse because
10 the sublevel collapses underneath them?
11 Costs twice as much for local municipalities
12 and the state.

13 DEC COMMISSIONER SEGGOS: Well,
14 Senator, I totally agree with you on the need
15 to prioritize water infrastructure. I will
16 disagree in that I would do a ribbon cutting
17 on a sewage project --

18 SENATOR TEDISCO: All right.

19 DEC COMMISSIONER SEGGOS: Let's do
20 those.

21 We do have a very robust program here
22 in New York. I mean, thanks to working with
23 you in the Assembly, now in the Senate, and
24 we've done this now every year since I've

1 critical infrastructure. I think it's part
2 and parcel to the economic restoration of the
3 state when you have, you know, water lines
4 that are reliable and sewage plants that
5 aren't failing. It's easily half of my work
6 right now is in thinking about how to address
7 the water problems of the state.

8 SENATOR TEDISCO: Thank you,
9 Commissioner.

10 DEC COMMISSIONER SEGGOS: Thank you.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Assembly.

13 CHAIRWOMAN WEINSTEIN: Yes, we go to
14 Assemblyman Palmesano.

15 ASSEMBLYMAN PALMESANO: Yes. Thank
16 you very much, Commissioner, for being here.

17 DEC COMMISSIONER SEGGOS: Thank you,
18 Assemblyman.

19 ASSEMBLYMAN PALMESANO: I do see this
20 on three minutes. I'm supposed to have five
21 minutes, I believe.

22 But anyway, Commissioner, I did want
23 to start off -- I'm a supporter of clean
24 energy and renewable energy. I think it's an

1 important part of our portfolio. But I have
2 been a critic of the CLCPA, primarily because
3 New York only contributes 0.5 percent of the
4 total carbon emissions in the world,
5 3.3 percent of the total carbon emissions in
6 the United States.

7 And we know, from a portfolio
8 perspective, reliable, affordable and, yes,
9 clean should be a part of that portfolio.
10 Wind and solar is not reliable because it's
11 intermittent. It needs to be balanced with
12 conventional means. And our storage capacity
13 is not where it needs to be yet.

14 And I've been concerned, watching the
15 DEC and this administration stop interstate
16 pipeline projects for natural gas, further
17 impacting the supply and impact of the
18 overall market, affecting reliability and
19 affordability.

20 I really believe natural gas should be
21 a part of this portfolio. We know -- even
22 NYISO's own reports showed -- that the reason
23 carbon emissions have dropped over the past
24 two decades is because of natural gas. And I

1 get relatively concerned when I see our
2 business manufacturers, who need a reliable
3 source of energy and electricity to produce
4 their products, this is something I think is
5 a hindrance to that, not having that ability.

6 And I've even witnessed firsthand in
7 New York City where they're converting oil
8 boilers, millions of homes' oil boilers to
9 natural gas in one breath, but then wanting
10 natural gas out in the next breath.

11 So I guess part of my question on this
12 process is why the hostility it seems like
13 always for these -- to not approve these
14 interstate pipeline projects when they're
15 federally approved, and compromising
16 affordability and reliability, but --
17 probably in business development and growth,
18 but probably more importantly on the cost
19 side of it.

20 Are there any plans to do any cost
21 analysis, detailed cost quantitative
22 analysis, of the impact of the CLCPA, how
23 it's going to have on everybody, from
24 consumers, from ratepayers to businesses --

1 you know, actually delving down into the
2 impact this is going to have on electricity
3 rates, wholesale prices, delivery rates,
4 total bills, the costs it's going to cost for
5 businesses and homeowners to convert over
6 their homes from natural gas to other means
7 of electric -- I mean, I've seen estimates of
8 tens of thousands of dollars per family. I
9 mean, I've seen estimates of billions upon
10 billions of dollars a year.

11 Are there any plans to do any detailed
12 analysis, cost-benefit analysis, especially
13 on the cost side in dollars, real dollars,
14 what it's going to cost the people of this
15 state through their increased electricity
16 rates, through impact on the manufacturing
17 sector -- to really delve into this? I think
18 that's an important part of the transparency
19 that we need. Is there any plans for that?

20 DEC COMMISSIONER SEGGOS: Yes, there
21 is. And in fact in the work of the CLCPA
22 this year we will undertake a detailed
23 analysis of the benefits and the costs of all
24 the proposals that we're coming up with.

1 We have, you know, all the state
2 agencies involved thinking about that now,
3 all the various panels thinking about that
4 now. We're taking input from the regulated
5 community. We have, you know, outspoken
6 members on the council who have been raising
7 this.

8 So absolutely we will. We need to
9 look at it as part of the overall economy
10 and, you know, see what the opportunity is
11 both for ensuring reliability, ensuring
12 impacts to ratepayers, but also opportunities
13 for the new industries that are coming and
14 ensuring that we're taking advantage of the
15 huge boom in renewable energy construction
16 internationally.

17 ASSEMBLYMAN PALMESANO: Any thoughts
18 on the pipeline projects?

19 DEC COMMISSIONER SEGGOS: So we look
20 at every pipeline as we look at every single
21 project, we scrutinize it. And the big
22 projects that come in front of us that pose a
23 potential impact to water quality -- and
24 generally our jurisdiction is limited when it

1 comes to looking at an application like that.
2 There's not a veto or approval for a
3 particular type of material being moved in a
4 pipeline, there's merely what impacts it may
5 or may not have with the environment that it
6 will travel through.

7 So we scrutinize it, and ultimately
8 we're left with an analysis pursuant to our
9 water quality standards analysis, and we'll
10 approve or reject applications based on that
11 alone.

12 ASSEMBLYMAN PALMESANO: All right,
13 thank you, Commissioner.

14 DEC COMMISSIONER SEGGOS: Thank you,
15 sir.

16 CHAIRWOMAN WEINSTEIN: Thank you,
17 Commissioner, Assemblyman.

18 We go to the Senate now.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Finance Ranker Tom O'Mara.

21 SENATOR O'MARA: Thank you.

22 And good morning still, Commissioner.

23 Thanks for being here --

24 DEC COMMISSIONER SEGGOS: Good

1 morning, Senator.

2 SENATOR O'MARA: -- with us today.

3 I want to commend you certainly on the
4 Clean Water Infrastructure Act work that's
5 been done over the years.

6 Can you give me a quick status on
7 since we started this clean water
8 infrastructure -- and I'm drawing a blank on
9 how many years it's been -- how much we have
10 allocated from the state towards clean water
11 infrastructure, how much of that has been,
12 you know, spent already, and how much is
13 already spoken for, so to speak?

14 DEC COMMISSIONER SEGGOS: Okay, good
15 question. I think we're in our fifth year of
16 it right now, Senator. And I'll get you the
17 exact dollars. It's well over -- it's well
18 over 4 billion total, in total project costs,
19 so somewhere between 1 and 2 billion spent.
20 That's just on the grants, not on the loans
21 that have been triggered as well.

22 As we talked about when I first took
23 office, we were making about 30 percent of
24 our available loans out of EFC because

1 communities didn't want to take up the amount
2 of financing. Now, because of the grants,
3 they're taking the loans. And as I mentioned
4 even last year, there was so much interest in
5 the loan program that we put out \$2 billion
6 in loans for projects across the state.

7 So we can do a more detailed analysis
8 line by line on it, but it's been a very
9 successful program.

10 SENATOR O'MARA: Yes, it has. And
11 I've been happy to be a part of that and am
12 very thankful that that's continuing in the
13 budget this year.

14 DEC COMMISSIONER SEGGOS: Thank you,
15 Senator.

16 SENATOR O'MARA: I want to applaud you
17 for putting the youth hunting and crossbow in
18 the Executive Budget this year. Has that
19 ever been proposed in an Executive Budget
20 prior to this year?

21 DEC COMMISSIONER SEGGOS: It has not.
22 This is the first time we've proposed it.

23 SENATOR O'MARA: Well, great.
24 Hopefully we can get some momentum behind

1 that and actually get it done for once.

2 On Lake Ontario and the REDI projects.
3 And the state certainly has done, I think, a
4 very good job in coming to the relief of
5 municipalities along the lakes in that
6 effort. And I think the IJC and the Water
7 Level Control Board is finally looking at it
8 a little more proactively to hopefully lessen
9 those issues going forward.

10 But I think the state -- and it's a
11 problem with using state funds for private
12 property. There's been really a lack of -- I
13 think a shortcoming in what we've been able
14 to do for private property losses along the
15 lake.

16 Are there any efforts underway or is
17 the state looking into potential litigation
18 on this to recover some of these costs from
19 either the federal government or the IJC?

20 DEC COMMISSIONER SEGGOS: Good
21 question.

22 As you might know, we are involved in
23 litigation against the IJC on this very
24 point. I don't want to get into details

1 about it since the case is still pending, but
2 we're mindful of the impacts to shoreline
3 property owners.

4 The Governor, as part of the
5 \$300 million directed to projects, a portion
6 of that also is, as you know, \$30 million for
7 businesses and homeowners who sustained
8 losses over that time. So while many
9 projects in homes we can't directly fund, we
10 can certainly fund economic losses and have
11 done so over the last two years.

12 It's been a very successful program,
13 lots of really good buy-in, a bipartisan
14 program where we've worked up and down the
15 coasts to address some of the worst problems.
16 And the projects that we selected were all
17 selected based on public input. So that's
18 something that I know will help to sustain
19 the --

20 SENATOR O'MARA: Well, I certainly
21 thank you for your attention on that and, as
22 we discussed just last night, the issues of
23 the cormorants and taking efforts to lessen
24 that population as they -- it has grown

1 exponentially in recent years, from my
2 personal observations, anyways, and I just
3 know how those birds go in and gobble up all
4 the fish that we spent so much time and
5 effort and expense to stock into the lake.
6 So I appreciate the efforts on that.

7 On the CAC, to follow up on
8 Assemblyman Palmesano's questions, is there
9 going to be an independent analysis of the
10 cost/benefits of what these projects are
11 going to cost, what the impact of the utility
12 bill on the ratepayer is going to be, and
13 exactly what we're gaining from it? Because
14 while certainly we're a leader in New York
15 State on all of these climate change
16 initiatives, you know, we can virtually zero
17 out everything in New York State and have nil
18 of an impact nationwide or globally.

19 So, you know, how much are we looking
20 at how this is going to make us more
21 expensive in New York State compared to what
22 we're really getting out of it and what
23 overall impact we're going to have?

24 DEC COMMISSIONER SEGGOS: Well, I

1 think, Senator, part of the brilliance of the
2 CAC -- well, the CLCPA and of course the
3 bodies that it created, is that it empanels
4 independent actors. And we're having vibrant
5 discussions right now about these very
6 points. All of our meetings, certainly when
7 we sit down, we get the recommendations from
8 the panels themselves. It comes to us as the
9 CAC. We then have to work on a scoping plan
10 which then goes out to the public. It's due
11 at the end of this year, it goes out to the
12 public for comment.

13 We absolutely expect independent input
14 in this process. I view the members as
15 independent. They can raise flags as they
16 see them. It's an important part of the
17 process ending up where we need to end up.

18 You're absolutely right, we need to be
19 a leader, but we need to do it the right way.
20 I think we are on that path right now. And
21 ultimately when we get public input on the
22 overall project, that's going to enhance the
23 work we've already done. But I think you'll
24 be impressed with the depth of expertise

1 that's already being applied to these very
2 questions.

3 THE MODERATOR: Time has expired.

4 SENATOR O'MARA: Thank you. Thank
5 you, Commissioner.

6 DEC COMMISSIONER SEGGOS: Thank you,
7 Senator.

8 CHAIRWOMAN KRUEGER: Assembly.

9 CHAIRWOMAN WEINSTEIN: We go to
10 Assemblyman Byrne.

11 ASSEMBLYMAN BYRNE: Thank you,
12 Mr. Commissioner.

13 First I want to echo some of the
14 comments that were said by my colleagues
15 earlier about Region 3 and Kelly Turturro and
16 the team that have been very helpful. We've
17 had some issues with some of our local lakes
18 and Lake Mahopac, and they've always been
19 accessible, so I wanted to make sure I gave
20 that a little shout-out.

21 Many of the same challenges with the
22 East of Hudson Watershed, MS4, phosphorus
23 reductions. I have a very specific
24 question -- and this would typically be

1 geared towards maybe the Secretary of State,
2 but -- because I think the program is
3 administered by the Department of State, but
4 I don't believe she participates in these
5 hearings. So I'm going to forward this to
6 you, and maybe you can be helpful.

7 One of the types of bills we've passed
8 in the Legislature quite frankly is the
9 inland waterway legislation where we
10 designate various local water bodies as
11 inland waterways, and there's supposed to be
12 funds accessible through the Environmental
13 Protection Fund, which we're hearing a lot
14 about today for waterfront revitalization.

15 And my question is -- it's really
16 more -- again, the Department of State's
17 website talks about some of the benefits of
18 communities that have LWRPs: Direction,
19 technical assistance and financial
20 assistance. How much money from our previous
21 budget actually went towards these
22 communities, and how much do we expect in
23 this budget to be geared towards communities
24 with inland waterways?

1 I bring that up because I know it can
2 be somewhat cumbersome to go through this
3 process and I'm wondering if your department
4 can work with the Department of State to try
5 to review that process and maybe make it a
6 little more accessible for these communities.
7 But I'm not sure if you have details on that
8 program at all, but I would like to just pose
9 that question to you.

10 DEC COMMISSIONER SEGOS: I think my
11 other regional directors are jealous that
12 Kelly's gotten two shout-outs in this
13 hearing, so that will have to be addressed
14 offline.

15 But I will talk to the Department of
16 State, to Secretary Rosado about this
17 program. It is within DOS, but, you know,
18 we're a no-silos government, we'll talk to
19 her and see if we can get back to you quickly
20 on this.

21 ASSEMBLYMAN BYRNE: I appreciate that.

22 And just a follow-up to that, as we
23 have a new administration at the federal
24 level and they're talking about stimulus,

1 infrastructure dollars, I would think that
2 infrastructure for clean water would be part
3 of that. And I think infrastructure for
4 probably waterfront revitalization would be
5 part of that. And should the state access
6 more dollars from the federal government, I
7 don't want it to be swallowed up to fill some
8 other budget gaps. If it's for waterfront
9 revitalization, it should go towards
10 waterfront revitalization.

11 Perhaps this program could be one such
12 mechanism and if we can make it more
13 accessible, I think that would be helpful.

14 Thank you, Mr. Commissioner.

15 DEC COMMISSIONER SEGGOS: Absolutely,
16 Assemblyman, we agree with the new interest
17 in the environment at the federal level. I
18 expect more dollars to come to New York and
19 all states on waterfront spending, water
20 infrastructure spending. Four percent of our
21 spending on the waterfront in New York is
22 federal. So that needs to change to go back
23 to the days where the feds took a real
24 interest in seeing this hidden infrastructure

1 rebuilt.

2 ASSEMBLYMAN BYRNE: Thank you.

3 DEC COMMISSIONER SEGGOS: Thank you.

4 CHAIRWOMAN WEINSTEIN: Senate. We go
5 to the Senate.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Senator Brad Hoylman.

8 SENATOR HOYLMAN: Thank you,
9 Madam Chair.

10 Nice to see you, Commissioner.

11 DEC COMMISSIONER SEGGOS: Good to see
12 you, Senator.

13 SENATOR HOYLMAN: I want to ask you
14 about an incident I'm sure you're familiar
15 with. Back in December a number of employees
16 of New York Waterway had claimed in a federal
17 lawsuit that the company for years dumped
18 hundreds of gallons of raw sewage, oil, fuel,
19 coolant, as well as batteries, aluminum
20 shavings and other pollutants into the Hudson
21 River, the East River, Upper New York Bay,
22 Lower New York Bay, and Raritan Bay.

23 Obviously this is a federal suit. But
24 I wanted to know if you could tell us what is

1 New York State's involvement thus far in this
2 investigation -- which I assume will be
3 conducted -- given that we have partial
4 jurisdiction, as does the State of New
5 Jersey, over the Hudson River.

6 And secondly, do you think that we
7 need to revisit the fines that we levy
8 against polluters? I mean, given the sad
9 history of the Hudson River in connection
10 with that -- an issue I know you've worked on
11 for decades -- and these egregious violations
12 by NY Waterway, if proven to be true.

13 DEC COMMISSIONER SEGGOS: Well, I
14 can't comment on the extent to which we're
15 involved in the investigation on that because
16 it is a really serious matter. But as we do
17 with most joint federal-state criminal
18 investigations or civil investigations, we do
19 have extensive authorities. The Clean Water
20 Act, the federal Clean Water Act itself has I
21 think a \$37,000 per day per violation and the
22 possibility of jail time if there is evidence
23 proven of a criminal act.

24 So there are very -- actually very

1 significant penalties can be assessed. I'm
2 not sure they need to be adjusted.

3 When it comes to, you know, our
4 involvement in these matters, as it
5 progresses and we can make public
6 pronouncements, I'll certainly bring you up
7 to speed on it. But any intentional
8 discharge from a vessel or a stationary
9 source like this would be certainly a
10 violation of state and federal law.

11 SENATOR HOYLMAN: Thank you.

12 DEC COMMISSIONER SEGGOS: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Walczyk, you had raised your hand before.
17 I'm not sure if -- I don't see it now. Do
18 you want to ask --

19 ASSEMBLYMAN WALCZYK: Yes, ma'am, I'm
20 here. Thank you, Madam Chair --

21 CHAIRWOMAN WEINSTEIN: You're on.
22 Okay.

23 ASSEMBLYMAN WALCZYK: -- I very much
24 appreciate it.

1 And Commissioner, awesome to speak
2 with you today. Thanks for your service to
3 our state, as always.

4 I wanted to bring up a couple of
5 issues. Senator Patty Ritchie hit on the
6 REDI Commission, so I just want to double
7 down on that.

8 Anything that you think that you need
9 from us as a Legislature, I would love to see
10 the Assembly put forward in our one-house, a
11 renewed investment in that. I think the
12 Governor has, rightly so, invested in
13 hardening our shoreline. He's putting good
14 money into that and not, you know, dumping it
15 into the river or the lake, as some things in
16 the past had done. So thanks for the
17 continued investment there, and I hope we
18 continue to step up.

19 I also wanted to sort of preface
20 something in the bigger picture. Now that
21 the Keystone XL pipeline has been canceled by
22 the Biden administration, Canada is still
23 looking at producing those 800,000 gallons or
24 barrels per day that were scheduled on going

1 through that pipeline upgrade.

2 My concern is that when you look at
3 their capacity, some of that oil and that
4 crude oil is going to end up on the
5 St. Lawrence Seaway. Twenty percent of the
6 world's freshwater we know goes through our
7 Great Lakes and out our seaway, an area that
8 you love to enjoy yourself.

9 I'm wondering what can the Legislature
10 do to help you, and what is your agency doing
11 right now to prepare for any possible
12 disasters that might result from that
13 increase in dependence on our shipping lane?

14 DEC COMMISSIONER SEGGOS: Yeah, you
15 hit on a really core concern when it comes to
16 moving that crude from Canada into the U.S.
17 and beyond. You remember the Lac-Mégantic
18 spill and explosion up in Canada a few years
19 ago that devastated the village, killed a
20 number of people.

21 And we've had a number of derailments.
22 I mean, chiefly that product is being moved
23 by rail. If it's not a pipeline, it's by
24 rail, more so than by boat. Nonetheless,

1 you'd see the crossings, a number of water
2 crossings with this product, and it does pose
3 a risk. If the rail network or the tank cars
4 are not up to federal regulations, then
5 there's a higher risk. If the rail lines
6 themselves, other than having been monitored
7 by CSX or any of the big rail companies, then
8 there's a higher risk.

9 We take it very seriously. The
10 Governor signed Executive Order 125 back in I
11 believe 2015, which directed all state
12 agencies to increase their awareness and
13 activities to prepare for this. Now you've
14 seen a downturn in the amount of crude that's
15 traveled by rail in that period, but
16 nonetheless we are more prepared for it. I
17 wouldn't necessarily tell you that there's
18 something the Legislature needs to do to
19 enhance the protections. We even as a state
20 are somewhat limited in terms of the
21 Commerce Clause as to what we can -- what
22 burdens we can put on the industry. But we
23 can certainly get ready as a state for the
24 worst-case scenario.

1 ASSEMBLYMAN WALCZYK: Thanks,
2 Commissioner. Good to see you.

3 DEC COMMISSIONER SEGGOS: Good to see
4 you as well, Assemblyman.

5 CHAIRWOMAN WEINSTEIN: To the Senate
6 now.

7 CHAIRWOMAN KRUEGER: Thank you.

8 I think we're back to come to my turn.
9 I always try to sort of bat cleanup for us.

10 Let's talk a little bit about plastic
11 bags, Mr. Commissioner. So many stores are
12 not yet complying with the plastic bag ban,
13 and I've already read that you have not yet
14 assessed a single fine for failure to comply.
15 Is that accurate? And have you been sending
16 out warnings? How is the department ramping
17 up for enforcement of our plastic bag ban?

18 DEC COMMISSIONER SEGGOS: So we have
19 ramped up, Senator. We have ramped up our
20 activities. Our environmental conservation
21 police officers have been making visits to
22 noncompliant businesses.

23 We have seen a very good level of
24 compliance with the big box stores, as we

1 expected, and some of the larger companies
2 around the state. And there are always
3 holdouts. Right? You make the great
4 progress with 95 percent of the businesses,
5 and there's always that 5 percent that you're
6 chasing.

7 I don't know that it's accurate that
8 we haven't assessed a fine yet, but we
9 certainly are prepared to do so. And we've
10 been receiving tips from concerned citizens
11 for the last few months.

12 And really what we -- where we want to
13 start is as educational as possible. That's
14 why we had an education period to the fine.
15 And now we've moved into the enforcement
16 period, and we really need businesses to
17 adhere to this. It's an important law that
18 is designed to help protect the environment
19 and frankly protect our health.

20 CHAIRWOMAN KRUEGER: Can you clarify
21 the intent of your proposed changes that
22 would set up definitions of film plastic and
23 reusable bags, and what do you mean by that?

24 DEC COMMISSIONER SEGGOS: Sure. Well,

1 the law itself needs some clarity because the
2 reality in the field is that some reusable
3 bags -- many reusable bags, I should say,
4 have some level of plastic content. So we
5 need to make a distinction between the film
6 bags, the ones that end up in city streets
7 and up in trees and in our parks and
8 waterways that are really single-use and that
9 deteriorate immediately, and then from the
10 ones that are reusable, that have a long life
11 span that are made available, readily
12 available now to consumers across the state.

13 So that's what this -- that's what our
14 proposed language does, it makes that
15 distinction. It exempts those truly durable,
16 reusable bags that are -- think about -- that
17 are bags that are woven, that look like nylon
18 that you know will last you when you pack it
19 away and go to the store, from the ones that
20 are kind of fake recycled, fake reusable.
21 Those are the film plastic bags.

22 And that's not -- something we are not
23 promoting, the expansion of plastic in
24 New York. We are promoting the types of

1 alternatives that are readily available to
2 consumers right now at fairly affordable
3 rates, and ultimately, you know, get the
4 nasty film bags out of circulation.

5 CHAIRWOMAN KRUEGER: Thank you.

6 DEC COMMISSIONER SEGGOS: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Have you done any collection of data
9 on how many stores have changed to paper bags
10 or how many more paper bags are being used
11 now? Because of course our goal was to not
12 shift people from plastic to paper but rather
13 to renewable products that they would bring
14 with them to the store.

15 On the other hand, you know, we did
16 allow paper bags, even though there are
17 environmental concerns for those as well. So
18 I'm wondering if we're able to track what the
19 increased volume of paper is to see how well
20 we're doing with true {inaudible} cloth bags.

21 DEC COMMISSIONER SEGGOS: So I'm not
22 sure we have reliable data yet on paper.
23 It's something we want to look at. We want
24 to move people, as you exactly say -- that's

1 part of the reasons that we're making these
2 clarifications in the law. We do not want to
3 drive consumers into paper, because paper is
4 a single-use. Yes, paper can be recycled.
5 Paper can also deteriorate quickly and be
6 contaminated. We need to drive people toward
7 the right alternatives.

8 And I would not want the outcome of
9 this law to effectively put consumers who
10 might be on tighter budgets into the realm
11 having to either decide between a \$10 canvas
12 bag or, you know, a 20-cent paper bag.

13 But we'll get the data for you when
14 it's available.

15 CHAIRWOMAN KRUEGER: Thank you.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 CHAIRWOMAN KRUEGER: Shifting to some
18 Article 78 language involving adjustments to
19 the Brownfields Law, the proposed budget
20 would extend brownfields development credits
21 for old deals that were certified between
22 2010 and 2012. Why are we doing this?

23 DEC COMMISSIONER SEGGOS: So part of
24 the Brownfields Law we amended a few years

1 ago has resulted in an accelerated number of
2 projects heading toward completion. The
3 pandemic presented a bit of a hurdle in some
4 of the work out there that was being
5 conducted, slowed down some of the work. So
6 we want to give a little bit more time to
7 some of these authorities to get out there
8 and finish those projects.

9 CHAIRWOMAN KRUEGER: So these are
10 projects that were certified to have
11 completed the cleanup back in '10 through
12 '12.

13 But we're talking about the
14 redevelopment credits, I believe, only in the
15 budget. So they didn't get around to
16 completing the projects since '10-'11, and
17 now we think there will be a rush to finally
18 do those projects?

19 DEC COMMISSIONER SEGGOS: Well, there
20 has been an uptick in the number of projects.
21 In fact, we'll be announcing a wrap-up of
22 this fairly soon. About a thousand projects
23 have gotten into the system, and we've
24 completed about 500.

1 But as of right now, you know, we --
2 with the construction boom happening and a
3 number of these projects, you know, stymied
4 last year, we want to give the developers a
5 chance to benefit from the tax credit as they
6 complete these projects. Again, the public
7 policy being let's clean up our land but
8 let's also reuse that land, as opposed to
9 doing greenfield projects around the state.

10 CHAIRWOMAN KRUEGER: So you think
11 there's up to 500 projects that are
12 potentially eligible for this?

13 DEC COMMISSIONER SEGGOS: Yeah, we've
14 seen more than 500 projects go through
15 already. So it's about a intent of -- about
16 a thousand have indicated interest, and about
17 500 have gone through the system.

18 CHAIRWOMAN KRUEGER: So I would like
19 you to provide us with a master list of what
20 those projects are --

21 DEC COMMISSIONER SEGGOS: Sure.

22 CHAIRWOMAN KRUEGER: -- and where they
23 are.

24 Follow-up question: How much is this

1 going to cost the State of New York in new
2 credits?

3 DEC COMMISSIONER SEGGOS: Do we have
4 the actual numbers on that? No. I'll talk
5 with the Department of Tax and Finance and
6 get you the numbers on cost on that, Senator.
7 It should be readily available.

8 CHAIRWOMAN KRUEGER: I appreciate
9 that. Because I think somewhere in the
10 Governor's budget materials it said the
11 answer was zero. And that would be
12 inconsistent with the new projects coming up
13 to spec and being able to draw down the
14 credits. So --

15 DEC COMMISSIONER SEGGOS: It might be
16 the additional cost is zero. But I'll get
17 the number for you.

18 CHAIRWOMAN KRUEGER: All right, I
19 appreciate that.

20 And I was curious, the '10-'11 deals,
21 are they under the old brownfields formula,
22 which had an exceptionally generous credit
23 for redevelopment, or on the new brownfields
24 formula?

1 DEC COMMISSIONER SEGGOS: So it should
2 be under the new brownfields formula. They
3 had a window in which to complete their
4 projects under the old formula or opt into
5 the new system. And that was 2014-'15, I
6 believe, that we made those changes.

7 CHAIRWOMAN KRUEGER: So nobody back
8 from the old is allowed to use those --

9 DEC COMMISSIONER SEGGOS: I don't
10 believe so. I'll double-check for you, but I
11 believe that the decks are cleared of those
12 projects.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: Thank you.
16 We have so many more Assemblymembers
17 than Senators, and a lot of them are very
18 anxious to ask questions. So we're going to
19 go to Assemblyman Tague for three minutes.

20 ASSEMBLYMAN TAGUE: Thank you,
21 Chairwoman Weinstein.

22 Good morning, Commissioner. It's
23 always a pleasure to speak with you.

24 DEC COMMISSIONER SEGGOS: Great to see

1 you, sir.

2 ASSEMBLYMAN TAGUE: And I want to
3 thank you for your time this morning. Also I
4 want to thank you for your service and your
5 staff's service to our state, and your
6 service to our country.

7 DEC COMMISSIONER SEGGOS: Thank you,
8 Assemblyman.

9 ASSEMBLYMAN TAGUE: I also want to
10 thank you for you and your staff's service
11 during the COVID crisis, especially in part
12 of my district -- Kaaterskill Falls,
13 Platte Clove -- all the work that your folks
14 did. We had many new visitors to the area
15 during the COVID crisis. We had some issues
16 where we needed the Rangers, a couple of
17 rescues. So I just want to say thank you.
18 Most of it was on the weekends, and your
19 staff stayed in close contact with my office
20 and I, and I think some serious problems were
21 averted because of the communication and the
22 hard work of your people. So thank you
23 again.

24 DEC COMMISSIONER SEGGOS: Thank you.

1 ASSEMBLYMAN TAGUE: I have like three
2 or four quick questions. I think I'm going
3 to group it all into one, Commissioner,
4 because of my time.

5 Number one -- and you and I have
6 spoken about this in the past -- is there any
7 money in this year's budget for maintenance
8 and public safety in areas like
9 Kaaterskill Falls and Platte Clove, areas
10 where your department has invested money over
11 the years to make improvements?

12 My concern is that if we don't
13 continue to put money in the budget for
14 maintenance and public safety, we are going
15 to lose these very wonderful and heavily used
16 parks. Go ahead, I'm sorry.

17 DEC COMMISSIONER SEGGOS: Sorry. Good
18 questions.

19 I mean, we are fortunate to have
20 sustained support in the NY Works program.
21 NY Works historically has given us about
22 50 million a year. This year we're up to 75.
23 And that's designed to help us address the
24 backlog of work at some of these locations,

1 including places like Kaaterskill.

2 So yes, we do have support on that,
3 both on our operations funding through the
4 EPF stewardship line and through NY Works.

5 And my staff have been working really
6 hard to make some of these places safe.
7 You're flagging a few spots that have been
8 very dangerous over the years, and we've seen
9 that, made those investments to steer people
10 away from danger. I think we've seen some
11 good results. But last year we saw really
12 high use, almost unsustainable. I mean,
13 Kaaterskill we saw was 40,000 visitors in a
14 few short weeks.

15 So it certainly needs to change, and
16 that's part of the -- part of the work is on
17 us to communicate alternative locations.

18 ASSEMBLYMAN TAGUE: In the last decade
19 New York has lost hundreds of thousands of
20 acres of farmland under tillage. Large-scale
21 solar projects are threatening remaining
22 farmland, since farmland is used for these
23 projects and they cannot be made tillable
24 again. And there's also concerns that there

1 are environmental concerns regarding
2 decommissioning.

3 Does the department see this as
4 problematic, as many of our local rural
5 residents and rural farmers do, Commissioner?

6 DEC COMMISSIONER SEGGOS: Well, it's
7 certainly something we need to balance.
8 There's no question about it, we've seen a
9 dramatic loss in our farmland nationwide, and
10 certainly here in New York as well. We need
11 to fight for our farmers. I know
12 Commissioner Ball will have some thoughts
13 about this particular point coming right
14 after me.

15 We do provide funding for farmland
16 preservation within the EPF, very important
17 dollars that Ag & Markets administers to
18 protect farming. And I stand very closely
19 with him when it comes to either ag or
20 forestry, to ensure that these lands are
21 protected.

22 And when we're talking about adding
23 wind or solar, there needs to be a balance.
24 If there's viable farmland that's being used,

1 obviously that's not where we're going. If
2 there's fallow land that clearly isn't going
3 to be used anytime soon, that's where we
4 would proceed to incentivize some of these
5 projects.

6 But we will have to balance that,
7 right. There's projects that need to happen
8 from an energy perspective, and by the same
9 token we need to protect our foodshed. And I
10 think we can accomplish both these things; we
11 just need to be aware of it.

12 CHAIRWOMAN WEINSTEIN: Thank you.
13 Thank you.

14 ASSEMBLYMAN TAGUE: I -- I was
15 under -- Chairwoman, I --

16 CHAIRWOMAN WEINSTEIN: Excuse me,
17 Assemblyman, your time is up.

18 ASSEMBLYMAN TAGUE: I thought I was
19 allowed five minutes. I'm a ranker.

20 CHAIRWOMAN WEINSTEIN: That's when
21 Commissioner Ball will be here.

22 ASSEMBLYMAN TAGUE: All right. thank
23 you.

24 CHAIRWOMAN WEINSTEIN: Okay? We'll

1 give you your time then. It's just for the
2 respective committees that you're a ranker
3 on.

4 So next we go to Assemblyman Mamdani
5 for three minutes.

6 ASSEMBLYMAN MAMDANI: Hello. Thank
7 you so much, Chairwoman. I'm just trying to
8 start my video, but it's not allowing me to
9 do so.

10 DEC COMMISSIONER SEGGOS: I can hear
11 you, though.

12 CHAIRWOMAN WEINSTEIN: Oh, just speak
13 and -- oh, there we are.

14 ASSEMBLYMAN MAMDANI: There we go.

15 Hi, Commissioner. It's very nice to
16 meet you.

17 DEC COMMISSIONER SEGGOS: Likewise.

18 ASSEMBLYMAN MAMDANI: I wish it was in
19 person, but this is a great start.

20 DEC COMMISSIONER SEGGOS: Next time,
21 hopefully.

22 ASSEMBLYMAN MAMDANI: Next time.

23 My name is Assemblymember Mamdani. I
24 represent the 36th Assembly District that

1 covers Astoria, Ditmars-Steinway, and parts
2 of Astoria Heights.

3 I'm going to jump straight into the
4 questions to try and make use of the time.

5 DEC COMMISSIONER SEGGOS: Okay.

6 ASSEMBLYMAN MAMDANI: Thank you so
7 much for all the time that you're putting in
8 here. I know that --

9 DEC COMMISSIONER SEGGOS: Thank you.

10 ASSEMBLYMAN MAMDANI: -- this is very
11 difficult to get through all of it.

12 So despite our passage of the CLCPA in
13 2019, there are still companies attempting to
14 build new fracked-gas power plants in our
15 state, including right here in my district.
16 And as of yet there does not seem to be a
17 clear regulatory framework for applying the
18 CLCPA in a way that will prevent the
19 continued construction of these polluting and
20 climate-destabilizing projects.

21 So my question -- my first question,
22 hopefully -- is will you consider putting in
23 place air permit frameworks before the
24 finalization of our state Climate Action

1 Council plan that can provide regulatory
2 clarity and prevent a last-minute rush to
3 construct these projects?

4 DEC COMMISSIONER SEGGOS: Good
5 question.

6 So we are in this sort of interim
7 phase right now between the passage of the
8 law and ultimately what comes out of the law,
9 which will be a suite of recommendations that
10 govern how we operate as a state.

11 We have the ability to ask -- even now
12 we have the ability to ask questions of
13 project proponents pursuant to CLCPA. That's
14 the so-called Section 7(2). And we are
15 applying that. And we're making sure that
16 we're asking the important climate questions
17 so that we don't have a regrets scenario,
18 effectively, when we get to the point where
19 we have the regulations in place and we will
20 have made decisions as a state that would
21 have been contrary to the CLCPA.

22 So that is underway right now.
23 There's a few applications, as you know.
24 There's one in Astoria. There's several --

1 there's one in Mid-Hudson. And there are
2 other projects around the state where we are
3 beginning to apply Section 7(2) and getting
4 from the applicant the answers on climate.

5 The Astoria project and some of
6 those -- they're still within the
7 environmental review phase. The projects, as
8 any big project, takes time to get through
9 not only permitting but the environmental
10 review. And I'm confident that we'll have
11 the time that we need to fully scrutinize
12 these projects from a climate perspective.

13 ASSEMBLYMAN MAMDANI: Thank you for
14 your answer. And I will absolutely hope for
15 exactly that, of taking as much time as is
16 needed and, personally, eventually stopping
17 this project from happening.

18 I will try and squeeze in an
19 additional question in the 22 seconds I have,
20 which is that offshore wind leases have been
21 awarded to Equinor and Ørsted. Both are
22 state-owned energy companies owned by the
23 governments of Norway and Denmark,
24 respectively, both of which are out of my

1 district. But my question is why shouldn't
2 the New York Power Authority or any -- or
3 another state entity, for that matter, be
4 permitted to bid on, build and own offshore
5 wind? What are the obstacles to that?

6 DEC COMMISSIONER SEGGOS: So I will
7 ask you to raise that with Doreen Harris,
8 when she comes in the next -- I think two
9 panels from now. That's really in her
10 wheelhouse, Assemblyman.

11 ASSEMBLYMAN MAMDANI: Okay. Well, I
12 have more questions, but I'll save them for
13 another time.

14 DEC COMMISSIONER SEGGOS: You can
15 always call us.

16 ASSEMBLYMAN MAMDANI: Absolutely.
17 Will do. Thank you so much.

18 DEC COMMISSIONER SEGGOS: Thank you.

19 CHAIRWOMAN WEINSTEIN: If members do
20 have questions, additional questions, you can
21 forward them to me and we can compile a list
22 for the commissioner.

23 So there are no other additional
24 Senators, so we're going to just go straight

1 through the -- who have questions, so we're
2 going to go straight through the
3 Assemblymembers.

4 Next we have Assemblywoman Griffin,
5 for three minutes.

6 Judy, are you here?

7 ASSEMBLYWOMAN GRIFFIN: You can hear
8 me now?

9 CHAIRWOMAN WEINSTEIN: Yes.

10 DEC COMMISSIONER SEGGOS: I hear you.

11 ASSEMBLYWOMAN GRIFFIN: Okay, thank
12 you.

13 Good morning, Commissioner.

14 DEC COMMISSIONER SEGGOS: Good
15 morning.

16 ASSEMBLYWOMAN GRIFFIN: I have a
17 question -- Assemblymember Englebright asked
18 this, but I wondered if you could expand on
19 it, on the proposal for the commissioner of
20 the DEC to establish the standards and
21 conditions to expedite the residential
22 rezoning on the railroad and Metro-North.

23 And I just wondered if you could
24 expand and tell us if you are incorporating

1 these communities and the local governments
2 in these communities in this decision.

3 DEC COMMISSIONER SEGGOS: So,
4 Assemblywoman, certainly as we create the
5 guidance we'll be doing outreach on exactly
6 how the language should be structured.
7 Again, this is something that we'll seek
8 expertise from many other agencies and
9 authorities, as not all of this is expertise
10 within DEC's purview.

11 These are, again, local options, so
12 the county and the municipality would have to
13 decide that they want to pursue rail
14 advantaged housing. This is not something
15 that we would be telling them. This is
16 merely something that we see coming out of
17 the climate work that we're doing as part of
18 the CAC, that there's an interest in
19 promoting this type of housing -- walkable
20 housing, transit-oriented housing.

21 So we look forward to doing this in
22 conjunction with many other parties.

23 ASSEMBLYWOMAN GRIFFIN: Okay, thank
24 you very much.

1 And another question I have is
2 regarding the plastic bags, has there been
3 any additional consideration on also banning
4 the paper bags? Because that would really
5 serve the environment much better and would
6 be something most people are interested in.
7 And I just wondered, are there any other
8 thoughts to that?

9 DEC COMMISSIONER SEGGOS: So we did
10 consider a full range of options. The
11 Governor created the Plastic Bags Task Force
12 back in 2017, he directed us to look at every
13 single entity in the world that had a ban of
14 some kind.

15 And what came out of it was the bans
16 that work are the bans where you have a fee
17 on plastic -- or a ban on plastic and a fee
18 on paper. And a clear distinction between
19 what's recyclable -- or what is reusable and
20 what is clearly single-use. So where we
21 landed with the law and I think where we will
22 land with the regulations is exactly where we
23 need to be.

24 I certainly want to provide the option

1 for somebody who arrives at a checkout and
2 all of a sudden doesn't have a reusable bag
3 on them, doesn't feel like spending \$1.50,
4 wants to spend 10 cents on paper. I think
5 the usage rate will be somewhat low on this,
6 which is good. But, you know, we'll look at
7 the data and have the data effectively drive
8 any amendments we need to make over time.

9 ASSEMBLYWOMAN GRIFFIN: Thank you very
10 much. I appreciate it.

11 DEC COMMISSIONER SEGGOS: Thank you.

12 CHAIRWOMAN WEINSTEIN: We go next to
13 Assemblywoman Buttenschon.

14 ASSEMBLYWOMAN BUTTENSCHON: Good
15 morning, Commissioner. It's a pleasure to
16 see you again.

17 DEC COMMISSIONER SEGGOS: Good
18 morning. Likewise.

19 ASSEMBLYWOMAN BUTTENSCHON: Thank you
20 for being here this morning.

21 As you know, I'm from Region 6, and I
22 can identify that your staff does a
23 phenomenal job also up here, so they clearly
24 deserve the accolades that you've heard from

1 other regions.

2 DEC COMMISSIONER SEGGOS: Great
3 region. Don't tell anyone it's my favorite,
4 but it is.

5 ASSEMBLYWOMAN BUTTENSCHON: Of course
6 it is.

7 (Laughter.)

8 ASSEMBLYWOMAN BUTTENSCHON: And I have
9 a few questions. My colleagues have brought
10 up these topics, but they're important. As
11 you know, the Sauquoit Creek has devastating
12 effects on the community members in my area.
13 And it seems that every time there is a
14 holiday is when the creek decides to cause
15 havoc. And I just wanted an update on what
16 progress we're seeing within there.

17 Secondly, my second question talks
18 about educational programs. My colleagues
19 talked about sportsmanship, talked about the
20 importance of recycling and understanding the
21 issues with ticks. And you talked a little
22 bit about the deer population. All of these,
23 I believe, is so important. It starts with
24 the individual, so your programs that remind

1 individuals and enhance knowledge on how to
2 respect our environment as well as to work
3 within it in a positive manner.

4 So your education programs are ones
5 that are so significant, and community
6 programs, to include all of these areas of
7 topics -- specifically, the sportsmanship,
8 ticks.

9 And I know that we had passed
10 legislation about boating and boating
11 licenses and looking to ensure that we
12 educate our community members and get those
13 licenses in their hands for safe summer
14 recreation.

15 So I just wondered, number one, the
16 inland waterways, what type of funding will
17 be coming forward for the Sauquoit Creek.

18 And number two, has there been
19 specific funding requested in this budget for
20 community education programs to enhance those
21 areas that remind individuals how to respect
22 the environment and work with it?

23 DEC COMMISSIONER SEGGOS: Great
24 question.

1 Mohawk Watershed and elsewhere in the state,
2 41 in total, where we're trying to reduce
3 those kind of flooding incidents.

4 On the education side, I put a huge
5 premium here at DEC on communications. That
6 starts with everything that I say and talks
7 about everything that we put out in writing,
8 and of course all of our educators and even
9 the school programs and the work of the
10 conservationists. We try to make very clear
11 to the public what's coming, whether it's a
12 plastic bag ban or the organics legislation,
13 and certainly the opportunities connected to
14 the sporting economy and boating.

15 And we do so in conjunction with the
16 Office of Parks and Recreation. Parks and
17 Recreation does the boating licenses. But we
18 are, again, as I'd mentioned earlier, sort of
19 no-silos government. I work very closely
20 with Erik Kulleseid on that,
21 Commissioner Kulleseid.

22 And I think, you know, of all the
23 states committed to the environment, I think
24 we do a very good job of letting people know

1 about the importance of the outdoors. And we
2 do so certainly in Region 6, when I'm up
3 there, at least.

4 CHAIRWOMAN WEINSTEIN: Thank you.
5 Thank you, Commissioner.

6 We go to Assemblyman Epstein now.

7 ASSEMBLYMAN EPSTEIN: Thank you. And
8 I think they'll get my video started soon.
9 But they won't let me -- great.

10 So thank you, Commissioner. Thanks
11 for your time.

12 DEC COMMISSIONER SEGOS: Good to see
13 you.

14 ASSEMBLYMAN EPSTEIN: You too.

15 Just on the electric charging
16 stations, you said there's 7,000 available
17 right now in New York, trying to get to 50.
18 Of those 7,000 and the proposed 50,000, how
19 many of those are going to be publicly
20 available or are currently publicly
21 available?

22 Because an example is like I can
23 charge my plug-in car in the LOB, but, you
24 know, there's no place in New York City with

1 publicly available charging stations. There
2 are lots of charging stations that are
3 privately available, but nothing for the
4 public. And if we want to encourage people
5 to have plug-in cars, we need them publicly
6 available.

7 DEC COMMISSIONER SEGGOS: So I'll ask
8 NYSERDA to give you the detailed breakdown as
9 to where those stations are.

10 But you're absolutely right, these
11 need to be public charging stations, which is
12 why we're putting public dollars into it.
13 They need to be accessible, affordable, they
14 need to be located places where people
15 actually drive, not randomly where people
16 aren't.

17 So that's part of the Make Ready
18 initiative that we announced last summer, is
19 building out 50,000. I mean, that will
20 involve a detailed analysis of exactly every
21 corridor where we have drivers and the places
22 that are sort of charging deserts right now,
23 and there are several.

24 To truly get EVs in New York, you're

1 going to need --

2 ASSEMBLYMAN EPSTEIN: So can I get a
3 commitment -- yeah, no, I need to get a
4 commitment that we can have publicly
5 available charging stations. And
6 unfortunately we don't have those now.

7 So like for people who want to do it,
8 it's just -- we just -- it's too tough. Even
9 on the Thruway, even though there are
10 charging stations, those charging stations
11 aren't available for all cars. I've stopped
12 at Thruway stations down the Thruway on the
13 way home, and none of those I can plug my car
14 into. So I really think if we --

15 DEC COMMISSIONER SEGGOS: Yeah, no
16 question, it's got to change.

17 ASSEMBLYMAN EPSTEIN: If we really
18 want people to move in that direction, then
19 it has to change. And if we're going to roll
20 out this plan with 50,000 stations and people
21 still can't plug in their cars, it doesn't
22 work.

23 And it's great maybe for our city and
24 state fleet, we can have those available. But

1 if there are city charging stations that
2 aren't being used, or state charging
3 stations, why can't we let regular
4 New Yorkers have access to those as well so
5 they can feel like they can be part of the
6 situation of getting their own plug-in cars?

7 DEC COMMISSIONER SEGGOS: You're
8 absolutely right. That's exactly the
9 direction that the Make Ready program is
10 going, and that's the objective of that
11 program.

12 ASSEMBLYMAN EPSTEIN: Great. Well,
13 I'm happy to be a partner, whatever I can do
14 there.

15 DEC COMMISSIONER SEGGOS: Thank you.

16 ASSEMBLYMAN EPSTEIN: On composting,
17 obviously we want to get a lot of compost out
18 of our waste stream, but we don't really have
19 a statewide composting initiative. We know
20 obviously in municipalities there's costs to
21 composting.

22 I really would love to work with your
23 office to try to encourage more composting
24 across the state. Here in the city we've

1 reduced our compost -- (audio/video frozen).

2 DEC COMMISSIONER SEGGOS: Did we lose
3 you?

4 ASSEMBLYMAN EPSTEIN: -- composting.

5 And finally -- you lost me there?

6 Yeah, state composting would be great.

7 And just a final point is around the
8 plastic bag ban, if we could really move
9 towards a full ban. I think we've seen a lot
10 of abuse in the city and people saying, Well,
11 we're -- you know, I have food, takeout too,
12 so I'm using plastic bags.

13 Whatever we can do to really move
14 towards a full ban, I'd really appreciate it.

15 DEC COMMISSIONER SEGGOS: Okay, got
16 it. And I take your point on composting.

17 We are moving toward statewide
18 organics legislation which will incentivize
19 the composting of food waste. That will go
20 into effect as of January 1, 2022. And as a
21 component of that, we're also moving as much
22 as possible into food reuse to help the
23 hungry in New York. It's something we've
24 been funding to get off the ground this year

1 and last.

2 We will be putting in regulations
3 actually today on that in the State Register,
4 so you should see some of that moving ahead.

5 And I don't know if I'm out of time
6 here on this answer -- okay.

7 THE MODERATOR: Yes.

8 DEC COMMISSIONER SEGGOS: All right,
9 thank you, Assemblyman.

10 ASSEMBLYMAN EPSTEIN: Thank you.

11 CHAIRWOMAN WEINSTEIN: -- we'll be
12 very happy to circulate that information to
13 members.

14 We now go to Assemblyman Colton.

15 Bill, are you here?

16 THE MODERATOR: You are muted,
17 Assemblymember.

18 ASSEMBLYMAN COLTON: All right. Can
19 you hear me now?

20 DEC COMMISSIONER SEGGOS: Gotcha.

21 ASSEMBLYMAN COLTON: Okay. I wanted
22 to thank you, Commissioner, for your time
23 here. You've spent quite a bit of time.
24 This is a very important topic, and you do

1 very well in answering the questions and
2 providing information, so thank you.

3 DEC COMMISSIONER SEGGOS: Thank you.
4 It's my favorite day of the year.

5 (Laughter.)

6 ASSEMBLYMAN COLTON: I have a couple
7 of questions dealing -- first of all, in
8 Brooklyn we have the Sunset Park Wind
9 Turbine. And also in the matter in terms of
10 charging stations, I would join with the
11 comments of Assemblymember Epstein in terms
12 of the need for charging stations.

13 I note that the Office of Renewable
14 Energy Siting is probably going to play a
15 very important role in dealing with certainly
16 things like wind turbines and other siting
17 issues, renewable siting.

18 DEC COMMISSIONER SEGGOS: Yes.

19 ASSEMBLYMAN COLTON: So could you give
20 us a little bit of detail in terms of how
21 that is coming along? And also how it's
22 coming along in relationship to things like
23 the Sunset Park Wind Turbine. Has that been
24 sited yet? What stage is it at? Is it going

1 to open? Is there a particular detailed
2 plan, one that will be in operation? And,
3 you know, what steps have to be taken?

4 And also I would just like to
5 indicate, as an aside, I do support a
6 clean-fuel standard either by legislation or,
7 if possible, by the budget. I think that
8 would help us in terms of moving along in
9 terms of non-fossil fuels and in terms of
10 reducing carbon imprint on our energy
11 programs. And I think that the wind
12 turbines, I think that some of the charging
13 stations are things that we need to do in
14 order to advance that.

15 So if you could give us a little
16 detail about our progress made on those
17 issues.

18 DEC COMMISSIONER SEGGOS: Sure, we'd
19 be happy to.

20 So the Office of Renewable Energy
21 Siting, as I mentioned, we've done the
22 regulations on that in conjunction with DPS,
23 which you can ask also some of these
24 questions of DPS later.

1 But I'm proud to say that we're moving
2 some projects out of Article 10 into the ORES
3 process, which again will be fast-tracked and
4 more streamlined.

5 I believe there's something in the
6 range of 30 to 50 projects that will be
7 moving into ORES in the coming year, which is
8 a good thing for the buildout of renewables
9 in New York. I'm confident that our
10 concerns, the concerns being management of
11 protection of open space and watersheds and
12 wildlife, will be managed accordingly.

13 DPS may know better than I do where
14 the Sunset Park project is in terms of its
15 process. I'll flag that for them to get to
16 you today later. But we're optimistic about
17 that project.

18 CHAIRWOMAN WEINSTEIN: Thank you.
19 Thank you, commissioner.

20 DEC COMMISSIONER SEGGOS: Good to see
21 you, Assemblyman.

22 CHAIRWOMAN WEINSTEIN: We go now to
23 Assemblywoman Septimo.

24 ASSEMBLYWOMAN SEPTIMO: Hey, there.

1 I'm just waiting for folks to turn my video
2 on. Wonderful.

3 CHAIRWOMAN WEINSTEIN: There you go.
4 We see you.

5 ASSEMBLYWOMAN SEPTIMO: Thank you.

6 So hello, Commissioner. Again, thank
7 you for taking the time to be here.

8 DEC COMMISSIONER SEGGOS: Happy to be
9 here.

10 ASSEMBLYWOMAN SEPTIMO: It really is
11 admirable. I'm new to the Assembly but
12 certainly not new to interest in your work.
13 I'm from the South Bronx, represent a lot of
14 environmental justice communities, and
15 appreciate your work.

16 DEC COMMISSIONER SEGGOS: Thank you.

17 ASSEMBLYWOMAN SEPTIMO: First -- I'm
18 just going to kind of fire through these, to
19 be respectful of people's time -- I wanted to
20 know if the Executive Budget, as it stands,
21 adheres to the mandate that at least 35
22 percent of clean energy spending be dedicated
23 to the benefit of environmental justice and
24 disadvantaged communities right now.

1 DEC COMMISSIONER SEGGOS: So we -- the
2 aims of the CLCPA in regards to the
3 35 percent renewable and 40 percent target,
4 frankly, that is what the Climate Action
5 Council is scoping out right now. So the
6 work -- the draft will be done in December.

7 We are mindful of where we're heading
8 on that obligation and embrace it. That's
9 why just a few weeks ago we put out the RGGI
10 regulations, which then -- which is a very
11 important package of regulations governing
12 power plant emissions that hit that 35
13 percent mandate. So we're directing those
14 power plant investments then into
15 communities, disadvantaged communities.

16 We don't have that definition yet of
17 disadvantaged. As I mentioned earlier today,
18 that's what the Climate Justice Working Group
19 is deciding upon and will be then working
20 with us on the investment plan as far as the
21 CLCPA is concerned.

22 So the good side, we're moving in that
23 direction. So later this year we'll have the
24 full scoping plan, which will then be made

1 available to you and the public to ensure
2 that we're hitting all our marks.

3 ASSEMBLYWOMAN SEPTIMO: Okay. So as
4 it stands, it's not yet up to 35 percent, but
5 you're working to get there.

6 DEC COMMISSIONER SEGGOS: Correct.

7 ASSEMBLYWOMAN SEPTIMO: Are there
8 mechanisms in place to see to it so that that
9 35 percent gets put aside so that it can be
10 later invested into these communities? I'm
11 worried about capturing the 35 percent of
12 spending this year, however long it takes to
13 define the communities, knowing that there is
14 potentially spending that's going to occur
15 that then doesn't get allocated because of
16 the kind of lapse in timeline.

17 DEC COMMISSIONER SEGGOS: Well, again,
18 we passed the law, signed it a year and a
19 half ago, we got the CLCPA started last year.
20 The law requires us to have it done and up
21 and running, from a draft perspective, the
22 end of this year, public comment, and then in
23 full force and effect next year.

24 So we are moving toward that. But I

1 told my staff, and certainly other agencies
2 have been doing the same, to not wait for
3 those. If we think we can make investments
4 that comport with where the CLCPA is trending
5 in terms of EJ investments, we should do
6 that. And again, that's exactly why the
7 regulatory package is structured in such a
8 way as to guarantee those investments locally
9 in those communities.

10 ASSEMBLYWOMAN SEPTIMO: Sure. So I
11 appreciate that. I think you know that
12 communities like the South Bronx are on the
13 front lines of impact as it relates to the
14 effects of climate justice, and so I'd
15 appreciate your partnership in making sure
16 that our communities aren't left out or left
17 behind as it relates to the details of it
18 all.

19 Thank you.

20 DEC COMMISSIONER SEGGOS: Top
21 priority. And that's what makes this law the
22 best law in the country.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 We now go to Assemblyman Manktelow.

1 Assemblyman?

2 ASSEMBLYMAN MANKTELOW: Can you hear
3 me?

4 CHAIRWOMAN WEINSTEIN: Yes.

5 ASSEMBLYMAN MANKTELOW: Oh, okay.

6 Hi, good afternoon, Commissioner.

7 Good to see you.

8 DEC COMMISSIONER SEGGOS: Afternoon.

9 ASSEMBLYMAN MANKTELOW: And first of
10 all, I truly want to thank you for your
11 service to our country, and not only our
12 country but our state. Very much
13 appreciated, thank you.

14 DEC COMMISSIONER SEGGOS: Thank you.

15 ASSEMBLYMAN MANKTELOW: Just a couple
16 of quick questions I have for you,
17 Commissioner.

18 First of all, I'm hearing rumors out
19 there as we continue to go green for our
20 state that -- we're hearing about recyclables
21 going into our landfills and not being
22 treated properly by the trash haulers or the
23 individuals picking them up.

24 Is that something that you, your

1 agency would help enforce or oversee that?
2 And if so, do you actually have enough staff
3 members to do that, boots on the ground? I
4 hear that constantly from some of our DEC
5 officers that I talk to, there's just not
6 enough people to go around. And if not, what
7 do we need to do as legislators to make sure
8 you have those staff members?

9 And the third thing is, just to finish
10 up, I'm so thankful that we're moving forward
11 with big game for our 12- and 13-year-olds.
12 I completely agree with your points on that,
13 and very well taken.

14 I just want to know if you could
15 expound on the crossbow possibly moving
16 forward for our veterans, our senior citizens
17 or individuals that have disabilities.

18 DEC COMMISSIONER SEGGOS: Okay, good
19 questions. Let me see if I can get them all.

20 On recycling, we are aware of the
21 rumors. In fact, we often get reports of
22 noncompliance. Please bring them to us, I
23 would say that. We have an active tip line.
24 If there's recycling going into landfills, we

1 should know about it.

2 We do have a very robust staff.
3 Obviously we've been challenged by 2020 and
4 the pandemic and the need to be in many
5 places at the same time on pandemic matters.
6 But in terms of the recycling markets, we're
7 totally there. And in terms of ECO levels,
8 it's something again, once the economy
9 rebounds and our budget improves, that, you
10 know, I'm committed to have a discussion
11 about the next academy.

12 On crossbows, it is part of our --
13 there is crossbow hunting right now to people
14 who can get a license. Part of opening up
15 the bow hunting season to crossbow is to
16 facilitate the growth of licenses but also to
17 get seniors and veterans out there, and
18 disabled hunters out there as quickly as
19 possible. We see about a \$1.5 million
20 potential increase into the Conservation Fund
21 by the expansion of the crossbow initiative.

22 ASSEMBLYMAN MANKTELOW: Okay, I
23 appreciate that. And you said you do have a
24 tip line.

1 DEC COMMISSIONER SEGGOS: We do. And
2 I probably have the thing on me somewhere. I
3 should have it in my mind, I've been here
4 long enough. We'll put that online. Any
5 tips, just please come to DEC's website,
6 dec.ny.gov.

7 ASSEMBLYMAN MANKTELOW: Okay, I
8 appreciate that.

9 And if I have a minute left, I again
10 want to thank you for your work on
11 Lake Ontario, the shoreline there. I'm
12 constantly engaged in Wayne, Cayuga and
13 Oswego counties there. And as we move
14 forward, I'll be in contact with your office
15 to make sure we can still streamline some
16 things there; we do have a few minor issues
17 going on.

18 But if we need funding or we need
19 something in the budget, please let us know
20 and we'll do that. Okay?

21 DEC COMMISSIONER SEGGOS: Great,
22 sounds good. Good to see you.

23 ASSEMBLYMAN MANKTELOW: All right,
24 thank you, Commissioner.

1 DEC COMMISSIONER SEGGOS: Thanks.

2 CHAIRWOMAN WEINSTEIN: Thank you,
3 Assemblymember.

4 Now we go to Assemblymember Kelles.

5 ASSEMBLYWOMAN KELLES: Thank you so
6 much. It's such a pleasure to meet --

7 DEC COMMISSIONER SEGGOS: Pleasure.

8 ASSEMBLYWOMAN KELLES: -- you,
9 Commissioner Seggos, finally. At least
10 online, for starters.

11 I'm going to jump right into my
12 questions. I'm from Tompkins and Cortland
13 counties.

14 DEC COMMISSIONER SEGGOS: Okay.

15 ASSEMBLYWOMAN KELLES: These are
16 statewide, though, these questions.

17 So jumping to the first one, the DEC
18 is responsible for promulgating new water
19 quality standards for PFOA, as you had talked
20 about earlier, PFOS and 1,4 dioxane, now that
21 you have established the drinking water
22 standards for these three toxic chemicals.
23 And I'm curious when that might happen and if
24 those are going to be put into place for

1 promulgating those water quality standards.

2 DEC COMMISSIONER SEGGOS: So that's in
3 progress right now. We were happy to be part
4 of the team with the Department of Health to
5 set the MCLs, and now it's on us to take
6 that, put it into our water quality standards
7 program. That's underway. From a regulatory
8 perspective, there will be public comment on
9 it, and certainly we'll let your office know
10 when those are ready to go.

11 ASSEMBLYWOMAN KELLEES: Great, thank
12 you so much.

13 And also, in December you established
14 or put out the document for the value of
15 carbon, increasing the estimated social cost
16 from the 47 -- around \$47 to \$125. And I
17 understand that the guidance defers from
18 existing regulation and there was the quote
19 that it does not propose a carbon price fee
20 or compliance obligation.

21 So could you describe how agencies
22 will use this guidance in their decision
23 making process and how the DEC will apply the
24 value of carbon?

1 DEC COMMISSIONER SEGGOS: Absolutely.
2 So we are -- we put this guidance out to help
3 agencies make decisions about their
4 investments. So to understand, based on a
5 particular project, what its costs may be but
6 what its value may be in terms of avoiding
7 emissions down the line and what in fact
8 those costs are.

9 Those costs are measured globally.
10 That's how the value of carbon works. But we
11 understand that the federal government will
12 be moving in this direction as well, and
13 there may be some alignment in these costs.
14 So we basically understand, you know, and can
15 justify from a climate perspective why a
16 certain investment or enhancement to a
17 project may make sense and may make that
18 project more beneficial from a climate
19 perspective over time.

20 And I know that once we get through
21 the CLCPA scoping process, that will become a
22 major concern of most of the agencies that
23 make investments in the state.

24 ASSEMBLYWOMAN KELLES: Thank you.

1 And with my last, I wanted to just
2 touch on, really quickly, in the past -- and
3 I think this year as well -- there's a
4 proposal to move or transfer some of the RGGI
5 funds to the General Fund. But this fund is
6 used for projects that reduce greenhouse gas
7 emissions, support climate change adaptation
8 projects, provide funds for low-income
9 weatherization assistance programs, for
10 example, and all of those are really
11 necessary for reaching the CLCPA goals.

12 So I'm curious if these funds are
13 continuously diverted, what mechanism the
14 state -- the Governor has planned to fund
15 efforts to reach the CLCPA goals.

16 DEC COMMISSIONER SEGGOS: So I don't
17 believe what you're referring to is part of
18 the budget this year. I can get some clarity
19 for you.

20 But, look, the RGGI has been a
21 fantastic program, helping us to not only
22 reduce emissions but putting those dollars
23 back into carbon reduction goals in-state,
24 huge health benefits to New York and all the

1 various parts of the states.

2 But the specific question about are
3 RGGI funds being used for other purposes, I
4 don't believe so this year.

5 THE MODERATOR: Time.

6 ASSEMBLYWOMAN KELLES: Thank you so
7 much.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We now go to Assemblyman Conrad.

10 ASSEMBLYMAN CONRAD: Thank you, Chair.

11 And thank you, Commissioner, for your time.

12 First of all, I just have a couple of
13 quick questions. I'll go as quickly as I
14 can.

15 Number one, with the DEC online
16 hunting course, did you see a dramatic
17 increase in any safety issues or so on with
18 the course and revenue, is the first question
19 I had. I saw that DEC went to an online
20 hunting course. I have to say myself I took
21 advantage of it. Was there any concerns with
22 it going to an online format, and were there
23 increased revenues from that?

24 DEC COMMISSIONER SEGGOS: So I'm sorry

1 about the Bills also.

2 (Laughter.)

3 DEC COMMISSIONER SEGGOS: It was a
4 fantastic year for hunting in New York. We
5 very quickly pivoted during COVID to the
6 online format, saw a huge uptick in the
7 number of folks going through the program. I
8 think it went very, very well. It was a very
9 well run program. And some of the early
10 skeptics I think were true converts on it.

11 We then sold more licenses, we're up
12 10 -- I think maybe 10 to 15 percent more
13 licenses this year as a result of the
14 interest in hunting and the ease in which we
15 were able to bring new hunters into the
16 field.

17 Correspondingly, very good safety
18 statistics. We continue to be among the best
19 states on hunter safety because we require
20 this level of training in advance, and safety
21 awareness. So in all, this has been a bit of
22 a renaissance year for hunting in New York.

23 ASSEMBLYMAN CONRAD: I'm glad to hear
24 it.

1 And really quickly, in my community
2 you're well aware of the Tonawanda Coke
3 struggle and battle. Recently in our
4 community some groups were fighting for a
5 community advisory group, and I'm glad to see
6 the DEC agreed to that. Is that an impedance
7 on these brownfields? I know it's something
8 more reserved for a Superfund site. Do you
9 think that's going to be an impedance for
10 your work in remediating that site?

11 DEC COMMISSIONER SEGGOS: No, I don't
12 at all. I think it will go very well.

13 You know, when the public wants to be
14 involved in a particular project, we want to
15 make every effort to get them involved. We
16 value the input of neighboring communities
17 around brownfield sites.

18 I know that the project itself -- most
19 of the brownfields projects, certainly in
20 Western New York, and Superfund projects, are
21 moving very well. You know, we have an
22 exciting opportunity to turn Tonawanda Coke
23 around. That was such a heavily impacted
24 site. I saw it myself, walked it a few

1 times.

2 And now that we can envision a
3 buildout and some economic value, as well as
4 environmental protection at that site, as
5 well as community input, I think we have a
6 real winner in Western New York in that.

7 ASSEMBLYMAN CONRAD: I appreciate your
8 time. Thank you.

9 DEC COMMISSIONER SEGGOS: Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 We go now to Assemblyman Zebrowski.

12 ASSEMBLYMAN ZEBROWSKI: Thanks, Chair
13 Weinstein.

14 Good afternoon, Commissioner, great to
15 see you.

16 DEC COMMISSIONER SEGGOS: Afternoon.

17 ASSEMBLYMAN ZEBROWSKI: So many
18 important environmental issues to talk about.
19 I just want to focus on one, and follow up on
20 what my colleague Anna Kelles was just
21 talking up in terms of PFOA and PFOS,
22 specifically in relation to a local issue
23 we're having here in Rockland County, with
24 SUEZ, which is our major water supplier, a

1 private company.

2 So in response to our recent bill,
3 which lowered the levels and required
4 testing, it's been found that several wells
5 in Rockland County are above the 10 parts per
6 trillion level, one as high as 19.

7 And my question is I know that the
8 Department of Health is the lead agency, I
9 believe, right, on this and on drinking water
10 in particular. But obviously there's an
11 environmental factor here. So my question is
12 both I guess globally and also in this
13 specific situation, is your agency partnering
14 on this?

15 I've got a lot of, you know, concerned
16 residents. It's obviously at levels far less
17 than the 70 parts per trillion that was the
18 federal regulations, but there seems to be a
19 lot of evidence that perhaps that was set way
20 too high. It's not as high as some of the
21 other situations like in Hoosick Falls.

22 But, you know, I'm unable to give my
23 constituents a whole lot of information about
24 any health effects of low-level -- long-term,

1 low-level exposure. I'm not able to give
2 them much information as to where and how
3 this got into the drinking water, whether
4 it's still coming into the drinking water.

5 So, you know, I would just ask you to
6 comment a little bit globally on what you're
7 going to be doing going forward, and
8 particularly whether you're looking at this
9 situation with SUEZ in Rockland County.

10 DEC COMMISSIONER SEGGOS: Okay.
11 Listen, absolutely, we're taking what
12 happened in SUEZ very seriously, in
13 Rockland County. We are, with DOH and with
14 the county, working very closely on that. We
15 came in right away when we got the report.

16 Our role, as you know, is to
17 investigate the potential source of the
18 contamination, whereas DOH is managing the
19 supply and quality of the drinking water. So
20 I'll let Dr. Zucker weigh in on quality
21 issues.

22 But we were able to move quickly to
23 identify the potential areas or the potential
24 wells where this material may be coming from.

1 It's not the entire system. United Water,
2 SUEZ, operates a system with a number of
3 wells, I think it's over a dozen, maybe 14,
4 15 wells, and they're supplying that water to
5 the county. So what we're trying to do is
6 determine exactly how PFOA may have gotten
7 into the system.

8 As far as we know at this point, there
9 are no discernable plumes of PFOS, unlike
10 what you saw in Gabreski or in
11 Stewart Airport or up in Hoosick Falls. So
12 you're talking about micro-issues that need
13 additional tracing.

14 Now, I'm confident that the water
15 supply can be managed to a safe level below
16 the MCLs, but we still need to find what
17 caused it in the first place. I'm confident
18 we will find it. I think we did out in
19 Mayfield recently, out in Western New York,
20 we were able to find a single well that had a
21 local issue, really localized to the pipe
22 itself. It may be some of that.

23 It may be now our awareness of these
24 problems over time has given us a better

1 insight into just the manufacturing process
2 of the wells themselves and the systems that
3 operate around them.

4 So as soon as we know something, we'll
5 be communicating that to the public and
6 certainly to your office.

7 ASSEMBLYMAN ZEBROWSKI: Thank you very
8 much.

9 DEC COMMISSIONER SEGGOS: Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 We go to Assemblymember Barrett now.

12 ASSEMBLYWOMAN BARRETT: Thank you.

13 Thank you, Chair.

14 And thank you, Commissioner. It's
15 always good to see you. And I join my
16 colleagues in thanking you for all that you
17 do and your team does, and particularly want
18 to just flag your help on Outdoor Rx, which
19 has just got off to a fantastic start and is
20 breaking down all the silos that state
21 government is notoriously famous for. So
22 thank you for that.

23 DEC COMMISSIONER SEGGOS: Thank you,
24 Assemblywoman.

1 ASSEMBLYWOMAN BARRETT: I just wanted
2 to flag an issue in my district. You know,
3 very proud to support the CLCPA, but I'm very
4 concerned about the community preservation
5 piece of this. And we have, you know, a huge
6 solar initiative that's, you know, kind of on
7 track in the very rural, very bucolic,
8 beautiful part of my district.

9 What I'm just wondering is, how are we
10 looking to balance those kinds of sitings
11 with very available nearby grayfields,
12 parking lots? We're not doing a great job
13 with rooftops of state buildings, of
14 warehouses, of so many other places, but
15 we're ready to possibly destroy the economy
16 and the viewsheds for a very pastoral, rural
17 part of the state.

18 And it just troubles me that I don't
19 feel that I have an understanding of a plan
20 to make sure that all of that -- that climate
21 Leadership and community preservation is in
22 balance.

23 DEC COMMISSIONER SEGGOS: Well,
24 certainly, Assemblywoman, it needs to be in

1 balance. We need to balance all of the
2 economic interests of the state.

3 When you talk about the viewsheds in
4 the Hudson Valley, I mean, there are few
5 better ones in the world. So that will be
6 and is part of the work of the Climate Action
7 Council. It's also being considered in the
8 ORES, or the Office of Renewable Energy
9 Siting.

10 We do need a plan on this. We
11 obviously didn't move as quickly as possible
12 in the renewables to help meet those goals.
13 But there's a balance with all of the
14 unintended consequences that we need to be
15 aware of up-front so we don't make those
16 kinds of mistakes. I know that the folks on
17 the CAC with me -- not just Doreen Harris,
18 but the other commissioners -- are mindful of
19 this. Richard Ball is mindful of farmland
20 impacts.

21 So we handle these issues front and
22 center with the various panels and certainly
23 will be in the coming year when we put the
24 scoping plan together.

1 ASSEMBLYWOMAN BARRETT: Okay, thank
2 you.

3 And is there a way that we can shift
4 in some communities to places like, you know,
5 abandoned shopping centers or -- you know, I
6 understand these are private ventures, but
7 can the state help incentivize some of those
8 grayfield or other properties?

9 DEC COMMISSIONER SEGGOS: Yeah, I
10 think we need to look at that. And I think,
11 you know, what we have done in the past with
12 SEQR, for example, we've tried to incentivize
13 industrial land for the use of solar. You
14 know, we have as a policy objective hitting
15 that mark. And, you know, DPS will have some
16 responses to that.

17 But I think ultimately we do need to
18 prioritize underutilized land and land that
19 meets the energy needs, meets the energy
20 capacity of a particular site, but also is
21 going to conform with the local zoning and
22 local desires.

23 ASSEMBLYWOMAN BARRETT: Okay, thank
24 you very much.

1 DEC COMMISSIONER SEGGOS: Thank you.

2 And I just want to -- I do want to
3 clarify something that Assemblywoman Kelles
4 asked on RGGI. So we are bringing in money
5 from RGGI, \$5 million from RGGI into the EPF,
6 but only for renewable energy purposes, so
7 comporting with the purposes of RGGI.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We now go to Assemblywoman Seawright
10 for three minutes.

11 ASSEMBLYWOMAN SEAWRIGHT: Thank you,
12 Chairwoman Weinstein and Chairwoman Krueger
13 and Commissioner.

14 I'm very impressed with the ambitious
15 Reimagine, Rebuild and Renew initiative in
16 the Governor's 2021 agenda. Will these new
17 green initiatives be working to include
18 MWBE contracts? I represent the Upper East
19 Side of Manhattan and Roosevelt Island, and I
20 know on other projects there's been a lack of
21 the goals being met with the MWBE
22 construction projects on Roosevelt Island.

23 And then my second question, Roosevelt
24 Island's been facing a lot of weather-related

1 damage. The seawall at South Point is
2 currently being repaired. But what are some
3 of the weatherization projects that can help
4 Roosevelt Island and other parts of Manhattan
5 from flooding during major storms like
6 Superstorm Sandy?

7 DEC COMMISSIONER SEGGOS: Great
8 question.

9 So on MWBE, yes, it is the goal of the
10 investments in this Reimagine approach to
11 clean energy to prioritize MWBE. It is
12 inherent to most of our contracts on the
13 energy side, as is the project labor
14 agreement, so support of labor and use of
15 labor on these projects. So that will be
16 part of how that program rolls out.

17 In terms of Roosevelt Island
18 weatherization, I know that the city has a
19 role to play in this, as potentially does the
20 Army Corps. We are very busy downstate on a
21 number of large projects with Army Corps --
22 for example, Staten Island, Long Beach, and
23 elsewhere -- on improving the shorefront,
24 making it more resilient.

1 I'd say if there's a particular
2 stretch of Roosevelt Island that needs
3 attention, please reach out to my office.
4 We'll see if we have a role, if we have
5 jurisdiction on it, if we have any funding
6 sources for it. If not, we can work with you
7 and the city and Army Corps to see if there's
8 a role for those other agencies to play.

9 But we get it, we understand it's an
10 important part of making New York City
11 resilient in the face of increasing storms
12 and sea-level rise.

13 ASSEMBLYWOMAN SEAWRIGHT: Thank you,
14 Commissioner.

15 DEC COMMISSIONER SEGGOS: Thank you.
16 Good to see you.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 So I believe I have -- we're getting
19 near the end, Commissioner. I have a
20 question, and it's similar to the question I
21 asked last year about updating us on the
22 status of the various components of the
23 Clean Water Infrastructure Act of 2017,
24 including encumbrances or disbursements made

1 so far, and what you anticipate in the coming
2 year, which programs were put on hold as a
3 result of the pandemic and which have
4 continued to advance.

5 And I will say that I thank you for
6 the response last year, afterwards, as we
7 found it very helpful. So I wanted to repeat
8 the request this year to see what we've been
9 able to accomplish this past year. Now
10 understanding, of course, because of the
11 pandemic.

12 DEC COMMISSIONER SEGGOS: Well,
13 certainly we'll be happy to work with you on
14 that.

15 I know last year one of the issues
16 that you raised and even last -- I believe it
17 was December you asked me about the New York
18 City money. Now that the Division of Budget
19 has approved moving that -- those dollars,
20 that will be going, the \$200 million will be
21 going down to the city.

22 I told Commissioner Sapienza that a
23 few days ago; he was elated, talked about how
24 those projects are going to start flowing,

1 those municipal projects within the
2 watershed. So that's great news.

3 We can provide a more detailed
4 breakdown of how the spending has happened.
5 Obviously we had limited spending on -- out
6 of the Clean Water Infrastructure Act last
7 year because of the pandemic in 2020. It
8 will happen this year.

9 We did prioritize emerging
10 contaminants using those dollars, those
11 program dollars in 2018 and '19, a total
12 project cost of \$255 million. Again, helping
13 us to get ahead of where we knew we were
14 going to land on the MCL levels that we set,
15 1,4-dioxane and PFAS.

16 That will remain a priority, no doubt
17 about it, as the state and localities and
18 water districts continue to contend with
19 emerging contaminants. A major issue, and
20 obviously major investments that need to
21 made. We want to be supportive of that.

22 But as far as the actual breakdown
23 line by line, dollar by dollar, we'll
24 certainly get that to you as soon as

1 possible -- my staff are taking notes on it
2 right now -- and we'll send you a report on
3 it. And ultimately look forward to a robust
4 2021, hopefully, as far as water
5 infrastructure spending is concerned.

6 CHAIRWOMAN WEINSTEIN: Great.

7 I think you're about to be released.
8 I just need to clarify with Assemblyman
9 Englebright if he -- he didn't request to
10 make use of his opportunity for seconds. Not
11 that I'm looking to extend anybody's --
12 extend your time, since I'll be here till
13 the -- many of us will be here till late into
14 the evening after we dismiss you.

15 So I think, not having heard --

16 ASSEMBLYMAN ENGLEBRIGHT: Can you hear
17 me?

18 CHAIRWOMAN WEINSTEIN: Yes, Steve.
19 Yes. Do you have a few follow-up questions
20 for the Commissioner?

21 ASSEMBLYMAN ENGLEBRIGHT: I do. I'll
22 try to be --

23 CHAIRWOMAN WEINSTEIN: Okay, so five
24 minutes on the clock for Assemblyman

1 Englebright to conclude the hearing.

2 CHAIRWOMAN KRUEGER: And
3 Senator Kaminsky, you need to tell me now if
4 you want the same thing in five minutes.

5 Thank you.

6 CHAIRWOMAN WEINSTEIN: Okay.
7 Assemblyman Englebright, go ahead.

8 ASSEMBLYMAN ENGLEBRIGHT: Thank you
9 very much.

10 Basil, I just have a couple of
11 questions as a follow-up. You mentioned
12 earlier there was enough funding available
13 for land acquisition projects. Does that
14 include the Shoreham property? And what is
15 the current status of that?

16 DEC COMMISSIONER SEGGOS: So we're
17 working to meet our deadlines on Shoreham.
18 In touch with your office, actually, on some
19 components that will help us more effectively
20 and quickly close on that property. It
21 remains a top priority. It's not something
22 that we're funding, I believe, out of the
23 EPF. Is that right, Jane? Yeah, we
24 identified other funds on that.

1 So that's a big priority, the Governor
2 announced it, so we want to get it done, and
3 it's going to be a real gem down in your part
4 of the state.

5 ASSEMBLYMAN ENGLEBRIGHT: Yes, it
6 certainly will. And thank you for your
7 follow-through on that.

8 DEC COMMISSIONER SEGGOS: Thank you.

9 ASSEMBLYMAN ENGLEBRIGHT: The budget
10 includes authorization for an easement over
11 state forestland in three state forests in
12 six towns related to the construction of a
13 wind project. While renewable energy
14 projects are certainly something that we all
15 agree are essential, I am concerned regarding
16 the use of protected state lands as what
17 appears to be a first choice for siting.

18 I am, within that context, interested
19 in learning more about where your thoughts
20 are on how to protect state lands even as we
21 search for ways to expand our renewable
22 portfolio.

23 DEC COMMISSIONER SEGGOS: Well,
24 Assemblyman, we have to be mindful of it and

1 balance the clean energy production needs
2 with the protection of state land. I
3 completely agree with you on that.

4 We will entertain this in a limited
5 number of circumstances. We've done so in
6 the past, where we've given easements for
7 wind turbines across state land and gotten
8 valuable land in exchange.

9 In terms of this particular set of
10 parcels, we would be looking for absolutely
11 fair market value for this land, plus
12 \$100,000, plus 20 percent. And then apply
13 those funds to generate a corresponding
14 set-aside in land acquisition for the area
15 that would be as valuable if not more so than
16 what we may be giving away.

17 Of course this is the burying of a
18 cable in limited areas. We would expect the
19 forest to largely recover around that
20 construction site. But I do want to be able
21 to accelerate the projects to the greatest
22 extent possible. And, you know, if there are
23 alternatives that are potentially more
24 impactful or potentially more damaging to

1 local communities, we need to take that into
2 account as well.

3 But we will use this on a very limited
4 basis.

5 ASSEMBLYMAN ENGLEBRIGHT: And I have
6 one final question. California recently
7 announced that they would be requiring
8 increased air monitoring for emerging
9 contaminants such as PFAS. I sense that the
10 DEC is lagging in the air monitoring of
11 emerging contaminants relative to water, that
12 certainly has been pressed into the center of
13 the field of vision by some terrible events
14 of recent years.

15 So I am concerned, though, that we
16 have equal vigor in both the air and in the
17 water monitoring. And I'm just wondering if
18 the DEC is taking steps to increase air
19 monitoring in a manner similar to California.

20 DEC COMMISSIONER SEGGOS: So I will
21 say this. I don't believe we're lagging at
22 all. When it comes to air monitoring, we
23 actually, on that, have pushed the EPA to
24 develop more rigorous protocols on this.

1 So one of the things that we've done
2 around the state -- obviously not just with
3 the CLCPA, but with a few local community
4 projects -- is to enhance our ability to
5 sample on a realtime basis. We did this
6 Albany South End program where we armed
7 volunteers with backpacks and did an
8 incredibly intensive science- and
9 community-based air monitoring program.

10 We are funding our air monitoring
11 network around the state extensively and have
12 really fantastic air monitoring staff that
13 have been able to help us address point
14 sources where we know that there are issues.

15 So over the coming year we'll
16 certainly look at what California has
17 proposed, but we see New York's air
18 monitoring program as being very robust. And
19 frankly it's only going to get better when we
20 move through the CLCPA program, because as
21 you know, that requires enhanced monitoring
22 around the state by the end of 2022. We're
23 going to roll out a program on that that will
24 go beyond where we need to get on just the

1 carbon emissions and methane emissions, but
2 really look at all kinds of potential
3 vectors, sources.

4 ASSEMBLYMAN ENGLEBRIGHT: Thank you.
5 As I sign off today, and as you sign off, I
6 just want to say thank you, and please pass
7 along to the Governor appreciation for his
8 continued focus on the environment. We see
9 many aspects of that in his budget
10 presentation. And your attentiveness to
11 these issues is appreciated. I look forward
12 to working with you and Senator Kaminsky --
13 and all of my colleagues, indeed -- as we go
14 through this difficult time. But we keep our
15 eye on the horizon and our respective goals.

16 Thank you again for your time here
17 today.

18 DEC COMMISSIONER SEGGOS: Thank you,
19 Assemblyman. It's great to see you, as
20 always.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 Commissioner, before you go, we have a
23 late starter with a question, Assemblyman
24 Simpson, for three minutes. (Pause.)

1 Matthew Simpson, I saw you raised your
2 hand. Are you looking to ask a question?

3 Let's just wait a moment --

4 ASSEMBLYMAN SIMPSON: Yeah, I'm sorry,
5 Chairwoman, I was on a call. I didn't mean
6 to hit my raised hand.

7 CHAIRWOMAN WEINSTEIN: Okay. So
8 then -- just before we go to the Senate to
9 introduce our next commissioner, I just want
10 to say thank you, Commissioner Seggos, for
11 being here.

12 And some time ago we were joined by
13 Assemblywoman Linda Rosenthal and
14 Assemblywoman Pam Hunter.

15 And now to the Senate.

16 CHAIRWOMAN KRUEGER: Thank you very
17 much, Helene.

18 And Basil, thank you very much for
19 being with us today --

20 DEC COMMISSIONER SEGGOS: Thank you,
21 Senator.

22 CHAIRWOMAN KRUEGER: -- and for your
23 continued work on behalf of all
24 New Yorkers -- and of course your service in

1 duty to this country, but tell them you're
2 too busy here at home to go off on any other
3 trips right now.

4 (Laughter.)

5 CHAIRWOMAN KRUEGER: We kept you quite
6 a bit today, but we'll be doing follow-up
7 with you as well. Thank you.

8 DEC COMMISSIONER SEGGOS: Sounds
9 great. Great to see you all. Thanks so
10 much.

11 CHAIRWOMAN KRUEGER: Thank you.

12 DEC COMMISSIONER SEGGOS: All right,
13 be safe.

14 CHAIRWOMAN KRUEGER: And now we're
15 going to be calling up our next commissioner,
16 Erik Kulleseid, New York State Office of
17 Parks, Recreation and Historic Preservation.

18 And again, the chairs change to be the
19 two chairs of that committee. And we will
20 allow our guest to speak for 10 minutes and
21 start again with people who -- oh, look at
22 that, people are raising their hands.
23 They've got into the rhythm of this. So
24 there will be more hands by the time you've

1 finished, Erik.

2 Welcome.

3 COMMISSIONER KULLESEID: Thank you
4 very much. Good afternoon -- to this whole
5 new crazy Hollywood Squares format, right?

6 CHAIRWOMAN KRUEGER: Yes, indeed.

7 COMMISSIONER KULLESEID: So good
8 afternoon, Chairwoman Krueger,
9 Chairwoman Weinstein, Senator Serrano,
10 Assemblyman O'Donnell, and members of the
11 State Legislature. Thank you for inviting me
12 to testify today.

13 Of course I am honored to represent
14 Governor Cuomo on behalf of the State Parks
15 system, which includes, as many of you know,
16 250 state parks, historic sites, golf
17 courses, boat launches, recreational trails,
18 a whole range of recreational activities.
19 These facilities are essential to societal
20 health and well-being for people from all
21 communities, and really perhaps never more
22 important than the year that we're still in
23 the middle of, in the past year.

24 Amid fear and uncertainty -- we all

1 recall last March, at the onset of the COVID
2 pandemic, Governor Cuomo saw the need to keep
3 state parks open so New Yorkers could find
4 some relief from the crisis. Our parks --
5 and our incomparable parks staff -- welcomed
6 a record 78 million visitors, while
7 implementing new health and safety measures.
8 Simultaneously, several parks set up COVID
9 testing sites, vaccination sites, and 350
10 State Parks employees volunteered to serve on
11 COVID response missions.

12 We saw unprecedented visitation this
13 year, as I mentioned, and it was year-round,
14 as the shutdowns left people with more free
15 time and fewer things to do. The record
16 attendance in 2020 follows nine years of
17 steady growth, an overall increase of 34
18 percent since 2011.

19 We expect that robust visitation to
20 continue, hopefully -- definitely -- in the
21 future, and the Executive Budget provides a
22 solid foundation for the challenges ahead.
23 It provides stable funding for core agency
24 functions, continues the Environmental

1 Protection Fund at its historic high, as
2 we've been discussing, and provides
3 \$110 million for capital projects. However,
4 I think we all know it's critical that the
5 federal government deliver the assistance we
6 need to maintain a solid budget.

7 Fortunately, we've made progress in
8 the past year to welcome our surging
9 visitation. The Governor's NY Parks 2020
10 initiative invested \$1.25 billion since 2011
11 in more than 800 projects across more than
12 200 facilities. Even with the COVID
13 challenges in the past year, we made
14 far-reaching enhancements to outdoor
15 recreation last year, including we completed
16 the second phase of Shirley Chisholm State
17 Park, the largest state park in the City of
18 New York; we opened new visitor centers at
19 Minnewaska State Park Preserve and the
20 Purple Heart Hall of Honor in New Windsor; we
21 cut the ribbon on the Jones Beach Energy and
22 Nature Center at the west end of Jones Beach;
23 and December 31st we opened the Empire State
24 Trail, a 750-mile bicycling and walking trail

1 spanning New York State.

2 To build on this momentum, the
3 Governor has proposed NY Parks 100, a
4 \$440 million capital investment over
5 four years to mark the centennial of the
6 State Parks Act in 2024. That means in 1924
7 the state system that we've come to know
8 today was set up, and we'll be marking that
9 anniversary.

10 This investment will focus on
11 addressing overcrowding, promoting visitation
12 by underserved communities, enhancing local
13 recreation and tourism, and protecting
14 environmental and historic assets.

15 Additionally, this next year New York
16 will transform Pier 76 in Manhattan from an
17 NYPD tow pound to a 5.6-acre expansion of
18 Hudson River Park. And I don't need to tell
19 all of you that 5.6 acres on the island of
20 Manhattan is a pretty phenomenal amount of
21 new parkland. In the short term, it can
22 become a magnificent public space while the
23 Hudson River Park Trust plans for the pier's
24 long-term future.

1 This past year also underscored that
2 much work remains in ensuring equality for
3 all. New York's state parks and historic
4 sites belong to all New Yorkers and should
5 always reflect our diversity. Some of our
6 important work in this regard will include
7 renovating Marsha P. Johnson State Park in
8 Brooklyn, rededicated to honor LGBTQ+ civil
9 rights activist Marsha P. Johnson.

10 Designating the first state historic
11 site in the state dedicated to Black history
12 by re-focusing Philipse Manor Hall in
13 Yonkers, downtown Yonkers, on the 400-year
14 experience of African-Americans in New York
15 as part of our new "Our Whole History"
16 initiative to tell our state's untold
17 stories.

18 In western New York we're going to
19 open the Autism Nature Trail at Letchworth
20 State Park, to invite those with autism
21 spectrum disorder and other developmental
22 disabilities to push their boundaries and
23 develop new skills.

24 By fully funding the EPF, the

1 Executive Budget will enhance our stewardship
2 and protection of natural and cultural
3 resources and better connect parks to people.
4 The EPF includes funding for such programs as
5 the Connect Kids, an initiative to bring more
6 youth to parks, and the Friends Groups
7 Capacity Grants program, which provides
8 grants to friends groups that support our
9 parks.

10 As always, I welcome all of you to
11 visit in the coming year, and to see in
12 person the amazing service we provide and the
13 amazing upgrades we've made. Thank you for
14 your support for New York's magnificent
15 natural and historic places and the millions
16 who benefit from them. I look forward to
17 working with you to make the park system the
18 best it can be.

19 And I'm finishing early, and subject
20 to your questions, that is my testimony.
21 Thank you.

22 CHAIRWOMAN KRUEGER: Thank you very
23 much.

24 And the first questioner will be

1 Senator José Serrano.

2 SENATOR SERRANO: Thank you, Senator
3 Krueger.

4 And Commissioner, it's great to be
5 with you, it's good to see you. Thank you
6 very much for your testimony.

7 As we've spoken before many times, I'm
8 very enthusiastic about how transformative
9 our parks are, and we have such wonderful
10 state parks. And we saw during the pandemic
11 how critically important they were as they
12 provided a safe place for folks to recreate
13 and do it while socially distancing.

14 So I believe that the sort of year
15 over year increase in park visitorship, which
16 we saw increase during COVID, will probably
17 continue to increase over time. So that's
18 why I'm so excited to hear about these
19 additional capital funds moving forward, the
20 Parks 100, and the additional sort of
21 targeting of those funds to areas of high
22 use, such as Bear Mountain and others, that
23 we know really target in many ways or provide
24 a great opportunity oftentimes for

1 underserved communities, given their
2 proximity to places like New York City. I
3 certainly go hiking there.

4 So I'm certainly excited about it. I
5 wanted to ask you a little bit about the
6 timetable for the implementation of some of
7 these capital projects.

8 COMMISSIONER KULLESEID: So obviously
9 when you come off a big year, you know, with
10 the ones I mentioned -- so this coming year
11 we will be opening, we expect to be opening a
12 new park in the Hudson Valley in Kingston.
13 We open it for passive recreation towards the
14 middle of the year. And then we will be
15 opening -- we've got some work on Hudson
16 Eagles, what we call Hudson Eagles, which is
17 a new water-based park in the Hudson Valley.

18 The work that you and I, that we bond
19 on -- we can talk endlessly about
20 Bear Mountain and Harriman. As you can see
21 in the plan, our plan is to -- you know, that
22 park deserves flagship park attention, and we
23 are this year really focusing on design for
24 some major projects. As you know, it's a

1 park that over the years has seen facilities
2 shuttered rather than -- and we need to
3 address that.

4 But we will be laying the groundwork
5 and lining up some projects to begin rolling
6 out improvements to those parks as soon as we
7 can. But probably in the next year we start
8 rolling things out. That's a -- like
9 Jones Beach or like Niagara Falls, where
10 we've been working for, you know, seven,
11 eight years, these are parks that require a
12 long-term investment and a long-term
13 strategy. And we look forward to that.

14 Look forward to working and getting in
15 with your support for it. And since you're
16 our most expert patron there, we get --
17 {inaudible; mic out}.

18 SENATOR SERRANO: Well, I'm so excited
19 to hear about Sebago Beach. I know that
20 that's been closed for a while. And yourself
21 being a former lifeguard at Lake Welch, if I
22 recall correctly, you know how important it
23 is to have more beaches up there so we don't
24 have overcrowding. So I'm very excited to

1 hear about that.

2 But sort of hand in hand with those
3 questions, I wanted to talk a little bit more
4 about overuse. I know that the previous
5 commissioner was talking about overuse at the
6 DEC parks. I know it's an issue everywhere.
7 But I look at it as sort of a good problem to
8 have, because you and I have talked about how
9 transformative and wonderful our parks are.
10 Obviously we want more people to use them,
11 more people to have that wonderful
12 experience.

13 But on the other side of the coin, it
14 presents challenges, whether it be litter,
15 whether it be overuse on trails.

16 So the question is, how do we get park
17 patrons to sort of think outside the box,
18 maybe go to areas that they don't normally
19 go. How do we use technology to sort of
20 encourage people to try new areas of the
21 parks? And number two, how do we help
22 educate park patrons to become stewards of
23 the parks that they enjoy, to have more of a
24 vested feeling so that they fully understand

1 ways that they can help not only enjoy the
2 parks for themselves, but be good stewards
3 for the parks for generations to come?

4 COMMISSIONER KULLESEID: Thank you for
5 your questions.

6 The answer to the first question is
7 obviously, as we were just discussing, you
8 know, the Bear Mountain and Harriman plan is
9 an effort to create more amenities within a
10 park that actually has great capacity, but
11 we've shrunk the number of entry points. And
12 so by expanding the options at a place like
13 Bear Mountain and Harriman, that's one way to
14 spread people out and allow more people to be
15 in there.

16 And we're also very pleased with the
17 app that we've introduced. We have an app
18 now that allows -- that everyone should be
19 downloading, it's New York State Parks
20 Explorer. Everyone should have it. It gives
21 you realtime updates on when parks are
22 filling up so that you have the opportunity
23 to make alternative choices. You're totally
24 right, we have to use that.

1 And I will say, you know, on
2 Long Island we use signage and road signs
3 very heavily to direct people and to tell
4 them when places like Jones Beach are full
5 up.

6 You know, on the stewardship side, you
7 know, we've had -- clearly a bit of what we
8 do is signage. And some of our parks are
9 carry in, carry out parks, and those in some
10 ways work well. Obviously at some of our big
11 parks we can't do that. People come and they
12 really bring -- you know, they bring huge
13 picnics and we need to accommodate that.
14 It's a matter of public education, it's a
15 matter of signage.

16 We actually find that our signage
17 program on COVID and social distancing this
18 year has been really fantastic and has worked
19 very well, and we might consider converting
20 some of that to, you know, sort of
21 stewardship and park management needs.
22 Because the people are going to keep coming,
23 and we have to sort of make sure that these
24 parks are beautiful for them.

1 SENATOR SERRANO: I could foresee like
2 wonderful educational opportunities for
3 youngsters to be -- to feel a lot more vested
4 in the parks that they love and become
5 stewards and sort of lifelong good friends to
6 the parks, insofar as keeping them neat and
7 clean and allowing them to thrive, to
8 continue to thrive.

9 I really don't have too much more to
10 ask. I know that there is a proposed budget
11 cut, a modest budget cut of about 3 million
12 on the operational side. But at the same
13 time, you know, the amount of usage is going
14 up. How will you absorb this modest cut to
15 be able to maintain the work that you're
16 doing?

17 COMMISSIONER KULLESEID: Well, you
18 know, we've been under a hiring freeze
19 since -- for the fall, and we have really
20 focused on the core services to make sure
21 that we are delivering the services that the
22 public -- obviously a lot of our services are
23 provided through seasonals. You know, in the
24 summer we expand, we quadruple in size in the

1 summer, or triple in size in the summer. And
2 that is when -- and those seasonal staff, we
3 expect to get a full-throated seasonal
4 workforce in there for the summer to welcome
5 the public once again. But I appreciate the
6 question.

7 SENATOR SERRANO: Got it.

8 Well, Madam Chair, I will yield back
9 my time. I'm all done with questions.

10 Commissioner, always great to speak
11 with you. Be well.

12 COMMISSIONER KULLESEID: See you out
13 on the trail.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Everyone else who would like to, you
16 know, cede some of your time back, it just
17 decreases the number of hours we will be here
18 to a little less than midnight. So thank
19 you.

20 I'm next handing it over to
21 Assemblymember Danny O'Donnell, the chair for
22 the Assembly of the same committee.

23 ASSEMBLYMAN O'DONNELL: Senator
24 Krueger, you look way too happy, let me just

1 say that to you.

2 (Laughter.)

3 CHAIRWOMAN KRUEGER: Check me out in
4 10 more days, thank you.

5 ASSEMBLYMAN O'DONNELL: Commissioner,
6 it's very nice to see you and hear from you.

7 I'm going to begin my questioning
8 about COVID and COVID impacts. Right? You
9 had an increased surge in attendance, is that
10 correct?

11 COMMISSIONER KULLESEID: We had an
12 increase in attendance last year, correct.

13 ASSEMBLYMAN O'DONNELL: Okay. And do
14 you know how much that was, that surge?

15 COMMISSIONER KULLESEID: It was -- it
16 was about a million. It was about a million.
17 We went from 77 last year to 78.

18 And that was really so much -- you
19 know, we actually had less visitation in
20 places like Jones Beach this summer, because
21 we had social distancing regulations in place
22 where we limited the amount of parking, we
23 limited the amount of people who could be in
24 there.

1 But where we've seen it, Assemblyman,
2 is in the shoulder seasons, in our trails and
3 people walking, because even in the winter --
4 even in the winter, even in January you'll be
5 seeing our parks are filling up, because
6 people are just looking for that outlet.

7 ASSEMBLYMAN O'DONNELL: So when you
8 have more people -- some of your parks, you
9 have to pay to get in, like Jones Beach,
10 correct?

11 COMMISSIONER KULLESEID: Correct.

12 ASSEMBLYMAN O'DONNELL: And some you
13 don't, correct?

14 COMMISSIONER KULLESEID: Yeah. There
15 are also seasonal changes in there. Some
16 parks we only charge during the summer,
17 sometimes not. I think Jones Beach we may
18 not charge in the winter. I'd have to look
19 into that for you. It depends a little bit
20 on the season.

21 ASSEMBLYMAN O'DONNELL: Well, you
22 don't charge in the winter at Robert Moses
23 State Park, where I grew up, so you probably
24 don't at Jones Beach either.

1 So my question is, does that money --
2 if you get more money in, is that money
3 coming directly to you? And do you get to
4 control what that money goes for?

5 COMMISSIONER KULLESEID: So we have
6 multiple sources of revenue in the state,
7 right? We have what we call the vehicle use
8 fee, what you're referring to. We have
9 revenue from Jones Beach, you know, from the
10 theaters and the concert venues. We have
11 revenues from concessions. And those do go
12 into what we call -- and our golf revenues,
13 golf fees, those things go into what we call
14 our patron services account and are used for
15 park purposes, yes.

16 ASSEMBLYMAN O'DONNELL: So you have
17 more money.

18 COMMISSIONER KULLESEID: I have --
19 we -- the agency has actually for a long time
20 depended on what we call, again, patron
21 services, just the operations. It's always
22 been a complement of our operating budget.
23 So it's not new, that's all I'll say.

24 ASSEMBLYMAN O'DONNELL: Okay. There

1 has been some controversy about naming of
2 parks in the last few years. Well, I believe
3 the last time we spoke we talked about the
4 naming of the Hudson River Park, the newly
5 acquired one. Have you gotten through that
6 process?

7 COMMISSIONER KULLESEID: That has not
8 been acquired. Right now obviously we have a
9 working title of Hudson Cliffs, and that is a
10 process that we will engage as we get closer
11 to that. We have a working name for that.

12 But you're right, we do have a --
13 we're actually quite proud of the naming
14 we've been doing in recent years. You know,
15 the Marsha P. Johnson Park in Brooklyn is the
16 first park, we think in the country, named
17 after an LGBTQ transgender person of color.
18 And we have Shirley Chisholm State Park in
19 Brooklyn. And we've been putting statues of
20 Sojourner Truth -- we put a statue of
21 Sojourner Truth on the Walkway Across the
22 Hudson.

23 So we take that responsibility very
24 seriously, because we believe it's an

1 opportunity to recognize many communities.

2 ASSEMBLYMAN O'DONNELL: I know you do,
3 and I would have been thrilled to have been
4 invited to both of those openings. Sadly,
5 the invitation was lost in the mail.

6 Having said that, there's also
7 controversy around the name Robert Moses
8 State Park and around Donald Trump State
9 Park, and there's a movement afoot to change
10 those. Do you have any opinion about that?

11 COMMISSIONER KULLESEID: So I am very
12 aware -- certainly these days I get a bit of
13 correspondence on Trump State Park, and I'm
14 aware that there is legislation pending in
15 the Legislature. And like I said, we have
16 changed the names of parks in the past. Like
17 I said, Marsha P. Johnson used to be East
18 River State Park, so it's not without
19 precedent.

20 But it's something we're looking at.
21 You know, there are -- you know, when you
22 look at the agreements of the donor and
23 things like that. But that is something we
24 are reviewing right now.

1 themselves.

2 And so I wonder whether or not that
3 has happened in the state parks, and have you
4 had to take any action in terms of limitation
5 of places or closing portions of places in
6 order to preserve people's lives?

7 COMMISSIONER KULLESEID: Thanks for
8 that question. You know -- and I think
9 you're referring to the Vessel in
10 Hudson Yards, right? I think that is the
11 case.

12 So, you know, we have -- that is
13 certainly something, a phenomenon that does
14 happen in the parks. But the way we address
15 that, we know which parks attract that, and
16 we do our best with signage and emergency
17 phones to have facilities resourced, on hand
18 at those parks, to manage those kinds of
19 circumstances. And, you know, Niagara Falls.

20 And by and large, you know, we are
21 pretty expert, we have got -- we devote
22 resources to make sure that we are able to
23 address it, stop those as many times as
24 possible. And I think we have a pretty good

1 success rate. I'm pretty pleased that we are
2 pretty good at cutting those things off,
3 because we're pretty good at anticipating
4 them, that's what I would say.

5 ASSEMBLYMAN O'DONNELL: Well, you're
6 clearly not part of OMH, and I'm not putting
7 that on your shoulders. I'm just wondering
8 whether or not there has been an uptick in
9 behavior at the parks that you're aware of.

10 COMMISSIONER KULLESEID: You know, I'd
11 have to check that out. But I don't think
12 we're seeing a big uptick on that. I think
13 it's been pretty -- you know, at the kind of
14 pace we normally get on that. Which is,
15 again, very low. This is not -- this is
16 not -- it's not a high-volume thing.

17 ASSEMBLYMAN O'DONNELL: All right.

18 Well, I will yield the rest of my time
19 to make my best friend Senator Krueger happy.
20 I will be calling you in the next few days
21 about other unrelated issues. And it's been
22 a pleasure. I spoke to you yesterday. Every
23 day I learn something new about you, and I
24 enjoy that.

1 Meanwhile, continue doing a good job.

2 I think you do a great job. Thank you.

3 COMMISSIONER KULLESEID: And I look
4 forward to getting you up to Thacher.

5 CHAIRWOMAN KRUEGER: Thank you,
6 Assemblymember. And thank you for ceding the
7 minutes.

8 And the next Senator up is
9 Senator Serino, who is the ranker for the
10 committee.

11 I know it's been taking her a little
12 time each time to get her system going. Sue,
13 are you there? Well, you know what, if she's
14 not there, I will come back to her next
15 round, and so no one should take offense. So
16 it would be Senator Brad Hoylman.

17 SENATOR HOYLMAN: I have to -- okay.

18 CHAIRWOMAN KRUEGER: There you are.

19 SENATOR HOYLMAN: Hi, good to see you.
20 Thank you.

21 Good to see you, Commissioner. Again,
22 let me add to my colleagues' statement of
23 support for the work you do and the way you
24 do it. It's really been a pleasure to work

1 with you, and I want to thank you
2 specifically for your efforts in the Hudson
3 River Park on Pier 76, moving the NYPD tow
4 pound. After 20 years of efforts, we're
5 going to have new open space for Manhattan.
6 I wanted to thank you for that.

7 I want to go back to the Trump State
8 Park, because the legislation you reference
9 is the bill that I carry with Assemblymember
10 Nily Rozic. And just -- you know, I have
11 here this agreement that was signed back in
12 2006 between Trump and the Parks commissioner
13 at the time. And I wanted to know, is it
14 still in effect? I mean, this was not --
15 none of us were party to this agreement.
16 Certainly the Legislature wasn't.

17 And you've already said that you have
18 statutory authority to change names. And I
19 want to thank you for recognizing the
20 diversity of our state through the Marsha P.
21 Johnson State Park and Shirley Chisholm State
22 Park and the monument to Sojourner Truth.

23 Isn't it time that we changed Trump
24 State Park?

1 COMMISSIONER KULLESEID: So I think
2 that, you know, the agreement you're
3 referring to precisely the thing that we're
4 evaluating right now. Right? That is the
5 thing, is what is the defining nature of
6 that. It's not in the deed but was, you
7 know, an agreement signed by staff at Parks
8 at that time. That's the type of thing we're
9 sorting out right now as we figure out what
10 our options are.

11 But we very much appreciate the public
12 input. Like I said, I get lots of -- I get
13 emails, I get tweets, certainly there's a lot
14 of excitement and energy around this issue.

15 SENATOR HOYLMAN: Well, I think you'll
16 be hearing from Senator Pete Harckham, my
17 colleague who represents that area that
18 borders Westchester and Putnam.

19 You know, it's a 436-acre state park.
20 It's mostly undeveloped. And of course it's
21 currently named for a president who was
22 impeached an unprecedented two times and is,
23 as we speak, on trial in the U.S. Senate for
24 inciting insurrection at the U.S. Capitol

1 three weeks ago. So I do think we should
2 evaluate this sooner rather than later.

3 I will note to you that the bill that
4 I carry with the Assemblymember not only
5 removes the name and asks the community to
6 provide input, but is also contingent on
7 additional funding for the park's upkeep. Is
8 that something you'd be open to, seeing that
9 park be resurrected as an open space?

10 COMMISSIONER KULLESEID: Yeah, very
11 much so. I mean, obviously, you know, these
12 parks, as most of you know, are along the
13 Taconic Parkway. They are mainly with
14 trails. They're also situated in residential
15 neighborhoods. You know, the access to these
16 parks is really going through subdivisions in
17 western and southern Putnam County. So you
18 want to do the right thing for that
19 community.

20 But we've actually been investing --
21 you know, it's in two sections, and this
22 summer we actually have been improving -- or
23 last summer, last fall, last year, we were
24 improving the trail system on what we call

1 the French Hill unit.

2 And then the northern unit, the
3 Indian Hill unit, gets lots and lots of trail
4 walkers. It's actually quite a lovely spot
5 because you can get -- with very little
6 effort you get on top of the hill and you can
7 see forever. So it's kind of a lovely spot.

8 But no, very much so, keeping in mind,
9 obviously, the context of the election.

10 SENATOR HOYLMAN: And I have visited
11 the park with Assemblymember Rozic, and we
12 had a nice walk. I should have invited
13 Senator Serrano.

14 (Laughter.)

15 SENATOR HOYLMAN: But if we moved
16 first in the Legislature to rename the park,
17 would you support that effort?

18 COMMISSIONER KULLESEID: You know, we
19 support a robust debate on this. This should
20 be a -- you know, I think everybody should be
21 weighing in on this.

22 SENATOR HOYLMAN: Thank you very much.

23 I cede my time, Madam Chair.

24 CHAIRWOMAN KRUEGER: Assembly.

1 CHAIRWOMAN WEINSTEIN: So we go to our
2 ranker for five minutes, Assemblyman Smullen.

3 ASSEMBLYMAN SMULLEN: Thank you very
4 much, Madam Chair.

5 Commissioner, it's great to see you.
6 Thank you very much for inviting me out to
7 the Delta Lake State Park renovation ribbon
8 cutting. That was when you first took
9 office. Very much appreciate it. It's in my
10 district, it's a lovely spot, like all of our
11 parks are in New York State. And sorry to
12 have missed you at the Caroga Arts Collective
13 Music Festival this summer. Unfortunately,
14 it was only online, so maybe next summer.

15 COMMISSIONER KULLESEID: I look
16 forward to it.

17 ASSEMBLYMAN SMULLEN: It'll be
18 awesome.

19 So I'd like to talk -- I know we've
20 talked a little bit about, you know, the
21 politics of state parks, but I'd like to talk
22 a little bit about the financing and the
23 business end of them. I'm very interested in
24 how these parks can be self-supporting.

1 I went on and I pulled out the
2 executive summary of the report that you had
3 had done, I think it was a little bit before
4 your time, but I assume the finances are
5 about the same. And it has to do with
6 economic benefits of the state parks and
7 specifically state spending versus job
8 supported.

9 You know, we spend -- it says,
10 according to the report, 543 million, you
11 know, supports total spending of 5 billion --
12 which is 1 to 10, that's great. But it
13 supports 54,000 jobs. So that comes out to
14 somewhere about a subsidy of about \$10,000 a
15 year for the jobs that state spending
16 supports.

17 With the COVID-19 and the uptick in
18 attendance and -- has our revenue situation,
19 has it actually improved this year from a
20 state parks perspective?

21 COMMISSIONER KULLESEID: So revenue
22 was down, actually, last year because for
23 about three months in the beginning, we
24 suspended the parking fee. The Governor took

1 the -- in order to give people a place to go,
2 right, he didn't want anyone to have the
3 disincentive not to go. So we didn't have
4 the parking fee in place for a while.

5 And then one of our big revenue
6 sources, our concert venues, where there was
7 no concert season last year, and then some of
8 our big food venues just didn't get -- we
9 couldn't get as much.

10 So actually our revenues were lower
11 last year. But we expect them to rebound.

12 And we have been focusing very much in
13 recent years on expanding our partnerships,
14 expanding concessions. Especially as our
15 operating budget remains relatively flat, the
16 more we can do through private partners, the
17 better.

18 ASSEMBLYMAN SMULLEN: Yeah, you're
19 doing a very good job and we appreciate the
20 operation, the operational aspect of State
21 Parks and Recreation and how they operate
22 these venues.

23 A lot of the campsites in the
24 Adirondacks are run by the DEC, and they're

1 actually fairly expensive on a per-night
2 basis for residents to be able to use them on
3 an aggregate. You know, the feeling of
4 people is that it's expensive to stay there.

5 Has any thought been given to, you
6 know, State Parks taking over those campsites
7 to run them -- you know, DEC is a regulator,
8 fundamentally -- to actually -- you know, to
9 lend some efficiency to it and to lend the
10 same, you know, management practices that are
11 out there in your facilities?

12 COMMISSIONER KULLESEID: Are you
13 trying to start a fight between me and Basil?

14 (Laughter.)

15 ASSEMBLYMAN SMULLEN: Yeah, that might
16 do well for not only the taxpayers but the
17 citizens that really enjoy these things. You
18 know, everyone wants free stuff.

19 COMMISSIONER KULLESEID: So we
20 actually -- we coordinate very closely with
21 the DEC. But that is -- those are -- DEC
22 loves those campgrounds in the Adirondack
23 Park and does a great job with them, so I
24 would hesitate to venture into that ground.

1 ASSEMBLYMAN SMULLEN: Very well. So
2 maybe that's a legislative proposal or
3 something that we can work on along with name
4 changes.

5 Well, thank you very much,
6 Commissioner. I really appreciate you being
7 here today, and thank you for your service to
8 our great state.

9 COMMISSIONER KULLESEID: Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 Back to the Senate.

12 CHAIRWOMAN KRUEGER: Thank you.

13 And I think Sue Serino, our ranker,
14 has been able to get back on. I just saw her
15 for a minute. Sue, are you there?

16 SENATOR SERINO: Yes, Chairwoman.

17 CHAIRWOMAN KRUEGER: Oh, there you
18 are. Hello.

19 SENATOR SERINO: Hi. Thank you.

20 Thank you, Commissioner, for being
21 here today too.

22 So I have a couple of questions, but
23 there's -- so I'll be quick. There's a
24 proposed \$112.5 million appropriation for the

1 NY Works infrastructure program, and I'm
2 wondering what needs these programmatic
3 grants will go towards exactly.

4 COMMISSIONER KULLESEID: So what
5 you're referring to is the capital budget for
6 State Parks, so not -- 110 million. Two and
7 a half million of that is suballocated to
8 ORDA for projects at the Olympic Regional
9 Development Authority. The rest are really
10 our capital budget. So as sort of lined out
11 in the budget, that's where our major capital
12 investments come from. So in the coming
13 year, it's really funded -- that is the line
14 that's funded all of our work. They're not
15 grants.

16 And they are -- and those are the
17 things that we will start a new visitors
18 center in Niagara Falls with, we'll be
19 opening two parks in the Hudson Valley, and
20 we will be really -- as I discussed with
21 Senator Serrano, we're looking at
22 rebuilding -- building in the future at
23 Harriman and Bear Mountain. So that's not a
24 grant fund, it's really the fund we use for

1 investing in our parks.

2 SENATOR SERINO: So in my district, as
3 you know, we have Breakneck Ridge. It's a
4 very famous but also pretty dangerous state
5 park. With the drastic increase in visitors
6 this year, the local emergency services
7 personnel were very worried about safety, not
8 just there but along the roadway too, because
9 parking has been an issue. So it gets
10 jam-packed with cars and traffic.

11 So has Parks considered any way to
12 improve the safety there, especially as it
13 relates to the parking situation that I
14 mentioned? And I also know that there's a
15 shared responsibility with the municipalities
16 in this regard. But could anything in the
17 budget help improve that situation?

18 COMMISSIONER KULLESEID: So I'll just
19 say that -- and I would say we are grateful
20 for the support we get from police forces and
21 emergency management services. They are
22 great partners for us and our Park Police
23 force.

24 And I think -- so what we've done --

1 obviously, during the height of the pandemic
2 when the fear factor was high, we worked with
3 the local crews to shut the Breakneck Trail
4 for a while. And we are always looking for
5 ways to more efficiently get people in there.

6 Obviously, long term, I'm sure you're
7 aware of initiatives like the Hudson Fjord
8 Trail initiative, which is an effort to get
9 people off the road and create a waterfront
10 esplanade from Beacon to Cold Spring. When
11 that is built, that will transform kind of
12 this corridor.

13 But even in the interim, we are going
14 to take steps -- that corridor, Route 9-D
15 there, State Route 9-D there, does need
16 improvements, and we are looking at even a
17 shorter-term project in the context of Hudson
18 Fjord to regularize that, make parking
19 better, and increase opportunities for public
20 transit in there.

21 I mean, you know, what we'd love to
22 do -- I'd love to have some entrepreneur come
23 and say, listen, I want to shuttle people
24 from the Metro-North stations in Beacon and

1 Cold Spring, right? That could be a great
2 way to sort of manage that.

3 But no, we're very, very acutely aware
4 of that. It's a phenomenal place. And
5 during -- with social media and everything
6 it's become very popular. And of course, you
7 know, it's one of those few -- on the other
8 hand, obviously, as you appreciate, right,
9 it's one of the few places available for mass
10 transit. And so it's a very special place
11 where we need to figure out a way to both
12 welcome the public and manage them safely.

13 SENATOR SERINO: Oh, yeah, I agree.

14 And you mentioned the Park Police,
15 which is another question that I have,
16 because yesterday the Governor announced that
17 New York's hosted a new record number of
18 visitors. Of course, everybody wants to be
19 outside.

20 But I know that the State Police have
21 administratively taken over operational
22 control of the New York State Park Police.
23 But according to the Park Police members,
24 they're kind of dying on the vine, and it

1 seems that there's no plan to replace members
2 that are leaving, maybe through retirements.

3 So I'm just wondering what the
4 agency's plans are to make sure that the
5 Park Police have the resources and personnel
6 necessary to protect the parks that now have
7 a high record attendance.

8 COMMISSIONER KULLESEID: Thank you for
9 that question as well.

10 And so, yes, so our Park Police force
11 has been under the command of the
12 State Police since December of 2019. So it's
13 been about 15 months. And I will say, you
14 know, in the past year we've had increased
15 assistance from State Police. I think
16 actually last year we had in some ways a
17 great police force because we're able to rely
18 on the State Police for many of our needs.

19 Right now our work is to -- is on
20 integrating our police force into the
21 State Police force to make for the most
22 seamless kind of management of the public
23 possible. And so that's really the path
24 we're going, is to -- is further integration

1 and increasing our -- you know, deepening our
2 ties and our integration with the State
3 Police force.

4 SENATOR SERINO: Thank you.

5 And, Commissioner, Senator Helming had
6 a question. There's a significant need for
7 21st-century infrastructure improvements. Do
8 you think you need additional resources from
9 the state to make that a priority?

10 COMMISSIONER KULLESEID: You know, we
11 are grateful for -- we are grateful for the
12 NY Works funding that the Governor has
13 proposed to put in. That is a way to really
14 make sure that the parks system is in
15 excellent shape in 2024.

16 Thanks to Senator Helming, I thank her
17 for the funding that she's secured for us at
18 two of our upstate parks in her district, at
19 Sampson and at Fair Haven State Park, and
20 actually we've also benefited from resiliency
21 funding out of the Lake Ontario Resiliency
22 and Economic Development Initiative.

23 So we will continue to be looking out
24 for other funding, but we are very happy with

1 the funding level we've got.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Assembly.

4 CHAIRWOMAN WEINSTEIN: We go to
5 Assemblyman Byrne for three minutes.

6 ASSEMBLYMAN BYRNE: Yes, thank you.

7 It's the first time I've been able to
8 participate in this particular budget hearing
9 as a member of the Ways and Means committee.

10 So just by introduction, I'm very
11 proud to represent four state parks. I
12 represent portions of Westchester and
13 Putnam County. FDR State Park in Yorktown,
14 Clarence Fahnestock State Park, where I
15 actually worked during the summers as a
16 college student, Wonder Lake State Park in
17 Putnam, and the one we've heard much about
18 recently: I am the sole representative, the
19 one representative that represents the entire
20 park together in Westchester-Putnam, and
21 that's Donald J. Trump State Park.

22 So my first question to you, sir, is
23 why is the Donald J. Trump State Park not
24 officially listed on the department's website

1 when we have other passive parks listed as
2 well?

3 COMMISSIONER KULLESEID: I don't have
4 a good answer to that. I will get you that
5 answer. I mean, I think it's -- it's
6 certainly on our maps, it's on our state
7 maps. I'd have to look at that. It should
8 be.

9 But it's a modest park. Obviously not
10 all our parks -- we list our parks
11 differently. We have parks like
12 Bear Mountain and Harriman where we have
13 capacity to welcome an enormous number of
14 visitors, and some others are more passive,
15 like a Wonder Lake or a Trump State Park.

16 So -- but let me look into that and
17 get back to you. I'm not quite certain why
18 that is.

19 ASSEMBLYMAN BYRNE: I appreciate that,
20 Commissioner.

21 I have a limited amount of time, so --
22 I know that was the answer to pass, passive
23 parks may not be listed. But Wonder Lake
24 State Park is listed, and that's why I wanted

1 to bring that up.

2 My priority, my main interest is
3 keeping preserved space, keeping it protected
4 land. I know some colleagues have taken
5 exception with the name, I understand that.
6 But I think it's important to note this was
7 from 2006. It wasn't named after a former
8 president, it was named after a private
9 citizen who donated the land, so that's a bit
10 different.

11 Do you -- would you believe or agree
12 that by changing the name without negotiating
13 it with the previous donor would increase the
14 risk of potentially losing this as preserved
15 open space?

16 COMMISSIONER KULLESEID: You know,
17 like I said, this is something we've taken
18 under advisement, and we are hearing from
19 people.

20 I've not -- I think we are trying to
21 understand our options and what the -- how
22 the -- whether there's any legal issues and
23 others that play into the conversation.

24 I -- the space itself is dedicated --

1 (Zoom interruption) -- the people of the
2 State of New York, so it will continue as
3 parkland regardless of the decision on the
4 name.

5 ASSEMBLYMAN BYRNE: Well, I appreciate
6 that answer, sir. I would just make sure the
7 priority is to keep it preserved space.

8 And this is a clarification -- and
9 this may have changed. People's opinions
10 change throughout time, particularly probably
11 after the confirmation of the Electoral
12 College vote. But my colleagues talked about
13 local interest and the people that live in
14 the area. In 2016, Yorktown and the town of
15 Putnam Valley both voted for Donald Trump,
16 and in 2020 Putnam Valley voted for Donald
17 Trump and Yorktown did not vote for Donald
18 Trump. But that is the local community that
19 is there. It's a state park. It's for all
20 New Yorkers, so everyone has an input.
21 That's important.

22 But I do think as you're talking -- as
23 we talk about the name, that should be at
24 least pondered. And I think that the first

1 priority is maintaining its open space,
2 maintaining its accessibility. I've walked
3 it, it's a beautiful open space. And for me,
4 that's the first and foremost priority is to
5 keep it preserved for all New Yorkers to
6 enjoy.

7 Thank you, Mr. Commissioner.

8 (Overtalk.)

9 COMMISSIONER KULLESEID: And thank
10 you. I very much appreciate it.

11 CHAIRWOMAN KRUEGER: Did everyone
12 freeze?

13 CHAIRWOMAN WEINSTEIN: No, I think
14 we're okay.

15 CHAIRWOMAN KRUEGER: All right, thank
16 you. I want to now turn it over to Senator
17 Michelle Hinchey.

18 SENATOR HINCHEY: Okay. Hi. Sorry,
19 it didn't seem like I could control those
20 tools there. Thank you.

21 Hello, Commissioner. Thank you so
22 much for being here with us. I have a
23 question that is related to something that
24 Senator Serino was talking about.

1 New York Park Police and Forest
2 Rangers have seen their raises held for the
3 last several years. This year particularly
4 we've seen increased need for their services.
5 As New Yorkers flocked to parks across the
6 state, there was increase in
7 search-and-rescue operations and an increased
8 general need for assistance to those new
9 visitors.

10 Can you speak to some of the work
11 these vital members do and the need for
12 increased funding and support so that we can
13 keep them to protect our lands?

14 COMMISSIONER KULLESEID: We -- our
15 Park Police force has been a great assistance
16 to us. They are members of our team. And
17 obviously, with the transfer in command, it
18 has -- we've been in a position where we have
19 to seek many of those resources, more than
20 from the State Police.

21 That has been -- the State Police have
22 been great partners in picking us up. And
23 it's actually -- this issue is forcing us to
24 rethink how we police, and it's actually --

1 we've actually innovated and we're making --
2 like I said, focusing on core service,
3 focusing on the parks where we really need
4 the Park Police force there, just to sort of
5 adjust to this future, to adjust the
6 situation.

7 SENATOR HINCHEY: Great, thank you.

8 That's my only question.

9 COMMISSIONER KULLESEID: Thank you.

10 And I look forward to getting --

11 (Inaudible; overtalk.)

12 SENATOR HINCHEY: Great. Same here.

13 CHAIRWOMAN WEINSTEIN: Now we go to
14 Assemblyman Carroll.

15 Assemblyman Carroll, are you
16 connecting? Otherwise we'll -- he seems to
17 have a little difficulty.

18 ASSEMBLYMAN CARROLL: I can -- I can
19 yield my time back.

20 CHAIRWOMAN WEINSTEIN: Oh, okay, here
21 you are.

22 ASSEMBLYMAN CARROLL: Thank you,
23 Chair. I can yield my time back, though. I
24 don't need to ask my question. I know that

1 we're on a --

2 CHAIRWOMAN WEINSTEIN: Great. Much
3 appreciated.

4 So let's go to Assemblyman
5 Englebright. Steve, you're up. You have to
6 unmute yourself also.

7 ASSEMBLYMAN ENGLEBRIGHT: Ah, there we
8 go. Thanks very much.

9 First, I just want to express
10 appreciation for how you've done as
11 commissioner. I know you from your prior
12 years when you were an advocate for the
13 parks. You've dedicated your life to the
14 parks. Now you're appropriately a very
15 capable commissioner, and it's very
16 heartening to see that trajectory through
17 time and the benefits to the people of the
18 state. So thank you for that, Erik.

19 COMMISSIONER KULLESEID: Thank you,
20 Assemblyman.

21 ASSEMBLYMAN ENGLEBRIGHT: I have just
22 a couple of questions relating to some
23 Long Island parks. Half of state park
24 attendance has been, in this past year, on

1 Long Island, and yet the Walt Whitman
2 Birthplace has seen a loss of visitorship,
3 primarily due to COVID, that's about
4 two-thirds of what it been. So I just wonder
5 if you had any thoughts on how to adjust for
6 that going forward at the Walt Whitman
7 Birthplace.

8 COMMISSIONER KULLESEID: You know,
9 you've identified an issue with parks of ours
10 that have interior spaces, where interior
11 spaces are a big part of the way that people
12 experience them. You know, there are others
13 in the system, the Riverbanks, many of our
14 nature centers and things like that.

15 And, you know, what we've been forced
16 to do -- and I think, you know, we've been
17 forced to learn during the pandemic -- is to
18 provide a lot more online education. We do a
19 remarkable amount through social media and
20 online interpretation. That's actually been
21 kind of exciting to see our staff do a lot
22 more on video. Obviously video is not what
23 we want to be, right. It's not the future.
24 And obviously as soon as this pandemic is

1 over, we will be back in full force in these
2 facilities.

3 But we've actually learned something
4 about continuing to expose people to the
5 richness of our environmental and cultural
6 resources without being able to engage them
7 in person.

8 So I anticipate the minute -- you
9 know, the minute that -- the minute it's
10 safe, you know, we'll be right back there.
11 And we are actually thinking about some
12 long-term improvements there to improve
13 access, you know, to increase capacity to
14 welcome the public.

15 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

16 I have just one more question. It's
17 about York Hall, which is in Kings Park, the
18 state park area. That building has great
19 potential if it can be prevented from further
20 deterioration, and I'm just wondering if it's
21 on your radar screen as a priority.

22 COMMISSIONER KULLESEID: It very much
23 is. As you know, really we are pleased to be
24 engaging in a master planning process for

1 Nissequogue State Park. Right? It's a rare
2 piece of enormous parkland on the North Shore
3 of Long Island. It offers the opportunity to
4 link the Nissequogue River with Sunken
5 Meadow. It's really an extraordinary place,
6 obviously with lots and lots of
7 infrastructure left over from the Kings Park
8 facility.

9 So yes, we are looking at York Hall.
10 York Hall rises to the top of those buildings
11 that people would like to see preserved
12 within the park going forward. And we are
13 looking at measures to put in place to keep
14 that facility from deteriorating further.

15 CHAIRWOMAN KRUEGER: Thank you.

16 ASSEMBLYMAN ENGLEBRIGHT: So as -- I
17 just want to --

18 CHAIRWOMAN KRUEGER: I think we're
19 over on time.

20 ASSEMBLYMAN ENGLEBRIGHT: I just want
21 to say I look forward to working with you. I
22 know that I'd like to continue to work with
23 Danny O'Donnell toward getting a bond act
24 before the voters and to pass it and have

1 some resources for you to put to work with.

2 COMMISSIONER KULLESEID: Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We now go to the Senate.

5 CHAIRWOMAN KRUEGER: Thank you. I
6 apologize, Steve.

7 Pete Harckham is our next Senator.

8 SENATOR HARCKHAM: Thank you. Thank
9 you, Madam Chair.

10 Commissioner, good to see you. Thank
11 you for all you do. And just want to put in
12 a plug for the Hudson Valley team you have;
13 they do a remarkable job.

14 I just want to follow up on what
15 Senator Hoylman was talking about with Trump
16 Park, which is in my Senate district. And I
17 worked with him to put the funding component
18 into the name change. And the reason is --
19 you know, you mentioned it, it's a beautiful
20 spot, and there are kind of the semblance of
21 two trail systems. But for a couple of
22 decades now people have been promised that
23 the real buildout of the trail system, the
24 full plan would be developed.

1 And you're right, there's been work
2 done there over the years, but it's not been
3 the robust, you know, let's build this out
4 and make it a real community amenity.

5 And I'm glad to see that, you know,
6 there's 140 million in capital, new capital
7 for our parks. So, you know, regardless of
8 the name -- I'm talking about just the
9 amenity of making this a community asset --
10 would you support using a portion of that 140
11 million to finally finish the trail buildout
12 in that facility?

13 COMMISSIONER KULLESEID: Yeah, and I
14 should say we are actually -- I mean, you
15 know, as you know, right, the park has two
16 units. And I don't know if you've been
17 down -- we continue to do work there.

18 I mean, we've been working all last
19 year at the French Hill unit, you know, down
20 the southern piece and have had our trail
21 crew out there. So that's work that we
22 expect to continue, because it is -- those
23 are very nice, actually, community parks. As
24 you say, regardless of the name, regardless

1 of your feelings about the name, they're nice
2 community parks. They're easy access from
3 those local streets. So very much so.

4 SENATOR HARCKHAM: Great. And we just
5 want to see that finished, that's all.

6 All right, thank you.

7 CHAIRWOMAN WEINSTEIN: Thank you. We
8 go now to Assemblywoman Glick for three
9 minutes.

10 ASSEMBLYWOMAN GLICK: Thank you.

11 I just -- well, first of all, it's
12 great to see you, Commissioner. And thank
13 you very much for Pier 76. And also -- you
14 and the Governor.

15 And I also appreciate very much the
16 renaming for Marsha P. Johnson and Shirley
17 Chisholm. Those are great women. In too few
18 places are women recognized in the parks
19 around the state, so thank you very much.

20 A quick question. I know that it's
21 great that we have this, you know, four years
22 of \$110 million. I'm just wondering -- we've
23 had several huge storms across the state,
24 whether it was Irene or Lee, obviously Sandy.

1 And there are some places not that far from
2 New York City, up near Long Mountain, that,
3 you know, have been closed since Sandy.

4 And I'm just wondering whether that's
5 enough money for you to make the kind of
6 upgrades and recovery that is so essential.

7 COMMISSIONER KULLESEID: Yeah, I mean,
8 I think -- you know, as we build, we are
9 building smart. Right? We built a new
10 Jones Beach Energy and Nature Center on
11 Long Island, and we built it high enough to
12 be above, you know, sort of sea-level rise.
13 And we're taking into account those impacts
14 to rebuild these places.

15 I'm not familiar exactly with
16 Long Mountain. I'm wondering, is that a DEC
17 or is that us?

18 ASSEMBLYWOMAN GLICK: Well, I think
19 it's a park. It's Sebago Beach.

20 COMMISSIONER KULLESEID: Oh, it's in
21 Sebago. Oh, yeah, I know it. That's what I
22 was talking to Senator Serrano about, right?

23 That is -- Sebago is on our list of
24 those parks. Not only do we need to rehab

1 great thing that's happened under this
2 Governor, under Governor Cuomo, is that we
3 are now really a rock-solid part of the
4 capital budget. Obviously, we have one of
5 the most heavily developed park systems in
6 the country, so there will always be a need
7 for, you know, significant capital.

8 We have really -- when you look at
9 the -- I think, as I said to Senator Serrano,
10 I see Harriman as a flagship park because it
11 has so many amenities that we need to
12 address. But you look at where we've been --
13 you know, at Jones Beach we focused a lot of
14 capital in our biggest parks. Niagara Falls
15 has gotten, I think, now close to \$70 million
16 in capital; Jones Beach, a hundred million in
17 capital; and Roberto Clemente in the Bronx,
18 100 million in capital.

19 So I think we've been really tailoring
20 our investments, heavy investments to those
21 parks where we know they are the most visited
22 and the most necessary to the broadest,
23 broadest spectrum of people. So it's totally
24 strategic.

1 We do see that -- you know, it's been
2 a great program, there's still more out
3 there, but we are making great progress in
4 improving the system.

5 ASSEMBLYWOMAN GLICK: Thank you very
6 much.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 We go to the Senate.

9 CHAIRWOMAN KRUEGER: Sorry, I'm back.
10 Excuse me. Trying to balance a phone call at
11 the same time. How rude of me.

12 Senator Rachel May.

13 SENATOR MAY: Yes, thank you.

14 And thank you, Commissioner. I have a
15 few comments, one about the Empire Trail.
16 I'm so grateful for that being completed. It
17 now runs about two blocks from my house, and
18 one of these days I hope to bike to work in
19 the Capitol from Syracuse.

20 COMMISSIONER KULLESEID: I'll join you
21 on that. I love the Empire State Trail.

22 SENATOR MAY: Oh, tremendous.

23 So on that note, the Chittenango
24 Landing Canal Boat Museum on the Erie Canal

1 had a -- you all did a wonderful promotion
2 last summer where kayaking and bicycling was
3 free from that facility on weekends. And it
4 was incredibly successful. And I hope that
5 you'll consider reupping that in this coming
6 summer, because that's a facility that
7 deserves more people to get to discover it.

8 COMMISSIONER KULLESEID: I have to say
9 it's a great program. I should give credit
10 where credit is due. That program was
11 actually run by the Canal Authority.

12 SENATOR MAY: Oh, okay. I'll bring
13 that up with Matt Driscoll.

14 So I also wanted to talk about
15 Letchworth State Park, which isn't in my
16 district, but it is an amazing gem of our
17 State Parks system. I visit there
18 infrequently because it's pretty far from my
19 home, but frequently enough to be aware that
20 way finding is a little bit difficult in that
21 park, especially because there's no GPS
22 coverage, apparently. So you can't use GPS
23 to find your way around.

24 So for people in cars, just to pay

1 attention to that, to think about a little
2 bit better steering people toward the real,
3 you know, view sites and things like that,
4 because the roadways are a little confusing.

5 But my favorite place in that park is
6 the monument to the Civilian Conservation
7 Corps, which had 3,000 men stationed there in
8 the '30s to build the beautiful structures in
9 that park, but also elsewhere in the region.

10 And I have a bill for a Civilian
11 Conservation Corps in the 21st century right
12 now, when we have so many people out of work
13 and so much that could be done. And I hope
14 that you will consider that if funds are
15 forthcoming from the federal government or
16 something like that. I think reviving that
17 idea that getting people involved in building
18 something beautiful that people can use for
19 centuries is a really great idea and an
20 important way that we can give back, I think.

21 COMMISSIONER KULLESEID: I appreciate
22 that. And we do have an Excelsior -- we've
23 sort of taken advantage of the Excelsior
24 Conservation Corps, which is sort of a

1 smaller -- CCC writ smaller, a program
2 initiated by the Governor. And we actually
3 benefit from just that kind of workforce --
4 you know, in for a year or so, that come and
5 work and do work in the parks on
6 environmental restoration projects and all
7 kinds of things.

8 So those programs are obviously very
9 strong, and much of our parks system is a
10 result of that CCC legacy for sure.

11 SENATOR MAY: Right. Thank you very
12 much.

13 COMMISSIONER KULLESEID: Thank you.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We go to Assemblyman Otis.

16 ASSEMBLYMAN OTIS: Hi, there.

17 Hey, Erik. How are you doing,
18 Commissioner?

19 COMMISSIONER KULLESEID: Hello,
20 Assemblyman.

21 ASSEMBLYMAN OTIS: A very simple
22 question in terms of how State Parks is
23 dealing with the increased attendance,
24 especially in some of your parks that got new

1 attendance because of COVID, more remote
2 parks that maybe getting more people coming
3 through than was the case before COVID, and
4 increased visits to parks in the off-season,
5 and how you're handling staffing for those
6 situations, garbage removal, the kinds of
7 functional things that increased visits
8 naturally bring.

9 COMMISSIONER KULLESEID: So obviously,
10 you know, I think that most of our staff
11 is -- are excited always to show off their
12 parks. And so the increased visitation has
13 really been pretty gratifying, I think, for
14 all of us. Right? You know, we were able to
15 serve a need during this pandemic that it's
16 really an honor to have for us.

17 Yeah, so I think that it is -- you
18 know, the destinations, the places that
19 people have gone during the pandemic are a
20 lot of our walking and hiking parks, right?
21 I mean, our huge visitation parks are those
22 like Jones Beach on Long Island where we have
23 lots of picnic grounds and lots of people out
24 there, lots of {inaudible}.

1 So our hiking trails -- obviously, the
2 good thing about a lot of the usage you're
3 seeing is for people who are walking. A lot
4 of it's local. We've encouraged people to
5 recreate locally so they're not generating
6 the same kind of trash as normal. But, you
7 know, we have -- you know, we have our
8 seasonal staff and we're at things like maybe
9 bringing on seasonals earlier this year to
10 sort of accommodate what we anticipate will
11 be another swell in attendance coming on. So
12 we're making adjustments to all that.

13 But -- and I think, as we've talked
14 earlier, signage, education, getting people
15 to sort of be better stewards and to take
16 care of this stuff, and I think we're seeing
17 good response on that.

18 ASSEMBLYMAN OTIS: Great. Well, thank
19 you for everything that you and everyone at
20 State Parks is doing. I know you've done
21 well with the increased visits, and getting
22 great reports, so congratulations on
23 everyone's success in embracing that.

24 COMMISSIONER KULLESEID: Thank you for

1 your support.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 We go to the Senate now.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Senator Diane Savino.

6 Diane, are you there? Hello, there?

7 SENATOR SAVINO: Thank you. Thank

8 you, Senator Krueger.

9 CHAIRWOMAN KRUEGER: Great.

10 SENATOR SAVINO: Good afternoon,

11 Commissioner.

12 First I would like to reiterate the
13 comments that Senator Hinchey made about the
14 importance of the Forest Rangers and the
15 Park Police, and I really hope that we
16 resolve the issue of their outstanding pay
17 bill and we do it as quickly as we possibly
18 can. You know how hard they have worked to
19 help us get through this pandemic.

20 But I want to talk about something in
21 the budget itself that I'm a little concerned
22 about, in the Parks and Recreation budget.
23 There is a \$3 million cut to the ZBGA
24 program, the zoos, botanical gardens and

1 aquariums. I happen to represent the area in
2 Brooklyn that has the -- is the Aquarium in
3 Brooklyn, the Staten Island Zoo -- and the
4 Botanical Gardens in Brooklyn I don't
5 represent, but it's close enough to where I
6 am.

7 As you know, the vast majority of the
8 expenditures in the zoos and the aquariums
9 are the animals, and you can't furlough the
10 animals. You know, so you really can't
11 reduce expenditures that way.

12 And I just got off the phone with the
13 head of the Staten Island Zoo, Kenny
14 Mitchell, and I asked him, "How much money
15 did you lose this year as a result of the
16 loss of school trips?" Because that's where
17 they derive a lot of their revenue. When the
18 schools close and you don't have school
19 trips, you lose most of it.

20 The Staten Island Zoo alone -- which
21 is the smallest of the little zoos -- lost
22 \$1.2 million this year. So if you just take
23 another \$3 million out of the ZBGA budget,
24 you're going to cripple these zoos.

1 And that literally costs lives. When
2 we talk about, you know, agency cuts costing
3 lives, sometimes we're a little hyperbolic.
4 But in this instance, Commissioner, we really
5 will. It will hurt animals. We're going to
6 wind up losing staff, senior staff there,
7 they're not going to be able to maintain the
8 lives of some of these animals who are really
9 dependent upon the zoos.

10 So I would seriously hope that you
11 would reconsider this, advocate to the
12 Division of Budget that this \$3 million cut
13 is unsustainable to the zoos, botanical
14 gardens, and the aquariums.

15 COMMISSIONER KULLESEID: Thank you,
16 Senator.

17 You know, obviously the ZBGA is not
18 something we fund directly, it's funded
19 through the Environmental Protection Fund.
20 We are the agency that administers those
21 grants; obviously, they come through us.

22 And as Commissioner Seggos said
23 earlier today when asked this question,
24 obviously every year the EPF is allotted --

1 and there's -- you know, we're pleased with
2 the EPF overall, it's \$300 million, and there
3 are adjustments made. And this year it was
4 decided to take the number down, but I think
5 that, you know, obviously over the course of
6 budget negotiations we'll see where that
7 goes.

8 SENATOR SAVINO: And my time is short.
9 And I understand that; I've been around a
10 long time. But you're the person who's
11 closest to the end-use of that money. So I'm
12 saying please, you know, indicate that --

13 COMMISSIONER KULLESEID: Yup, it's a
14 great program --

15 SENATOR SAVINO: -- great demand for
16 money. This actually will save lives, and
17 little furry lives that really depend upon
18 us. Thank you.

19 COMMISSIONER KULLESEID: (Laughing.)
20 Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.
22 Assembly.

23 CHAIRWOMAN WEINSTEIN: We go to
24 Assemblywoman Woerner, three minutes.

1 ASSEMBLYWOMAN WOERNER: Thank you so
2 much, Chairwoman.

3 And thank you, Commissioner, for your
4 testimony today.

5 I've got three areas I want to ask
6 about. One has to do with the Historic
7 Preservation Tax Credits. This has been a
8 very successful program at encouraging
9 private investment in our -- particularly our
10 upstate historic town centers, village
11 centers.

12 I've been working on, with your staff,
13 on some small -- a version for small
14 projects. I'm wondering if you could comment
15 on how the program is going from your
16 perspective and whether you are supportive of
17 expanding this to -- or coming up with a
18 version that will work for smaller projects.

19 COMMISSIONER KULLESEID: Thank you,
20 Assemblywoman.

21 And as you know, that program, the
22 Historic Preservation Tax Credit program, is
23 a major industry that we run out of our State
24 Historic Preservation Office. Those tax

1 credits stimulate investment in our historic
2 upstate downtowns, and actually it also -- it
3 ranges, right? It ranges from our upstate
4 towns to the big megaprojects in New York
5 City, right, from the recent Moynihan Station
6 and other projects in the city that have
7 benefited from the tax credit.

8 So we see the tax credit as having
9 been enormously valuable. There's billions
10 and billions of dollars in economic activity
11 generated by that tax credit. So we are
12 always interested in ways to make that
13 program work better, more smoothly, and
14 really work to everyone's benefit. So very
15 interested in that conversation.

16 ASSEMBLYWOMAN WOERNER: Great, thank
17 you so much.

18 My second question is that America is
19 approaching its 250th anniversary, and at the
20 federal level the federal government is
21 offering four-to-one matching dollars for
22 states that stand up a commission to
23 celebrate our 250th anniversary as a nation.
24 This would be a great way for -- to get local

1 grants to communities to do historic
2 interpretation projects and other historic
3 tourism. I'm wondering, is this on your
4 radar screen as an agency?

5 COMMISSIONER KULLESEID: The 250th is
6 on our radar. I think there's no state in
7 the country that has a better story to tell
8 about the American Revolution, when you think
9 about it. You know, Massachusetts likes to
10 think they started it and Virginia likes to
11 think they finished it, but the most critical
12 battles were fought here in New York, from
13 Saratoga to Long Island to Brooklyn to
14 Oriskany, all over the place. This is the
15 place where it happened.

16 So -- and we actually as a state have
17 an amazing {inaudible} of that cultural
18 history. Right? A lot of our state historic
19 sites related to that.

20 So we are very interested in the 250th
21 upcoming, and very much look forward to
22 conversations about this Rev War Commission.
23 It sounds like it's a great initiative and
24 well --

1 ASSEMBLYWOMAN WOERNER: Thank you so
2 much.

3 And then my final question is, you
4 talked a lot about the record attendance in
5 our state parks, and certainly my district is
6 home to two of them, Moreau State Park and
7 Saratoga Spa State Park, and we certainly saw
8 an uptick in visitors this year, myself among
9 them.

10 So my question is in this year's
11 budget are you confident that there is
12 sufficient budget for Parks Police to have
13 the resources and personnel that they need to
14 protect our parks and the visitors that come
15 from around the state and around the country
16 to enjoy our state parks?

17 COMMISSIONER KULLESEID: I think, you
18 know, obviously it's no longer -- policing
19 service is no longer provided solely by Parks
20 anymore and our police force, it's also
21 provided by State Police. You know, they are
22 now team members and part of our team.

23 So with State Police, we are confident
24 that we will be able to provide a totally

1 safe experience for everybody in our parks
2 this season.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We go to the Senate now.

5 ASSEMBLYWOMAN WOERNER: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Senator Tom O'Mara.

8 SENATOR O'MARA: Thank you.

9 And thank you, Commissioner, for
10 spending time with us today on this important
11 part of the budget.

12 There is -- in the budget I see a
13 \$20 million, I believe, appropriation of
14 federal funding for expansion and rehab of
15 state parks, as well as a \$112.5 million
16 appropriation for the NY Works infrastructure
17 program.

18 COMMISSIONER KULLESEID: Right.

19 SENATOR O'MARA: Can you kind of
20 outline for us the distinction in those
21 two -- what the uses of those two sums of
22 money will be? Are they going to be combined
23 together? How is that going to work?

24 COMMISSIONER KULLESEID: So NY Works

1 is -- the 112 million, of which 110 comes to
2 this agency, has been our bread and butter
3 for our capital program for the past 10
4 years. And it is the lifeblood of our
5 capital program.

6 There is a federal program -- there
7 are a couple of federal programs which we
8 benefit from. One is the Land and Water
9 Conservation Fund, which is a capital fund
10 funded by offshore -- actually offshore
11 revenue from the federal government that we
12 use that is eligible for us to use for
13 capital projects, land acquisition.

14 We also get other federal dollars from
15 the Highlands Conservation Act. So we get
16 money from a couple of places in the federal
17 government. Depending on what's eligible,
18 that's the purpose we use it for. But it
19 is -- and we will blend it, yes. We will
20 blend land and water money with our NY Works
21 as we see fit, yes.

22 SENATOR O'MARA: Okay. Then both
23 for --

24 (Inaudible overtalk.)

1 SENATOR O'MARA: Both for the 112
2 NY Works money and that federal money, have
3 projects been identified and will they be
4 lined out for us prior to final passage of
5 this budget on where it's going to be spent?
6 Or is that yet to be determined?

7 COMMISSIONER KULLESEID: You know,
8 that's one of those things obviously it
9 depends on the funding that's available. And
10 we will -- I think in keeping with our
11 practice, you will get that over the course
12 of -- sometime later this year we will be
13 distributing that memo, distributing that
14 list. And I think we make that list
15 available every year.

16 SENATOR O'MARA: I don't recall, is
17 that list available prior to our passing the
18 budget?

19 COMMISSIONER KULLESEID: Generally
20 it's been something we release at the
21 beginning of the fiscal year. So it's
22 generally been after the budget negotiations.
23 That's when we really are able to make
24 those -- lock in those plans.

1 SENATOR O'MARA: Okay. It would be
2 nice to have it before. But thank you.

3 COMMISSIONER KULLESEID: And you'll
4 see it, there are -- and there's some
5 obviously listed in the budget message,
6 right, there's some big -- obviously Niagara
7 Falls and Hudson Cliffs and Hudson Eagles and
8 Bear Mountain are some of the ones that are
9 lined out in the proposal.

10 Appreciate it. Appreciate the
11 comment.

12 SENATOR O'MARA: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: We go to
16 Assemblyman Tague.

17 ASSEMBLYMAN TAGUE: Good afternoon,
18 Commissioner. I just want to thank you for
19 your dedicated service and also your great
20 staff, who I've had an opportunity to work
21 with on several future projects in my
22 district.

23 Especially I want to thank you for the
24 work that's being done in Coxsackie, Athens

1 and Catskill in Greene County. Great
2 projects, and that's going to revitalize that
3 area for years to come.

4 You know, I thought today was a budget
5 hearing and not a national political debate.
6 And I appreciate your patience and your
7 answers earlier on some issues. And I
8 promise you that my questions pertain only to
9 your budget.

10 So I wanted to ask you, does your
11 budget reflect the current need for
12 infrastructure projects, maintenance projects
13 and upgrades at our state parks?

14 COMMISSIONER KULLESEID: It does, yes.
15 I mean, I think -- like I said, as I said
16 earlier, having our capital budget included
17 in NY Works and in the state's capital plan
18 has been a huge boon to us, and it's allowed
19 us to do the kind of long-term planning that
20 we couldn't, really, before this
21 administration.

22 So yes, we are able to plan -- being
23 able to plan ahead. And I think the fact
24 that we've got a multiyear commitment or a

1 multiyear program now identified really
2 allows us to plan. And that's the most
3 important thing we need right now, is to be
4 able to plan for things like, you know,
5 redoing the boat launch at Coxsackie and
6 making that a gateway to one of the most
7 extraordinary water landscapes we have in the
8 state. Right? I am very excited about that
9 project and excited to carry it forward.

10 ASSEMBLYMAN TAGUE: And so am I, and I
11 think a lot of people in that area are as
12 well.

13 I want to touch on the Park Police
14 issue as well that Senator Savino and
15 Assemblymember Woerner and Senator Hinchey
16 and many others have talked about, because it
17 seems to be an issue -- {audio glitch}. We
18 need to look into this moving forward.

19 And if you remember, I had written a
20 letter to you earlier this year about an
21 individual that lives in my district that's a
22 member of the Park Police that was looking
23 for transfer back to the Capital Region.
24 This individual has an apartment in New York

1 City because he's working in a park there and
2 then comes home on weekends. He was told two
3 years ago when he got his position that he
4 would be early transfer when it came about,
5 and two years later he's still working in
6 New York City.

7 And that just concerns me. It throws
8 a little caution to the wind that maybe we do
9 have a little bit of an issue.

10 So, you know, my question to you is
11 would it be worthwhile for us as legislators,
12 between the two houses, to do some research
13 and some investigation to see what can be
14 done moving forward? Because I agree with
15 Senator Hinchey, especially in rural upstate
16 New York, in our park areas, we -- you know,
17 the State Police cover an awful lot of
18 distances in rural areas. And are they going
19 to have the time to get somewhere in time of
20 emergency?

21 So I will leave you with that.

22 COMMISSIONER KULLESEID: I appreciate
23 that. And I think that, like I said, we are
24 still -- you know, it's an adjustment we make

1 more every year.

2 We are working well with State Police.
3 I don't think coverage is an issue. But
4 there are -- you know, we are -- clearly have
5 to take the steps to integrate our force into
6 theirs better, and with those kinds of
7 opportunities. Because there are -- you
8 know, right now they are under our control
9 for personnel and other matters, but they're
10 under State Police for others. So there's
11 integration that we have to take on going
12 forward.

13 ASSEMBLYMAN TAGUE: Thank you, sir. I
14 appreciate your time today. Thank you very
15 much.

16 COMMISSIONER KULLESEID: Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 We go to Senator Krueger.

19 CHAIRWOMAN KRUEGER: Thank you, Erik.
20 I'm just going to do quick cleanup. And
21 trust me, this sentence will finish with you.

22 So today is International Holocaust
23 Memorial Day. It's also Tu B'Shvat, the
24 Jewish Holiday of Trees. And I grew up

1 learning that I was supposed to plant trees
2 in celebration of the need for trees in
3 Israel, and also in memory of those who died
4 in the Holocaust.

5 We've been talking a bit about the
6 pandemic today and how important parks are
7 when things aren't going great and people
8 need to get outside. Is there a chance that
9 we should be starting some kind of program
10 where people are asked if they want to
11 contribute to our parks by buying trees,
12 planting trees, some other thing? Because I
13 think people would really actually get
14 excited about that. And they would get
15 excited about going out to our parks and
16 participating.

17 So I'm wondering whether Parks has any
18 kind of program like that, or you think it's
19 worth exploring.

20 COMMISSIONER KULLESEID: So, you know,
21 obviously -- and I'm glad you touched on
22 this, because our park system benefits
23 actually greatly from philanthropic dollars
24 over the years.

1 Obviously, as Assemblyman Englebright
2 said earlier, and Senator Serrano, this was
3 my career before I came to State Parks, was
4 to help raise money for parks.

5 And I think in many of our parks we do
6 have places where you can buy a bench -- you
7 know, a memorial bench. You can buy a bench.
8 We do have some tree planting and other kinds
9 of things out there. Making it more --
10 expanding it wouldn't be a bad idea. But
11 we're actually -- we're very happy with -- we
12 have the National Heritage Trust, obviously
13 which is the state's public benefit
14 corporation, which allows us to raise money,
15 private dollars into benefiting our programs.

16 So any effort to help build
17 philanthropic support for the state parks
18 would be welcome for us, there's no question.

19 CHAIRWOMAN KRUEGER: All right, well,
20 I will -- just one more. But what I see as
21 attractive about the planting of a tree, the
22 children really get into the physical action
23 of planting the tree. And of course it's low
24 cost enough for many New Yorkers to be able

1 to participate, where they perhaps couldn't
2 participate at the level of, you know, buying
3 a park bench in honor of something.

4 So, you know, I think there's
5 something there to potentially tie this in to
6 help the parks, to remind people how
7 important they are, particularly at this
8 time, because everybody does understand how
9 much the green space means to us and how
10 government's in trouble for itself right now.

11 COMMISSIONER KULLESEID: Very much so.
12 And we also should need to be plugging -- I
13 mean, the more we get -- you know, we have
14 friends groups in many rural parks, right,
15 and those friends groups are immensely
16 valuable. They do volunteer labor.

17 And tying them into this -- I mean,
18 they're often the ones who bring us this kind
19 of program and say, we have someone who wants
20 to do this. So I think the more we
21 integrate, the better, and it's a great idea.

22 CHAIRWOMAN KRUEGER: Thank you very
23 much.

24 Assemblymember, the Senate is done.

1 CHAIRWOMAN WEINSTEIN: Okay. We do
2 have a few more.

3 Three minutes for Assemblyman Burdick.

4 ASSEMBLYMAN BURDICK: Thank you.

5 Commissioner, thank you so much for
6 the great work that you're doing and
7 especially for the work of your Hudson Valley
8 team.

9 My question has to do with SHPO work.
10 And I'm wondering if there ever have been
11 SHPO grants or loans to preserve public or
12 private historic buildings or historic
13 sites -- you know, other than state-owned, of
14 course. It's just been a tremendous struggle
15 to maintain them. Westchester County has
16 worked mightily but can't cover all of them,
17 and many of these are dilapidated and in
18 desperate need of restoration.

19 Also, if you point me in the right
20 direction for finding the funding levels for
21 the state historic sites or buildings in my
22 district, such as the John Jay Homestead. So
23 if you could address that, I'd appreciate it.

24 COMMISSIONER KULLESEID: On the

1 latter, let us get to you. I think we can
2 get you what information we have, we can help
3 you get information on the John Jay and some
4 of the budget for those places.

5 And I assume when you say assistance,
6 so -- obviously the tax credit program, and I
7 don't know if you're familiar -- are you
8 familiar with the tax credit program?

9 ASSEMBLYMAN BURDICK: Yes.

10 COMMISSIONER KULLESEID: So that is
11 the best vehicle we provide, right, to
12 incentivize private protection of historic
13 resources.

14 We also do have, obviously, if they're
15 nonprofit, we have a grants program run
16 through the Environmental Protection Fund, a
17 municipal matching grants program. We
18 have -- it makes grants of up to a
19 half-million dollars available to nonprofit
20 endeavors.

21 But for actual just funding of
22 conservation of privately owned historic
23 resources, that's not -- that's not --

24 ASSEMBLYMAN BURDICK: No, I'm sorry, I

1 meant not-for-profits.

2 COMMISSIONER KULLESEID: Oh,
3 not-for-profits? Oh, very much --

4 ASSEMBLYMAN BURDICK: Yes,
5 not-for-profits such as the Jacob Purdy House
6 in White Plains, that kind of thing.

7 COMMISSIONER KULLESEID: Yes, we have
8 a robust capital program, and it's
9 sometimes -- depending on the census block,
10 it is either up to 50 percent or up to even
11 75 percent, depending on the location of the
12 property. So that's very --

13 ASSEMBLYMAN BURDICK: And what are the
14 funding levels for that? Are they being
15 maintained at previous levels?

16 COMMISSIONER KULLESEID: The overall
17 pot for that has been -- I think it was
18 16 million last year. It's proposed to be
19 about the same in this year's Environmental
20 Protection Fund, and it is distributed
21 through the state's annual CFA, you know, the
22 Consolidated Funding Application program,
23 every year.

24 So watch out for that -- once the

1 budget gets passed, those grants usually get
2 put out on the street pretty immediately
3 after. And then I think generally the cycle
4 is -- the applications are due by the end of
5 July, typically. I mean, it varies from year
6 to year, but that's often the --

7 ASSEMBLYMAN BURDICK: That's very
8 helpful. Thank you so much for the work
9 you're doing.

10 COMMISSIONER KULLESEID: Thank you.
11 Thanks for the question.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 We go to Assemblywoman Fahy for three
14 minutes.

15 ASSEMBLYWOMAN FAHY: Thank you. I
16 think I'm here. Let's see, start my video.
17 Okay, I am. Hi.

18 And thank you, Commissioner, and thank
19 you for your staff, thank you for all the
20 responsiveness you have shown us.

21 I want to echo a couple of comments
22 from the last speakers and the last
23 questioners. The -- really pleased with the
24 Empire State Trail. Just -- it's so great to

1 see that moving along in such a rapid pace,
2 and I really think it's such a game changer.
3 So thank you for all you have done on that.

4 As you know, I also had the bill about
5 statewide trails, updating that plan, which
6 hadn't been updated in 10 years. We had a
7 great town hall on that a few months ago.
8 And if you could give us the date on when you
9 think that we might see the first draft of
10 that, I'd appreciate it.

11 But I'm going to get another question
12 in here while we're doing that. I also want
13 to say love Senator Krueger's idea of upping
14 the Buy a Tree. And Senator Krueger, if
15 you're listening, I would love to work with
16 you on that. I bought a tree for an elderly
17 aunt in a convent in Houston, and it was one
18 of the nicest gestures I could have made to
19 the convent. So there you go. And it is
20 Shvat today, so it's just good all the way
21 around.

22 Let's see. Then following up on
23 Senator May's comments, Senator May and I
24 carry a bill on WPA, a new WPA or Works

1 Progress Administration, to create temporary
2 jobs. And yesterday was National Tourism
3 Day, or New York's Tourism Day. Fifty
4 percent of those tied in the tourism industry
5 are out of work. The numbers are 48 percent.
6 The numbers are pretty astounding.

7 So in our WPA it is about creating
8 temporary jobs as we try to come out of this
9 COVID economic upheaval. And I wondered, is
10 there -- just to follow up on some of the
11 questions that Senator May raised about
12 environmental-type jobs, park jobs. We
13 know -- we keep talking about trail overuse.
14 I think it's the best problem we have in this
15 state, is the trail overuse. To me -- and
16 I'm not trying to oversimplify it,
17 Commissioner, but let's expand the number of
18 trails, let's use some of these temporary
19 workers as we did in the CCC, as Senator May
20 referenced.

21 So any -- if you could address any of
22 those, we would appreciate it. And again,
23 thanks for all you're doing. But I think
24 temp workers could do a lot. Overuse is

1 not -- it's the best problem we have in this
2 state.

3 COMMISSIONER KULLESEID: So,
4 Assemblymember, I'm very much pleased to be
5 partnering with you on the statewide trails
6 plan.

7 I think the Empire State Trail is a
8 place where I recreate now, regularly, and I
9 think it's kind of a miracle that you can go
10 from Manhattan to Buffalo or to Montreal on a
11 bike trail, on a seamless bike experience.
12 And there's something magical about that, and
13 we ought to spread it around the whole state.

14 So I really am very grateful to you
15 for your having put that on -- helped to
16 bring us to expanding that plan.

17 So I think, as I said earlier, you
18 know, we have a program, we have programs
19 that we use, things like the Student
20 Conservation Association and the Excelsior
21 Conservation Corps. We have programs built
22 to provide people experience working on trail
23 projects or -- and sometimes it's trail
24 projects, sometimes it's invasives

1 management, it's natural resource projects.

2 And we said earlier, you know, our
3 park system is a legacy of those kinds of
4 programs. So I think that if such a program
5 was stood up, we could definitely take
6 advantage of it.

7 CHAIRWOMAN WEINSTEIN: Thank you,
8 Commissioner.

9 ASSEMBLYWOMAN FAHY: Thank you, Chair.
10 Thank you, Commissioner.

11 CHAIRWOMAN WEINSTEIN: We move on to
12 Assemblyman Walczyk.

13 ASSEMBLYMAN WALCZYK: Commissioner,
14 thanks for taking the time.

15 I've listened to some of your answers
16 today about the Park Police issue, and I'm
17 just wondering, do you support a full merger
18 with the State Troopers?

19 COMMISSIONER KULLESEID: Well, last
20 year -- right now we are integrating. All
21 I'm focusing on, really, is integrating them
22 into our -- integrating them into the
23 State Police and making sure that our members
24 are taken care of and that we have the

1 services that we need in our park. That's
2 really been my focus.

3 And I think, you know, by and large
4 we've been very -- we've been totally happy,
5 the police have been great, they've stepped
6 up to this. So I think I'm not -- you know,
7 I have to focus on what I have, and what I
8 have is focusing on integration.

9 ASSEMBLYMAN WALCZYK: Okay. So
10 integration could include a merger in the
11 near future? I'm just trying to see from the
12 30,000-foot view, where are we headed with
13 this thing?

14 COMMISSIONER KULLESEID: Well, I mean,
15 last -- you know, last year the Governor
16 proposed an age waiver in the budget last
17 year, but it was not included in the final
18 budget package, which would have allowed a
19 transition, it would have allowed a
20 transition there on a number of mechanisms,
21 you know, just working -- just making
22 assistance so we could work side by side.

23 That transition was not in the final
24 budget, so right now our -- my focus is

1 really on integration and taking care of our
2 force.

3 ASSEMBLYMAN WALCZYK: Okay. Do you
4 have an academy? I know you've seen some
5 attrition throughout the pandemic in the
6 Park Police, I've seen different numbers on
7 that. I know that your force in Park Police
8 has dropped quite a bit.

9 Do you have an academy scheduled, or
10 do you anticipate that there will be one
11 soon?

12 COMMISSIONER KULLESEID: We do not
13 have an academy scheduled.

14 But what we're doing, like I said, is,
15 you know, the State Police have picked up in
16 some of our parks, and we are focusing Park
17 Police resources on the flagship parks where
18 they really know what they're doing, they
19 know how to manage those better than
20 anything.

21 ASSEMBLYMAN WALCZYK: Okay. Well, as
22 you can imagine, and I'm sort of trying to
23 read the tea leaves with what you're
24 saying -- and maybe not, to a certain extent.

1 As you can imagine, we have many Park Police
2 that we represent. They do a great job for
3 you. And, you know, we -- I know that many
4 of them are just looking for clarity about
5 what their jobs look like in the future, and
6 where they're going to be.

7 So I appreciate those answers. Look
8 forward to having some clarity in the future.
9 And thanks for all you're doing.

10 COMMISSIONER KULLESEID: Thank you.
11 Thanks for the question.

12 ASSEMBLYMAN WALCZYK: Thanks,
13 Madam Chair. I'll submit the rest of my
14 time.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 We go to Assemblyman Ra for five
17 minutes.

18 ASSEMBLYMAN RA: Thank you,
19 Madam Chair.

20 Commissioner, thank you for your
21 answers today. I do want to quickly, before
22 I ask a question, thank you and all your
23 staff. You know, as a representative on
24 Long Island, I know, you know, in a

1 particular place like Jones Beach that was
2 utilized early on for testing and now
3 vaccination -- despite all that, it was able
4 to be enjoyed by our residents, as they do in
5 the summer and even in the holidays, with the
6 holiday light show.

7 So I'm sure it is through, in no small
8 part, a lot of hard work by all of your staff
9 down there. So thank you.

10 COMMISSIONER KULLESEID: Thank you.
11 I'll pass that along.

12 ASSEMBLYMAN RA: My question was in
13 terms of -- you mentioned the parks app
14 earlier, which I think that's a great tool to
15 be able to, you know, decide what parks
16 you're going to utilize, whether there's a
17 lot of people there, and maybe make other
18 choices.

19 But I'm just wondering, are there
20 other partnerships that are being sought?
21 Because this is -- as we go into, you know,
22 another spring and summer, hopefully people
23 will be utilizing our parks that maybe aren't
24 traveling -- you know, normally would be

1 traveling further, and trying to just make
2 sure there's a synergy there that perhaps,
3 partnering with regional tourism groups and
4 things like that to -- you know, that maybe
5 somebody comes to a park and goes into a
6 downtown that's close by and has lunch and
7 does a little shopping and is able to benefit
8 not just the parks, but our local downtowns
9 and their economic recovery.

10 COMMISSIONER KULLESEID: So I think --
11 I mean, if you're talking about Long Island
12 in particular, I think we are very closely
13 integrated. And I think -- what's the name
14 of the tourism authority? Discover Long
15 Island?

16 ASSEMBLYMAN RA: Discover Long Island,
17 yes.

18 COMMISSIONER KULLESEID: Yeah, so --
19 and I -- we work closely with leadership
20 there. I think we actually sit on that
21 council or sit on its advisory board. So
22 very much -- you know, I think Long Island,
23 more than any other place, really, you know,
24 we are Long Island, Long Island is us.

1 Right? We couldn't be more integrated with
2 any place in the state.

3 So very much treat that seriously to
4 try and promote stuff. And I think -- and
5 promote other use. So, no, very much open to
6 that and very much tied into that community.

7 ASSEMBLYMAN RA: Okay, great. And
8 just one other question.

9 You know, we all saw recently for the
10 first time, with the Buffalo Bills, the
11 Governor had kind of the pilot program to get
12 people into the stadium. And obviously now
13 as we get into the spring, when you start
14 talking about baseball, certainly something
15 that comes to mind on Long Island is
16 Jones Beach Theater and concerts there. And
17 hopefully we are in a far better place by the
18 summer with regard to vaccinations and
19 things.

20 But are there conversations starting
21 about how some of those things that were
22 piloted might be able to be utilized for that
23 type of venue?

24 COMMISSIONER KULLESEID: Very much so,

1 yeah. And I think that -- you know, it's --
2 I think you're aware of the Governor's
3 initiative around the arts to bring back the
4 arts, because obviously New York -- New York
5 City and the entire state, really, is so
6 dependent on a robust arts economy.

7 So we are right now inventorying
8 ourselves for large and small kinds of places.
9 Since we have, obviously, the Jones Beach
10 Theater and we have Saratoga Spa, Saratoga
11 Performing Arts Center, we have the park
12 around Buffalo. We have some very big
13 venues. But we also have a lot of small
14 venues where I think we can offer dispersed
15 arts programming. So we're excited about
16 that.

17 Yes, very much interested in seeing if
18 there are lessons from the Bills experience
19 that can be brought to the Jones Beach
20 Theater to offer that -- give us the ability
21 to offer that again. And we are very much --
22 we are engaged in that conversation, yes.

23 ASSEMBLYMAN RA: Great. Thank you
24 very much. And thank you again to you and

1 all of your staff for {inaudible}, during a
2 tough time, the ability of our residents to
3 enjoy our parks.

4 COMMISSIONER KULLESEID: Thank you.
5 I'll pass that along. It's been an honor.

6 CHAIRWOMAN WEINSTEIN: Our final
7 member for questions, Commissioner, is
8 Assemblywoman Griffin.

9 Judy, you're on.

10 ASSEMBLYWOMAN GRIFFIN: Okay. Hello.
11 Good afternoon, Commissioner. Thank you,
12 Helene.

13 I just wanted to thank you. I
14 represent -- Hempstead Lake State Park is in
15 my district. And it's a great park, and I
16 really appreciate the investment that's being
17 made there. Also Jones Beach is very close
18 to my district, and the renovations, projects
19 and events have been outstanding -- and also
20 it's been extremely helpful to have that as a
21 site for testing.

22 I just had one question about the
23 Empire State Pass. I have gotten the Empire
24 State Pass each year for, God, as long as I

1 can remember. And I just wondered -- I never
2 really see a lot of marketing about getting
3 that pass. And I wondered, has that ever
4 been looked into? Like would it -- is it --
5 would it help the parks financially if more
6 people got that, or is it better that people
7 just pay a fee whenever they go?

8 Because I think a lot of people really
9 aren't aware of -- you know, you put that
10 investment in and once you go about, I guess,
11 10 visits, you know, you make back your
12 investment.

13 So I just was curious if that was ever
14 looked at, like how much they market it and,
15 you know, would it be more profitable if they
16 got more people to buy that pass each year.

17 COMMISSIONER KULLESEID: Oh, I mean
18 obviously the Empire State pass is a huge --
19 it's a great thing for us. Right?
20 especially with the changes we've made in
21 that in the last few years. You know, now
22 you get a card, right, you don't put the
23 sticker on the window anymore. The card
24 allows us to track you much better.

1 So in terms of, you know, tracking
2 visits and building a database of people, the
3 Empire State Pass is hugely important to us.

4 Obviously it's a balance between that
5 and the people who don't want to make that
6 kind of commitment. I think we feel like
7 we've got the right balance with it. And we
8 do a pretty heavy push on it through email
9 and our social media. That has been pretty
10 effective for us for expanding that.

11 And we do advertise it. You know,
12 people coming into our parks are able to see
13 it. I think we've got a pretty good balance
14 there. I think we have the right price on
15 it, and it's been a great thing to sort of --
16 to help -- you know, for some people they
17 want to have the convenience to just be able
18 to go into the park. So it's been a great
19 program for us.

20 And I wouldn't -- we're not thinking
21 of any major tinkering or major changes to
22 make to it. But I think that what we're
23 looking forward to is additional technology
24 so that -- we put out the Parks app recently.

1 You know, if you can have your -- I can't
2 remember if they're there yet, but if you
3 have the Empire Pass on your phone, right,
4 imagine, then you don't need to carry in a
5 card. And it needs to become part of, you
6 know, the shared economy. So very exciting
7 innovations happening with that.

8 ASSEMBLYWOMAN GRIFFIN: Well,
9 terrific. Thank you. Those sound like great
10 ideas.

11 COMMISSIONER KULLESEID: Thank you.

12 CHAIRWOMAN KRUEGER: Great. Assembly,
13 you're done? Helene, you're on -- you're
14 muted, Helene.

15 CHAIRWOMAN WEINSTEIN: I see that.
16 Yes.

17 Thank you, Commissioner. It's been a
18 pleasure having you here.

19 And we turn back to the Senate for the
20 next witness.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 COMMISSIONER KULLESEID: Thanks,
24 everyone. Thank you all for your --

1 CHAIRWOMAN KRUEGER: Thank you for
2 your time with us today. People love parks.
3 You're a popular destination.

4 COMMISSIONER KULLESEID: That's good.
5 Because it's gratifying, it's good.

6 CHAIRWOMAN KRUEGER: Thank you. Thank
7 you for doing this work.

8 Next up we have Richard Ball, the
9 commissioner of Agriculture and Markets.

10 Just pointing out to people, we're
11 only on the third testifier for this hearing
12 today. Get yourself settled in and arrange
13 to have somebody get dinner for you, because
14 we're going to be here through the evening.

15 And Commissioner Ball's probably had
16 the time, I don't know, to sow a field or
17 something while he was waiting for us. We'll
18 find out what he was doing up until now.

19 Are you with us, Commissioner?

20 COMMISSIONER BALL: I am with you. In
21 mind and spirit.

22 CHAIRWOMAN KRUEGER: Welcome.

23 COMMISSIONER BALL: Well, thank you.

24 Are you ready?

1 CHAIRWOMAN KRUEGER: I'm ready if
2 you're ready.

3 COMMISSIONER BALL: Okay.

4 Well, good afternoon,
5 Chairwoman Krueger, Chairwoman Weinstein,
6 Senator Hinchey, Assemblywoman Lupardo,
7 members of the agricultural committees and
8 also elected officials.

9 I'm honored to present my testimony on
10 the fiscal year 2022 Executive Budget for the
11 Department of Agriculture and Markets.

12 The Executive Budget recommends nearly
13 \$179 million for the department, allowing us
14 to continue our core functions and implement
15 initiatives to drive New York agriculture
16 forward.

17 As you know, this past year has been
18 incredibly difficult for all of us, including
19 the agricultural industry. I am proud of
20 what we have accomplished during the COVID-19
21 crisis, working together with our many
22 partners, to ensure that our food supply
23 chain remains open and that our agricultural
24 community continues to operate safely. From

1 developing critical guidance documents and
2 advocating for federal relief dollars to
3 providing face coverings and hand sanitizer
4 to tens of thousands of farms and
5 agribusinesses, our priority has been to help
6 New York agriculture navigate this
7 unprecedented public health crisis and
8 continue its essential work.

9 The Great New York State Fair, while
10 not able to execute its 2020 plans because of
11 COVID-19, has also been imperative to helping
12 New Yorkers during the pandemic. The fair has
13 hosted critical socially distanced events
14 like Nourish New York distributions and blood
15 drives, and most recently is working as a
16 state vaccination site.

17 This year's State of the State and
18 Executive Budget supports the state's
19 continued efforts to recover and rebuild from
20 the pandemic. As part of that, the Governor
21 has announced \$25 million for a third round
22 of the Nourish New York initiative. This
23 will allow us to continue connecting
24 New Yorkers to fresh, local food and

1 protecting the stability of our agricultural
2 economy.

3 So far, Nourish New York has helped
4 food banks to purchase 21 million pounds of
5 products from New York producers and deliver
6 them to more than 1.3 million families in
7 need across the state. It has helped reach
8 more than 4,100 farms as they have struggled
9 with the loss of markets and a surplus of
10 products.

11 The Executive Budget proposes
12 \$27.4 million in local assistance to ensure
13 the future of the industry. This is in line
14 with last year's Executive Budget, and the
15 third consecutive year that we've seen this
16 historic commitment to agriculture. This
17 funding will support key programs focused on
18 research, agricultural education, workforce
19 development, marketing initiatives, and more.

20 This year's budget also supports our
21 efforts to further several recently announced
22 initiatives to strengthen New York
23 agriculture. The Produce Traceability Blue
24 Ribbon Task Force, for example, is focused on

1 advancing our food safety tracking systems
2 across the supply chain. The group is made
3 up of New York farmers and representatives
4 from produce distributors and retailers and
5 facilitated by Cornell University. I'm
6 excited about their work and what it will
7 mean for the industry and for our consumers.

8 The Diversity and Racial Equity
9 Workgroup will also move us forward, aiming
10 to foster a more equitable agricultural
11 industry and provide recommendations for
12 systemic reform. Racial discrimination is an
13 extremely urgent issue that we must tackle
14 across all sectors. I am proud that this new
15 workgroup has begun to have some crucial and
16 difficult conversations in order to make
17 much-needed change.

18 The hemp industry will also benefit
19 from a workgroup as part of the Governor's
20 2021 State of the State agenda. The
21 workgroup will build from our accomplishments
22 in cultivating this sector and make
23 recommendations for the further development
24 of hemp as a multi-use agricultural

1 commodity. The hemp workgroup will explore
2 opportunities for New York growers and
3 manufacturers, and for the development of
4 safe New York products.

5 Lastly, we also continue to
6 aggressively tackle climate change, which is
7 a critical component of the Governor's
8 Executive Budget. His plans to bolster the
9 state's green economy builds on the
10 groundbreaking work of the Climate Leadership
11 and Community Protection Act, and I am
12 pleased that agriculture is at the table in
13 these discussions. With the Governor's
14 aggressive climate agenda and strong support
15 in the Executive Budget for critical
16 environmental programs such as the Climate
17 Resilient Farming Grant program and our Soil
18 and Water Conservation Districts, agriculture
19 is playing an important role in achieving our
20 state's climate goals while protecting our
21 natural resources.

22 We continue to work to strengthen and
23 grow New York's agricultural industry, and
24 we're proud of the proposed Executive Budget.

1 Senate Agriculture Committee, and I'm
2 planning to focus our work on making sure we
3 sustain our family farms and increase access
4 to healthy food for all New Yorkers across
5 the state. As a farmer yourself,
6 Commissioner, I'm very much looking forward
7 to working with you on these critically
8 important issues.

9 To start, the average age of a
10 New York farmer is 60 years old, and many are
11 looking for ways to retire in the coming
12 years. These farmers own and operate almost
13 2 million acres of farmland in New York.

14 Troublingly, research shows that over
15 90 percent of these senior farmers do not
16 have someone working alongside them, poised
17 to take over their farm. In my district in
18 Greene County, senior farmers outnumber
19 farmers under 35 at a rate of six to one.

20 Farmland for a New Generation funds
21 critical programs to get new farmers into
22 farming and connects them to land, yet the
23 Governor cut it from his Executive Budget.
24 Do you agree this funding is critical? And

1 what other programs can we fund to get new
2 and diverse individuals into farming?

3 COMMISSIONER BALL: Well, thank you,
4 Senator. It's good to see you without a mask
5 on. And appreciate your leadership position
6 on this committee. It's an important one.

7 A couple of thoughts jump into my
8 head. One, you mentioned the average age of
9 a farmer. There is a benefit to that; I was
10 able to tell my mother that her son was
11 finally above average.

12 But to that point, American Farmland
13 Trust worked very closely with us at a
14 program we started at the department, it was
15 a Beginner Farmer Workgroup looking to
16 address some of those very issues you
17 articulated very well. And American Farmland
18 Trust played a key role there.

19 I think certainly the Farms for a
20 New Generation program is a great one. As
21 you noted, that was a legislative add in the
22 budget last year. We work with American
23 Farmland Trust -- oh, gosh, if we don't talk
24 once a week, then it's an odd week for

1 certain. They've been great partners.

2 We identified early on that to
3 accomplish those goals of getting younger
4 farmers on farms, that we needed to figure
5 out access to land as well as access to
6 capital and access to education and
7 understanding and training that was needed.
8 And then, most importantly, how do we
9 navigate all those pots of money and various
10 resources to help people who are entering the
11 field of agriculture get to where they need
12 to go -- whether they have money and need
13 land, or vice versa. So we have kind of a
14 one-stop shop for that here at the
15 department.

16 But I think we have some opportunities
17 here. Times of great challenge certainly
18 present times of great opportunity as well.
19 So appreciate that, and look forward to
20 working with you on that.

21 SENATOR HINCHEY: Thank you. We do as
22 well.

23 My next question stems from that we're
24 very concerned about the cuts to the Cornell

1 Vet Diagnostic Program. This is a big hit to
2 farmers because those programs reduce the
3 cost of testing for their animals. For the
4 record, it was this lab that did COVID
5 testing in animals, and it was the only lab
6 in New York State with the capabilities to do
7 so.

8 Farmers depend on this lab and its
9 lower cost to keep their animals and our food
10 supplies safe. How can we ensure that
11 testing stays affordable for farmers so that
12 the public can stay protected?

13 COMMISSIONER BALL: Great question.
14 And you're talking about a great asset here
15 in New York State.

16 I've been very fortunate -- Dean
17 Warnick of the college, Cornell College of
18 Veterinary Medicine, asked me to be on his
19 advisory board, so I get to have interactions
20 with Dr. François Elvinger on a regular
21 basis. In fact, the dean had asked me to
22 help interview Dr. Elvinger when he first was
23 considered for the position.

24 Been to the lab many times. Great

1 asset for New York. They do incredible work.
2 They work very closely with our state vet,
3 and frankly they work very closely with our
4 whole veterinary team here at the department.

5 We've worked with them on their fees
6 and making sure that it stays affordable for
7 New York farmers. We've looked at ways to
8 help them do their job, because they will
9 help agriculture do their job.

10 So I would agree with you that that's
11 a very critical component of New York's
12 agricultural system. We need to keep it
13 alive and growing, and very happy to have a
14 conversation with you about the details of
15 just doing that.

16 SENATOR HINCHEY: Great, thank you.

17 As we've seen in the COVID-19
18 pandemic, mental health crises are
19 skyrocketing across the board. FarmNet,
20 while not in the ag budget, plays a critical
21 role in providing mental health support to
22 our farmers. The Governor has again cut this
23 program. And I would love to hear your
24 thoughts on its merits and the support that

1 we can provide to farmers in this area.

2 COMMISSIONER BALL: Again, we're going
3 to look to the Legislature for conversations
4 about this. FarmNet is very important. I
5 have close and very personal relationships
6 with the FarmNet team. They've done a great
7 job. They're also very helpful in the
8 transfer of farms from one generation to
9 another as well.

10 And this COVID-19 pandemic has really
11 affected so many of us socially,
12 professionally, and our farms in a very big
13 way have had a very hard time with this. So
14 I would agree with you, it's critical that we
15 look at this issue, and happy to discuss that
16 with you.

17 We do have funding in our budget for
18 FarmNet. I think about \$664,000 comes from
19 our line. The balance came from the
20 Legislature. So look forward to that
21 discussion.

22 SENATOR HINCHEY: Great, thank you.
23 Us too.

24 I have two other questions. There's

1 \$1 million in proposed cuts to Agribusiness
2 Childhood Development Centers. This cut
3 covers childcare services specifically for
4 farmworkers and migrant workers, operated
5 through 13 centers across New York State.
6 These centers are one of the only places that
7 provide multilingual childcare and
8 information to farmworkers and their
9 families.

10 What would this cut mean for the
11 existing centers, and does the Executive
12 propose this as a cut across the board, or
13 will the centers be closed?

14 COMMISSIONER BALL: Well, you're
15 talking about a subject that's very near and
16 dear to my heart. Certainly I'm in my office
17 now and I'm looking up at a framed photograph
18 of the children at an agribusiness ABCD
19 daycare in New York State. There's about
20 18 locations around the state. They do
21 incredible work.

22 I've been able read to them in
23 Spanish, I've been able to visit many of
24 their facilities. This is a very important

1 effort here.

2 In the Governor's Executive Budget on
3 our line they get some funding from two
4 different agencies. But our line in Ag &
5 Markets and the Governor's Executive Budget
6 funds that, as it did last year. So we have
7 to look to the other agencies and make sure
8 they get covered the way they need to.

9 SENATOR HINCHEY: Okay, thank you.

10 And, Commissioner, you're the chair of
11 the Agriculture and Forestry Advisory Council
12 that provides recommendations for the state
13 to meet the goals of the CLCPA.

14 Can you tell us the status of the work
15 being done by the Agriculture and Forestry
16 Advisory Panel and how farms can be a part of
17 the climate change solution?

18 COMMISSIONER BALL: Well, sure. And
19 thanks for that question.

20 Obviously climate is front and center
21 for the whole country and certainly New York
22 State especially. I get a seat, as
23 commissioner of Ag, on the Climate Action
24 Council, and I'm also chair of that Ag &

1 Forestry Advisory Panel. We've met seven
2 times. We have six subgroups that continue
3 to meet on a very frequent basis. And we're
4 looking at all the options that we can put on
5 the table about how agriculture and forestry
6 can become part of that solution.

7 It's not a timid group at all, as you
8 can imagine. They're very informed. We've
9 got professional scientists, researchers, a
10 number of farmers, a lot of people with
11 environmental interests that are at the
12 table. DEC has a full cadre of support
13 there. It's been exciting to look at some of
14 the options we have.

15 I'm reminded of Senator Krueger's
16 remarks about trees. I would add that, you
17 know, certainly looking at forestation and
18 reforestation, trees are an excellent source
19 of carbon sink and an important part of the
20 picture as we look at the workgroups and
21 their plans.

22 I would add, Senator, and Senator
23 Krueger as well, that my grandfather's
24 observation about trees was that the best

1 time to plant a tree was 10 years ago, but
2 the second-best time is today.

3 So it's been a rewarding panel to be a
4 part of. We're looking forward to coming up
5 with recommendations to the full Climate
6 Action Council here, I think very shortly in
7 a few months. So we have a lot of work to
8 do, but the work is progressing really well
9 and I'm encouraged.

10 SENATOR HINCHEY: Thank you very much.
11 And I appreciate you being with us today.

12 COMMISSIONER BALL: It's a pleasure.

13 CHAIRWOMAN KRUEGER: Thank you,
14 Senator Hinchey.

15 Assemblymember.

16 CHAIRWOMAN WEINSTEIN: Yes, we go to
17 chair of Agriculture, Donna Lupardo, for
18 10 minutes.

19 ASSEMBLYWOMAN LUPARDO: Thank you very
20 much.

21 Hello, Commissioner.

22 COMMISSIONER BALL: Hi.

23 ASSEMBLYWOMAN LUPARDO: It's nice to
24 see you.

1 know, there will be an opportunity for us to
2 discuss some larger-ticket items.

3 However, we find ourselves in the same
4 position we're in every year, where we're
5 looking to do basic restorations to programs
6 that the Legislature has been concerned
7 about.

8 So, you know, with that in mind, I
9 want to back up Senator Hinchey on two major
10 items to flag that will be very high
11 priorities for us, and the one is the
12 New York State Veterinary Diagnostic Lab. I
13 think people would be surprised to know the
14 vast amount of responsibility that they have
15 before them -- diagnostic services, animal
16 testing, the entire forensic piece regarding
17 animal abuse. And systematically, over the
18 last few years, at least, they have received
19 less funding.

20 And I was just curious if you were
21 concerned, like we are, about their ability
22 to do the -- what the state has basically
23 requested them to do, by law.

24 COMMISSIONER BALL: Well, I think you

1 can't -- we can't overstate the impact that
2 COVID-19 has had on everything financial in
3 our state.

4 I can't -- I can't overstate how
5 important I think the diagnostic lab is. You
6 and I have talked about it. And again, I
7 just have to point to our state vet and our
8 whole team of vets work with them on a daily
9 basis. They're very competent. They're a
10 critical part of agriculture.

11 We certainly were excited to see that
12 their funding from our line was flat, the
13 same as it has been the last couple of years.
14 The Legislature has helped out there. That's
15 been great. But I think that as we get
16 firmer footing underneath us, as we see
17 what's happening in Washington, get a feel
18 for those finances, we'll continue to work
19 together with you to deal with that issue in
20 a big way.

21 ASSEMBLYWOMAN LUPARDO: Yeah, I think
22 the public will probably become more vocal as
23 they learn more about how they are the
24 primary lab to address animal disease

1 outbreaks, now that people are far more aware
2 of what the consequences of that can be.

3 Also, I want to back her up on the
4 FarmNet concern. And if you wouldn't mind,
5 we'd love to have some confirmation on where
6 their current contracts might lie. It's not
7 clear whether they've received the funding
8 for the last budget year or not, and as well
9 as the Office of Mental Health funding that
10 they received, I don't believe they have
11 gotten contracts for that either. But we'd
12 love to have you look into it.

13 There's money that has come from the
14 federal government to assist state ag
15 departments like yours, to assist farmers
16 with mental health programs, some
17 \$28 million. Are we in line to receive some
18 of that? And could we direct some of that
19 toward FarmNet to help at least get farmers
20 through this difficult time?

21 COMMISSIONER BALL: Happy to look into
22 that. Our director of fiscal management here
23 at the department and I and our whole team
24 meet quite regularly along with our partners

1 at Department of Budget. All of the
2 contracts are being honored, and we're
3 managing it like every farmer does, at the
4 end of the week, at the end of the month,
5 looking at how much cash flow is available
6 and what the needs are.

7 We have prioritized the FarmNet,
8 certainly; they're high on the list. I can
9 give you an updated status on today's
10 situation with them as soon as I talk with
11 fiscal.

12 ASSEMBLYWOMAN LUPARDO: Hopefully
13 there's some federal funds that we can divert
14 over there, at least for this coming year, if
15 possible.

16 COMMISSIONER BALL: Sure.

17 And I'm going to put on my
18 commissioner hat, my role at the state
19 departments of agriculture around the
20 country. We've been working very hard in
21 Washington, D.C., to advocate for state
22 departments of ag broadly. All 50 states and
23 four territories support this. I'm currently
24 the vice president of that organization.

1 This is front and center for us, and there's
2 a critical need, because it's not just
3 New York but every state is facing some real
4 challenges with the things that support
5 agriculture in their states.

6 And so we're optimistic. We feel a
7 different tone coming out of USDA and
8 Washington right now towards the states. So
9 we remain hopeful, and we'll stay on top of
10 that.

11 ASSEMBLYWOMAN LUPARDO: Let's talk
12 about Nourish New York real quick. People
13 really very much appreciated that program,
14 and many of our colleagues downstate in
15 particular, their food banks received a lot
16 of food and have a better understanding, I
17 think, about the food supply chain and how
18 important upstate farmers are and those on
19 Long Island and other places.

20 Where exactly is the new \$25 million
21 in the budget? I have not been able to
22 locate that yet.

23 COMMISSIONER BALL: Well, Nourish
24 New York, what a fantastic story. And it's a

1 story that came together in about one week.
2 Just to kind of set the stage -- and we all
3 remember it very well, but the first couple
4 of weeks of the pandemic --

5 ASSEMBLYWOMAN LUPARDO: Don't take
6 time to tell the whole story.

7 COMMISSIONER BALL: I won't give you
8 the whole story. I won't give you the whole
9 bale of hay, as we say.

10 ASSEMBLYWOMAN LUPARDO: I've only got
11 a few minutes left.

12 COMMISSIONER BALL: We put together
13 that whole program in one week. Really proud
14 of the effort here at the department, the
15 Department of Health and the other agencies,
16 and the Governor's office. Twenty-five
17 million dollars. We added another
18 \$10 million in November. Right now, the
19 intention going forward is to extend the
20 contracts that are currently in place so
21 there will be no gap in service. And as such
22 we're utilizing a centralized contingency
23 appropriation to fund Round 3.

24 ASSEMBLYWOMAN LUPARDO: Gotcha.

1 COMMISSIONER BALL: So that's how
2 we're continuing to operate January,
3 February, March.

4 ASSEMBLYWOMAN LUPARDO: Can I switch
5 to another subject before you --

6 COMMISSIONER BALL: Yes.

7 ASSEMBLYWOMAN LUPARDO: We love to
8 talk about Nourish.

9 Renewable energy. And I think we're
10 all pretty interested in the Governor's
11 aggressive climate goals and what we're
12 looking for from the CLCPA, his discussions
13 about expansion of solar and wind projects
14 and the transmission lines downstate.

15 How can we work better together to
16 ensure a balance is achieved between
17 competing priorities, between developing our
18 farmland, protecting our farmland, and these
19 aggressive climate goals -- which we all
20 support? Because I feel that we're getting
21 caught between these two priorities and I'm
22 not entirely sure how to navigate that. How
23 is your department approaching this?

24 COMMISSIONER BALL: Well, we've been

1 pretty aggressive. And we've had fortunately
2 a great relationship and great working
3 relationships with NYSERDA in particular. I
4 have on my wall a plaque that was given to me
5 when then Governor Mario Cuomo presented an
6 award celebrating 25 years of Ag Districts
7 Law in New York State, and he delivered that
8 at my farm.

9 The idea of taking my farm or any
10 prime farmland and turning it into something
11 other than that is scary for me, so in
12 talking with NYSERDA, we've been working very
13 hard to make sure that we locate our new
14 renewable energy facilities in the right
15 place. We've got a memorandum of
16 understanding with NYSERDA now. We want to
17 make sure that we avoid, minimize and
18 mitigate if we have to use farmland, prime
19 farmland, which we identify as land being
20 currently farmed or land that represents the
21 top four tiers of soil in New York State.

22 So I know that the president of
23 NYSERDA shares our thoughts. I think our two
24 agencies are working really well together.

1 And this is in our background always as we go
2 forward with siting of renewable energy
3 projects.

4 ASSEMBLYWOMAN LUPARDO: Commissioner,
5 I have another minute. I notice that in the
6 EPF a million dollars -- there's a million
7 dollars less for farmland protection,
8 speaking of which, yet there's a
9 million-dollar increase in the Soil and Water
10 Conservation Districts. Is that the same
11 million dollars?

12 COMMISSIONER BALL: Did it come from
13 the left pocket and went to the right pocket?

14 They're two separate programs, of
15 course, obviously. Farmland preservation,
16 we've done a great job of that over the
17 years. The Governor has consistently funded
18 that either at \$17 million or \$18 million
19 for -- since I've been here.

20 I would add that on farmland
21 preservation, we've also done some great work
22 with reappropriations. The dairy transitions
23 program, \$30 million, and then an additional
24 \$14 million for non-dairy transition

1 preservation efforts. So we've been pretty
2 faithful to that.

3 The soil and water guys, every time I
4 turn around, we're asking them to do yet one
5 more thing for us. They've helped us with
6 all the ag non-point work. They do all the
7 environmental climate-resilient farming work
8 around the state. The contracts flow through
9 them. So they really need that support to
10 keep the climate goals going the way we want
11 them to.

12 ASSEMBLYWOMAN LUPARDO: Well, my time
13 is up. Thank you very much for your service,
14 and thank everyone in your agency for how
15 much they've done during this pandemic and on
16 behalf of New York agriculture and farming.
17 Thanks.

18 COMMISSIONER BALL: Well, thank you
19 for your support. It's much appreciated.
20 And for asking fast questions.

21 (Laughter.)

22 ASSEMBLYWOMAN LUPARDO: I'm getting
23 better.

24 COMMISSIONER BALL: And I'm trying to

1 talk faster.

2 ASSEMBLYWOMAN LUPARDO: Yeah, I
3 noticed.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 We're going to go to the Senate, to
6 the Agriculture ranker, Senator Borrello.

7 SENATOR BORRELLO: Thank you very
8 much.

9 And Commissioner Ball, thank you so
10 much for being here today.

11 I just want to say that when I became
12 the Ag ranker last year, one of the first
13 things I did was went on a statewide tour of
14 farms. And I was very -- it was a great
15 experience, but was able to visit Schoharie
16 Valley Farms and {inaudible} --

17 COMMISSIONER BALL: Wow.

18 SENATOR BORRELLO: -- and I know
19 Chairwoman Lupardo was there, we had a -- and
20 of course this was all together with
21 Assemblyman Tague.

22 It was a great experience, and I think
23 it was a great eye-opener for our colleagues
24 across the state. So we're looking forward

1 to the next tour that -- that Assemblyman
2 Tague does also.

3 What I wanted to ask you -- a couple
4 of things. We touched a little bit on the
5 food supply chain and the issues that we had.
6 You know, in your opinion -- first of all,
7 we -- I think we all know agriculture was
8 under tremendous stress long before the
9 pandemic, and this only exacerbated it.
10 Where are the choke points there, and why did
11 we see this massive breakdown in our food
12 supply chain in New York State?

13 COMMISSIONER BALL: Sure. Well, you
14 know, this is -- well, first of all, thank
15 you for visiting the farm. And you got to
16 meet the smarter part of our family, my son.

17 (Laughter.)

18 COMMISSIONER BALL: You have a
19 standing invitation, all of you, and I will
20 feed you, because it's all about the food.

21 You know, you bring up a really -- a
22 broad question. When I was first asked by
23 this Governor to consider taking on this job,
24 what we talked about was how we have this

1 incredible agricultural community in New York
2 State, ranked top 10 on 30 different
3 commodities. We have the biggest, most
4 marvelous marketplace in the world in our
5 state as well. And we talked about how we
6 can connect the dots there. And it wasn't
7 just getting more food to people who can
8 afford food, but it was about getting more
9 food to people who maybe didn't have access
10 to our food system.

11 So this has been a big focus. I think
12 the COVID-19 pandemic highlighted some of the
13 challenges with that food supply chain. But
14 I have to look back and think we've taken a
15 number of steps to bring us closer, you know,
16 over the last seven or eight years,
17 certainly.

18 We have a Hunger and Food Policy
19 Council the Governor asked me to chair and
20 put together. We have farmers there, we have
21 the agencies there, we have the food banks
22 there, we have farmers there, and we talk
23 about how we get more New York State
24 agricultural products into our emergency food

1 system. That was what enabled us to put
2 Nourish together in such a quick way.

3 I would just say that the second to
4 last link in the food supply chain are the
5 restaurants, the people who feed people.
6 They know the farmers, they know their
7 customers. They can be a great asset to us
8 as we look towards building back better here.
9 Chef Andrés was just a superhero, a great
10 ally of us and the whole country, really.

11 So I think that if there is a silver
12 lining here in this pandemic it's that we've
13 highlighted the importance of our food supply
14 chain, that we've highlighted the need for
15 our emergency food system, that we've
16 highlighted the need for our agriculture, for
17 our growers, and that consumers in New York
18 appreciate that we need to have that capacity
19 in New York, not rely on another state or
20 another country for that. So --

21 SENATOR BORRELLO: Couldn't agree
22 more. Couldn't agree more. Thank you very
23 much.

24 Obviously my time is ticking down

1 here. Obviously one of the issues with this
2 pandemic is the vaccine, and we certainly
3 consider our farmworkers front-line workers.
4 I'm just wondering your thoughts on, you
5 know, moving up farmworkers, you know, into
6 the 1(b) section for vaccinations so we can
7 get those folks safely vaccinated and able to
8 work with confidence that they can deliver
9 for the food supply chain.

10 COMMISSIONER BALL: Yeah. Well, thank
11 you for that concern. I really appreciate
12 it. It's important for us as well. As you
13 know, we have about 7 million people
14 currently in that 1(b) category. And as you
15 know, last week we got 250,000 doses of the
16 vaccine.

17 So we really need to keep the pressure
18 on Washington to get more vaccine coming into
19 our state. We've set up, we're talking with
20 our ag community, we're talking with the
21 industry, Department of Health on an everyday
22 basis. We're ready to distribute there as
23 the vaccine becomes available.

24 So it's an ever-evolving situation.

1 And we tell everyone to keep an eye on the
2 Governor's announcements and that website
3 with -- highlighting when that's coming. But
4 certainly we have a pretty good record here.
5 All summer when we had hotspots showing up on
6 our farms, we responded very aggressively
7 with the Department of Health and with county
8 departments of health, set up testing for
9 farmworkers. We tested hundreds of farms in
10 Central New York, over a thousand farmworkers
11 were tested in a short period of time. So we
12 care very much about our farmworkers.

13 SENATOR BORRELLO: Thank you very
14 much. I'll just end. My time is up. I want
15 to say thank you very much for your service
16 and look forward to working with you and with
17 our new chair, Michelle Hinchey.

18 COMMISSIONER BALL: Thank you so much.

19 CHAIRWOMAN KRUEGER: Thank you.
20 Assembly.

21 CHAIRWOMAN KRUEGER: We go to the
22 ranker on Agriculture, Assemblyman Tague, for
23 five minutes.

24 COMMISSIONER BALL: That name's

1 familiar to me.

2 ASSEMBLYMAN TAGUE: Good afternoon,
3 neighbor. How are ya?

4 COMMISSIONER BALL: I'm well, thank
5 you. And thanks for organizing the tour and
6 bringing a bunch of folks along, including
7 our chair.

8 ASSEMBLYMAN TAGUE: Well, and you're
9 right, we did visit with the smarter half in
10 your family.

11 COMMISSIONER BALL: Thank you.

12 (Laughter.)

13 ASSEMBLYMAN TAGUE: But listen. First
14 of all, Commissioner, I just want to say
15 thank you to you and your staff. Always
16 being responsive, helping come up with
17 solutions, especially during the COVID
18 crisis. I was on the phone with you and Jeff
19 and other members of your staff several
20 times, seven days a week, all different hours
21 of the day. And I can't thank you enough.
22 It shows your commitment and dedication to
23 our state and to agriculture. And couldn't
24 ask for a finer individual to be leading as

1 commissioner of Agriculture.

2 And I also want to thank Chairwoman
3 Lupardo, an excellent person to be working
4 with. And respect her and appreciate
5 everything that she does.

6 Commissioner, I have -- there's not
7 enough time in this day for all the questions
8 I have to ask. But if you don't mind, I'm
9 going to go down through the questions
10 because my time is limited, and you can
11 answer what you can. And actually
12 Chairwoman Lupardo helped me out because she
13 already asked one of the questions on the
14 Nourish New York. Which, by the way, I think
15 is an excellent program and fully support it.

16 But one of the problems that our
17 New York farmers face is a lack of meat
18 processing capacity. The last commercial
19 processor left New York in the 1990s, and a
20 lot of that is due to our regulatory
21 environment. As a result, our farmers have
22 to rely on out-of-state processing. Some
23 could be hundreds or thousands of miles away,
24 you know. And as COVID has shown, the

1 ability of supply chains to cross state lines
2 is not always guaranteed.

3 I'm just wondering if the department
4 has considered ways to streamline processing
5 regulations and/or minimize the bureaucratic
6 overlap to encourage processors to come back
7 to New York and strengthen our in-state
8 supply chain.

9 And then secondly, Commissioner, I'm
10 wondering if the department has a position on
11 refunding our Veteran Farmers Grant program.
12 And this perhaps may be a more comprehensive
13 effort to strengthening our agriculture
14 sector and help both our veterans and
15 farmers.

16 Thirdly, I had a couple of farmers
17 reach out to me today, they knew I was going
18 to be in this hearing, and they had a concern
19 with regard to fluid milk going into New York
20 City from New Jersey, Pennsylvania and
21 Connecticut. I'm wondering if you may have a
22 thought on that.

23 And then finally, kind of hitting on
24 what Chairwoman Hinchey and Chairwoman

1 Lupardo touched on -- it's something that's
2 near and dear to my heart, especially living
3 here in the Schoharie Valley, as you do.
4 New York acreage under cultivation has
5 declined by 320,000 acres since 2012.
6 Large-scale renewable projects, especially
7 solar, appear to pose a direct challenge to
8 efforts to maintain or improve New York's
9 agricultural sector, since land use for
10 renewable projects cannot always be
11 repurposed.

12 Does the department have a position on
13 renewable project siting and the potential
14 problems this poses for agricultural land
15 use? And I know you touched on that in your
16 discussions with NYSERDA, but I was hoping
17 you might be able to go a little further.

18 And with that I'll turn it over to
19 you. And thank you, as always, for your
20 time, Commissioner.

21 COMMISSIONER BALL: You bet. Thank
22 you.

23 Well, I did address part of that with
24 the solar siting. I will add that this is a

1 big concern for us at the department, and for
2 farmers broadly, because approximately 60
3 percent of the land that's currently under
4 cultivation in New York is leased land. It's
5 land that's rented by a farmer from an owner
6 who may not be farming. So, you know, that
7 puts us at risk if solar happened without
8 regards to some of those considerations.
9 Which has prompted those serious
10 conversations with NYSERDA and the Office of
11 Renewable Energy Siting. So I'll stop there
12 right now.

13 As far as veterans, the veterans are a
14 very important workforce element, I think,
15 for agriculture in a big way. First of all,
16 46 percent of our military is from a rural
17 community. That's a statistic a lot of
18 people don't know. We only represent about
19 18 percent of our population, but almost half
20 of our military currently serving are from
21 rural communities. So they understand rural
22 communities, they probably know agriculture.

23 They would be excellent candidates.
24 They're used to working long hours in

1 difficult situations. I think they're
2 perfectly suited for agricultural work,
3 therefore.

4 We included them in our Beginner
5 Farmer Workgroup. And I agree that that's a
6 very important ingredient going forward with
7 our workers on farms and management on farms.

8 As far as slaughterhouse capacity in
9 New York, this has been a concern for quite a
10 number of years. We've seen consolidation in
11 the industry. It has moved largely to
12 Western states, closer to the supply of
13 livestock.

14 We are working with a lot of our
15 processors currently in the state who have
16 custom licensing. Many of them are very good
17 operations and could be transitioned over to
18 USDA licensing without too much effort.
19 They're good, they just need to do a few
20 things, supply some paperwork. We've been
21 talking with USDA about this because we do
22 want USDA-certified meat to be able to move
23 around the state.

24 I think that's a good answer, a good

1 program, a good pathway. It's not going to
2 answer it tomorrow. But we also have, in our
3 back --

4 CHAIRWOMAN WEINSTEIN: Commissioner, I
5 hate to interrupt, but perhaps you could
6 follow up with Assemblyman Tague and the
7 committee in writing with those answers.

8 COMMISSIONER BALL: Sure, absolutely.

9 CHAIRWOMAN WEINSTEIN: We've gone
10 quite a bit over the time.

11 COMMISSIONER BALL: Okay.

12 CHAIRWOMAN WEINSTEIN: I just wanted
13 to remind members that the time is both for
14 questions and answers. I know a number of
15 people have been trying to sneak around
16 that -- our request.

17 So now we'll move on to the Senate.

18 CHAIRWOMAN KRUEGER: Thank you. Thank
19 you, Helene.

20 Yes, when you ask a question when you
21 have 10 seconds left, you know you are doing
22 something wrong. Just reminding people.

23 Senator Rachel May.

24 SENATOR MAY: Yes, thank you. And

1 nice to see you, Commissioner.

2 COMMISSIONER BALL: Good to see you,
3 Senator.

4 SENATOR MAY: Yeah. I want to follow
5 up on one thing Senator Hinchey asked about,
6 the Farmland Protection Fund.

7 I'm just wondering, in terms of the
8 budget, the fact that that money was in the
9 DEC budget, is there -- are there
10 agricultural interests that might fall
11 through the cracks or is there
12 cross-communication between the agencies that
13 happens where, you know, you're taking into
14 account the environmental impacts and the
15 agricultural impacts of a cut like that?

16 COMMISSIONER BALL: Yeah. It's
17 actually -- it's a line of ours in the EPF
18 fund, which is of course largely dominated by
19 DEC. But that is Ag & Markets' line. So
20 yeah, no funny business there.

21 SENATOR MAY: All right. That makes
22 sense.

23 And following up to Senator Borrello's
24 question about the 1B vaccine pool, like

1 having farmers and farmworkers in that
2 essential worker pool, it seems like the
3 Cooperative Extension would be a good way to
4 get the vaccine out to farms if we can
5 include them. I strongly advise that we
6 should include them in that vaccine pool.

7 COMMISSIONER BALL: Thank you.

8 SENATOR MAY: I did want to move on,
9 though, and say -- just as a little bit on a
10 lighter note, but tomorrow I'm going to
11 introduce a bill for -- to add animal and
12 plant fiber to the Grown & Certified Program.
13 And I hope that that's something that you
14 will support. And I'm thinking it would be
15 great to draft our Governor to go toe to toe
16 with Bernie Sanders, who's sporting those
17 Vermont-made mittens. If we can have, you
18 know, New York-made mittens and hats and
19 things that our Governor would proudly wear,
20 it would be a great thing.

21 So I hope that you'll support that
22 effort to include plant fiber and animal
23 fiber in that program.

24 COMMISSIONER BALL: Absolutely. We

1 see New York Grown & Certified as being the
2 premier marketing program for all of New York
3 State's agricultural products. So done.

4 SENATOR MAY: Great, thanks.

5 COMMISSIONER BALL: We need to come up
6 with some criteria for it, what separates it,
7 you know, from somebody else's food fiber.
8 But yeah, we'll do that.

9 SENATOR MAY: And then this is a more
10 serious question, but I'm a strong proponent
11 of raising revenue from the very wealthy in
12 the state. And I feel like when it comes to
13 agricultural cuts, that they're hurting
14 people who are not the very wealthy. Farmers
15 on average make 40,000 to \$60,000 a year.

16 And I'm wondering if there was
17 discussion of the trade-offs between that --
18 you know, the cuts to people who can barely
19 afford it, if at all, and asking the very
20 wealthy to do more than the Governor is
21 asking them to do in the budget.

22 COMMISSIONER BALL: That squarely
23 rests on the Department of Budget and the
24 Governor. I have been a part of no

1 conversation about that.

2 You know, we focus on how can we help
3 our farmers grow, be more profitable, connect
4 to markets that they may not have access to.
5 But ...

6 SENATOR MAY: I appreciate that.

7 Thank you very much. And thanks again
8 for the great work you do.

9 COMMISSIONER BALL: Thank you. Good
10 to see you.

11 CHAIRWOMAN WEINSTEIN: We go to
12 Assemblyman Jones for three minutes.

13 ASSEMBLYMAN JONES: Hello?

14 CHAIRWOMAN WEINSTEIN: We hear you.

15 ASSEMBLYMAN JONES: Okay.

16 Commissioner, thank you, as always,
17 for giving us your time. And thank you for
18 being a friend and an ally to the farming
19 community. You truly are a great advocate
20 for the agriculture community.

21 Every year we see in this budget in
22 other areas, but especially in agriculture,
23 where there's many cuts to great programs --
24 you know, maple, ag development, Cornell, you

1 know, gets completely wiped out -- some of
2 those programs -- and then we have to come
3 back with these legislative adds. It just
4 seems in the annual budget dance, agriculture
5 gets shortchanged with the two-step every
6 year. And that's getting very frustrating.
7 And, you know, that's something that we do
8 have to overcome.

9 I have two quick questions on the
10 Nourish New York program. I know
11 Chair Lupardo went over this. Great program,
12 love it. Farmers like it. Our residents
13 like it. It just was a very good program.
14 Congratulations for the work that you did on
15 that.

16 I'm not quite sure what you said about
17 the 25 million. Is that going to be
18 appropriated on top of -- when we pass the
19 budget, is that going to be further
20 appropriated, that 25 million, or is that
21 already money there that we have to -- that
22 we're using?

23 Another quick question, I know
24 Chair Hinchey mentioned this as well, are we

1 losing a generation of farmers? Our senior
2 farmers are getting older. It's not that
3 they don't have an opportunity to hand it off
4 to family members or to, you know, younger
5 farmers. I myself being in that position,
6 we -- you know, it was -- there's just been
7 so many things put on farmers as far as
8 impractical mandates. I know many years we
9 don't have the money to give to our farmers
10 these programs that they depend on, we
11 shortchange them on them.

12 But I would just like you to give us a
13 few of these mandates. We talked about the
14 labor mandate that was put in last year;
15 that's just unfair to our farming community.
16 But some other mandates that we could take
17 off, take off from our farmers, that would
18 encourage people to get into farming.

19 I know myself this hits close to home.
20 I know many family members, they want to join
21 the farming community and they want to be a
22 part of it, it's just an uphill battle. Not
23 only do they have to deal with the pricing of
24 everything, they have to deal with some of

1 these mandates that New York State puts on
2 them. Maybe we could just relax a few of
3 those.

4 So two quick questions about the
5 25 million for Nourish New York. I would
6 advocate for that program going even further.
7 And what mandates can we take off from our
8 agriculture and farming community that could
9 help them and future generations?

10 COMMISSIONER BALL: Okay. I'm looking
11 at the clock a little bit here, and I don't
12 want to have to stop the car on you.

13 But I think, you know, with regards to
14 Nourish, we are utilizing a centralized
15 contingency appropriation to keep the program
16 going. I think how much funding that's going
17 to take, that's a subject for negotiation
18 between the Legislature and the Department of
19 Budget, I think, as we go forward.

20 But we're able to keep that program
21 going through that financial vehicle, and
22 much appreciative of it.

23 With regards to regulations, you know,
24 a few years ago when I first met you in the

1 North Country, I think we may have talked
2 about -- and before you were an Assemblyman,
3 we might have talked about our Silo
4 Workgroup. And the Governor said to me:
5 "Let's look at all the agencies that regulate
6 agriculture, and let's bring them all in the
7 room and bring in agriculture in the room."

8 So I appointed eight farmers and I
9 invited all the commissioners from every
10 agency that regulated agriculture in some
11 fashion, and we talked. And we discovered
12 lots of overlaps. We discovered that -- for
13 example, we had two different state agencies
14 regulating farm housing to three different
15 standards. Okay, well, let's figure out --

16 CHAIRWOMAN WEINSTEIN: Commissioner,
17 I'm going to ask you to stop because I don't
18 want this to continue through the rest of the
19 evening that Senator Krueger and I are here.
20 So you can follow up in writing, and we'll
21 circulate it to the members.

22 And I'll turn it over to the Senate,
23 again, reminding members to leave enough time
24 for at least the commissioner to start his

1 answer before the clock runs out.

2 Senate.

3 ASSEMBLYMAN JONES: Thank you,
4 Commissioner.

5 CHAIRWOMAN KRUEGER: Thank you. I
6 think I'm going to call on Senator Sue
7 Serino.

8 SENATOR SERINO: Thank you,
9 Madam Chairwoman.

10 Commissioner Ball, it's so nice to see
11 you again.

12 COMMISSIONER BALL: Long time. Good
13 to see you too.

14 SENATOR SERINO: Yeah, it's good to
15 see you.

16 So I know you know my district well,
17 and I'm really hoping that you can partner
18 with us in advocating to the Governor's
19 administration for the local and county fairs
20 to resume -- and safely, of course. But to
21 give them enough lead time to actually and
22 adequately plan to open, because you can't
23 just say, Okay, you can open, and next day it
24 happens, as you know.

1 And the Dutchess County fair is like
2 an institution here, so -- but they're
3 worried that if they don't operate this year,
4 that they're going to be done for good.

5 And it's interesting talking to
6 people, and talking to Andy from the fair --
7 I actually had a conversation with him
8 today -- how they're frustrated because they
9 go by, they see farmer's markets, flea
10 markets -- I know I've seen that. It's all
11 outside, tons of people. This fall I was
12 at -- in another county, there was like
13 another like a market going on, but they had
14 pets there, they had food. Same things like
15 you would have at a fair. And hundreds and
16 hundreds of people.

17 So just wanted to see your thoughts on
18 that, and have you any conversations about
19 it?

20 COMMISSIONER BALL: Yeah, it's
21 something we talk about a lot. The county
22 fairs are, you know, really a very important
23 connecting point -- talk about connecting
24 dots -- between our people in New York and

1 our farmers in New York. So, you know,
2 Andy's doing a great job. He's taken me
3 around the Dutchess County Fair. It's a gem
4 of a fair, no question. And the number of
5 people who pass there in a short period of
6 time is incredible.

7 This is where we get into
8 conversations -- you know, for a while there
9 at the beginning of COVID-19 I felt like we
10 were the Agriculture, Markets and Guidance
11 because we had to write so much guidance and
12 try to figure out how we could do things, and
13 in some cases why we needed to not do things.
14 And so we were talking hourly with the
15 Department of Health. Their concern wasn't
16 about agriculture or agricultural events,
17 their concern was crowd size, social
18 distancing. And so that drove the decision
19 for so many fairs to simply downsize or
20 cancel operations.

21 Having said that, you know, we've got
22 a pretty strong commitment. Andy is part of
23 the state group of county fairs, and
24 typically are in here talking to us about

1 funding for improvements on the fair. I am
2 fully hoping that this year we'll see that
3 funding and see what they have done with that
4 funding to improve their fair. And hopefully
5 we get people back through them. So we'll
6 stay in touch on that one. But we'd very
7 much like to see the county fairs get back to
8 work.

9 SENATOR SERINO: Yeah, I said to him
10 today whether you're 5 years old or 50 years
11 old, everybody loves a fair. And boy, we
12 need it more than ever right now for
13 everybody's mental health.

14 So thank you so much, Commissioner,
15 for everything that you do. Greatly
16 appreciate it.

17 COMMISSIONER BALL: Good to see you.
18 Thank you.

19 CHAIRWOMAN KRUEGER: Thank you,
20 Senator.
21 Assembly.

22 CHAIRWOMAN WEINSTEIN: We go to
23 Assemblywoman Glick now for three minutes.

24 ASSEMBLYWOMAN GLICK: Thank you very

1 much. Good to see you, Commissioner.

2 I hope that Nourish New York will be
3 something that we will institutionalize going
4 forward, because I think that even after we
5 recover it will be a positive thing for both
6 farmers and folks who are food-insecure. So
7 I put my oar in the water for that to
8 continue.

9 I also am very concerned about the
10 Cornell Lab. And in general, many of the
11 Governor's cuts reflect adds that the
12 Legislature makes. That's kind of a standard
13 thing -- the Governor cuts, and then we have
14 to fight to bring it back.

15 I would suggest to you, as the
16 commissioner and maybe someone in a position
17 to talk directly to the Governor, that
18 farmers have to deal with the vagaries of the
19 weather; they shouldn't have to deal with the
20 vagaries of the budget, at least this year.
21 And maybe many of those items that have been
22 cut that are really quite critical, that we
23 don't have to have the minuet and that the
24 farm communities could be assured that they

1 would be getting the support they need.

2 And the final item, again, the
3 Governor did not include the Companion Animal
4 Matching Grant Capital Fund, which has been
5 very helpful to allow humane societies and
6 shelters to upgrade their facilities. And in
7 this year when, sadly, too many people had to
8 surrender their animals, I think it would
9 be -- obviously we will fight to put it back
10 in the budget.

11 But it seemed like there's a lot of
12 areas where capital was included, and I'm
13 just wondering if there was a reason. Is
14 there money still sitting there and that's
15 why the Governor did not include it in his
16 budget?

17 COMMISSIONER BALL: Well, thank you.
18 It's good to see you again. I think the last
19 time I saw you may have been at the Cornell,
20 at the dedication of the expansion of the
21 veterinary college, in fact.

22 But anyway, with regards to Nourish,
23 thank you so much. Appreciate the support
24 there.

1 On the Companion Animal Capital
2 Improvement Grant Program, that was funded by
3 the Legislature for three years. I think
4 they skipped last year. I think it was not
5 funded last year, if I recall. But I will
6 tell you that over \$12 million worth of
7 investment went out to shelters around the
8 state, a lot of projects, very well
9 subscribed.

10 Very quickly, I would add -- and I
11 know you're going to hear from your friend
12 and mine, Libby Post, probably later tonight
13 on that subject in a big way, and she will
14 carry the weight on that. So thank you.

15 ASSEMBLYWOMAN GLICK: Well, we do
16 think that it's -- and thank you. I think we
17 made some language clarifications so that it
18 would be more broadly available.

19 Thank you very much for everything you
20 do.

21 COMMISSIONER BALL: Thank you.
22 Appreciate it.

23 CHAIRWOMAN KRUEGER: Thank you.

24 ASSEMBLYWOMAN GLICK: I yield back my

1 seven seconds.

2 (Laughter.)

3 CHAIRWOMAN WEINSTEIN: Great. We go
4 to the Senate.

5 CHAIRWOMAN KRUEGER: Thank you.

6 CHAIRWOMAN WEINSTEIN: And we ended
7 going over by seven. Thank you.

8 (Laughter.)

9 CHAIRWOMAN KRUEGER: I think it's just
10 me left on the Senate side, and we won't take
11 too much time.

12 SENATOR O'MARA: No, I'm here,
13 Chairwoman, I'm here still.

14 CHAIRWOMAN KRUEGER: Oh, you want to
15 speak? I'm sorry. I'm sorry.

16 So let me allow the ranker to go
17 first, please. Senator Tom O'Mara.

18 SENATOR O'MARA: I don't mind waiting
19 if you'd prefer to go first.

20 CHAIRWOMAN KRUEGER: No, no, no, you
21 go first. I like to bat cleanup.

22 SENATOR O'MARA: Okay. Thank you.

23 Thank you, Commissioner, for being
24 here. I've really enjoyed the working

1 relationship with you over the years since
2 you've been here.

3 COMMISSIONER BALL: Appreciate that.

4 SENATOR O'MARA: You know, I need to
5 echo Assemblywoman Glick's and Senator
6 Hinchey's comments on these ag programs.
7 Senator Hinchey, this is her first year, but
8 she's learning already this is a perennial
9 issue that we go through every year with
10 these cuts to all these ag programs that we
11 fight to restore. Thankfully there seem to
12 be a lot less this year that we have to fight
13 to restore than in prior years, but still it
14 seems to be a waste of our time to go through
15 this every year. And I'm not asking for a
16 response from you on that.

17 But I do have concerns over the amount
18 of money that we continue to spend on the
19 State Fair and, you know, \$10 million more
20 this year being appropriated. Since the
21 2012-'13 budget we have spent \$122 million on
22 the State Fair, with very little going to our
23 county fairs over that period of time. And
24 really what I consider and have considered

1 for years excessive spending at the State
2 Fair. I mean, we didn't even have the State
3 Fair this past year. And hopefully that
4 returns and returns strongly with it. But
5 that's a concern of mine, and the spending
6 here.

7 I want to thank you for your positive
8 comments on the Soil and Water Districts
9 throughout the state and the great work that
10 you do with Ag and Markets and working
11 together. It's just a phenomenal resource,
12 and I think some of the best agencies in the
13 state do so much with so little. And we
14 really should be looking to do more in our
15 budget for our Soil and Water Conservation
16 Districts.

17 My real question here for you,
18 Commissioner, is in regards to hemp. We've
19 had a couple of difficult years on hemp, but
20 we got off to I thought a strong start. I
21 was a strong proponent of that. And now we
22 appear to have a crop for a couple of years
23 now that has been grown and has no market
24 because the state continues to lack a

1 regulatory program to get that production
2 into place.

3 So can you update us on what the
4 efforts are right now at the state to get
5 this hemp going? I mean, it continues to get
6 bogged down with recreational cannabis. It's
7 completely unrelated, and it should be
8 treated separately. So what are we doing to
9 get this moving?

10 COMMISSIONER BALL: Yeah. Well, thank
11 you for your support with regards to that,
12 and especially in an important part of New
13 York State. Your support of the Soil and
14 Water guys has been noted. They appreciate
15 it, and we certainly do too.

16 With regards to hemp, this has been
17 just a -- I talk to the other state
18 departments of agriculture; we're not unique.
19 Kentucky -- you know, the commissioner there
20 is a good friend, an ally -- and Oregon,
21 Colorado, we talk often about industrial hemp
22 and CBD and the processing capacity. And all
23 across the country we saw such a hit, you
24 know, last year when there was just -- the

1 market just fell apart for any of the CBD
2 products.

3 A lot of it had to do with the
4 industry getting ahead, I think, of the
5 federal government. Certainly at FDA they
6 were putting the brakes on. They're
7 science-based, research-based. They didn't
8 have any information really to go on and make
9 decisions about. We pushed them as hard as
10 we could. At USDA they came out with an
11 interim final rule, as you recall, which
12 would have made it almost impossible for
13 New York State to advance our plan going
14 forward. We told them so. It kind of called
15 the question, and they went back to Congress
16 and got an extension of the 2014 farm bill so
17 we could keep operating the way we were.

18 But basically the requirements that
19 DEA and the Justice Department were putting
20 on USDA for the way forward on industrial
21 hemp made it unworkable for all the states.

22 That was -- given some time, they've
23 come out with a new version of the interim
24 final rule, I think the second-to-last day of

1 this administration in Washington. We're
2 going through it right now. I think it's
3 going to be -- it was always our intention to
4 have a New York plan. It was always our
5 intention to go ahead and do what we need to
6 do here in New York. But that made it
7 unworkable. We're looking at it. They made
8 some accommodations. I'll be able to let you
9 know probably within a few days where we
10 stand on that new rule.

11 But I think that we've got to continue
12 to push FDA a little bit. Everything CBD
13 revolves there.

14 But on the industrial side, I think
15 there's -- you know, we've got great optimism
16 there for the fiber, for that side of things.
17 So we're going to continue to hold that in
18 our department. The CBD parts will be over
19 at Department of Health where they belong.
20 And I think we're going to work our way out
21 of this. But we were kind of clogged down
22 largely by the stagnation at USDA.

23 SENATOR O'MARA: Thank you very much.

24 COMMISSIONER BALL: You bet.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: We go to

4 Assemblywoman Buttenschon.

5 ASSEMBLYWOMAN BUTTENSCHON: Good

6 afternoon, Chairs.

7 And it's good to see you,

8 Commissioner Ball.

9 COMMISSIONER BALL: Another neighbor.

10 ASSEMBLYWOMAN BUTTENSCHON: I

11 appreciate all you do.

12 As you know, I represent the great

13 area of the Mohawk Valley that has many

14 prosperous agricultural opportunities. I

15 appreciate Chair Lupardo and Chair Hinchey

16 bringing up many different points today, as

17 well as my colleagues had brought up concerns

18 regarding farmland. And we all are for a

19 positive green environment, but we want to

20 ensure that it's done in a balance.

21 And I've heard from many of the

22 different farms in my area, specifically the

23 largest, DiNitto Farms, that has lost close

24 to 50 acres of farmland this year due to, as

1 they define it, solar industrial parks --
2 they do not even want the word "farm"
3 utilized in there because they see the
4 concerns and are asking the request to look
5 at various land that would not infringe on
6 the agricultural properties that they need to
7 ensure that they can continue with the dairy
8 farming that they have.

9 And I know you addressed that, but I
10 had advised them that I would reconfirm it.
11 I also have heard the significant points that
12 were brought up by my colleague Jones in
13 regards to regulations specific to meat
14 packaging, that products are shipped out of
15 state and then returned into state.

16 I see that the concerns of the various
17 programs where there were cuts, specifically
18 to the farmland of New Generation Resource
19 Center, which is so important to initiate
20 future programs. The Nourish New York, which
21 many of my colleagues have spoke of, is a
22 viable program that I consider so important.

23 And when we talk about the
24 agricultural programs that can help support

1 future farmers, I find that that has to be
2 one of our most significant priorities as we
3 look into this future budget.

4 So my question I pose to you is, where
5 do you see we can help you in those areas of
6 support with my fellow colleagues and I?

7 COMMISSIONER BALL: Well, I think you
8 do a great job at being partners with us. I
9 feel very fortunate to be a commissioner
10 right now. It's an incredibly challenging
11 time. But as I've heard from so many of you
12 a general recognition of the importance of
13 agriculture in New York State, we're going to
14 need to keep that in mind as you look at all
15 kinds of things that are going to come in
16 front of you.

17 I'm an optimist. And as you know, to
18 be a farmer, you really have to be pretty
19 excited when spring rolls around or you may
20 not make it through the rest of the year.
21 But, you know, I get to get around the state
22 quite a bit. Terri DiNitto and her husband
23 have a marvelous operation, do a great
24 service to the community with their bringing

1 the public in and bringing schools in to see
2 what they do.

3 And this is something that keeps me up
4 at night. And we just need to, as we look at
5 whatever comes in front of you as a
6 Legislature, you know, keep farmers in the
7 background. That's -- or I should say front
8 of mind, but in mind all the time.

9 CHAIRWOMAN WEINSTEIN: Thank you,
10 Commissioner.

11 COMMISSIONER BALL: Okay.

12 ASSEMBLYWOMAN BUTTENSCHON: I'm being
13 cut off. Take care.

14 COMMISSIONER BALL: Okay.

15 CHAIRWOMAN WEINSTEIN: You can follow
16 up offline.

17 ASSEMBLYWOMAN BUTTENSCHON: Yes.

18 CHAIRWOMAN WEINSTEIN: We go back to
19 the Senate. Senator Krueger.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Okay, so now I think I will bat
22 cleanup. Nice to see you again,
23 Commissioner Ball.

24 COMMISSIONER BALL: Nice to see you.

1 CHAIRWOMAN KRUEGER: And, you know, my
2 view as a Manhattanite is we want to eat
3 whatever New York State will grow and send
4 down to us. So keep growing, keep our farms
5 bigger and healthier and get more new farmers
6 on the land.

7 But when I listen to the discussion
8 today, I start to worry that people think
9 there's this unresolvable almost war between
10 renewable energy and changes in environmental
11 policy and the ability of New York farmers to
12 be successful. And I don't believe that.
13 And I don't think you believe that.

14 So tell me how New York's going to do
15 a better job at making sure that -- you know,
16 that old song "Why can't the farmers and the
17 rangers be friends," whatever it is. Farmers
18 and --

19 COMMISSIONER BALL: Ranchers.

20 CHAIRWOMAN KRUEGER: -- somebody
21 should be friends.

22 COMMISSIONER BALL: Oklahoma.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Oklahoma, yes.

1 There's no way that we can't all do
2 this together, because if we don't do it
3 together we won't have a planet to keep
4 growing things on. So help me understand
5 how, from your perspective as the Agriculture
6 commissioner, we can make sure we are moving
7 forward with our green agenda being better
8 for everyone. Because everything I've read
9 tells me that good farming and good practice
10 on our land actually helps our environment.
11 So, you know, whatever the problems are,
12 can't we figure them out?

13 COMMISSIONER BALL: Well, thank you
14 for your optimism. I share it.

15 And I have to say my optimism kind of
16 stems from the first conversation I had with
17 the Governor. He sought me out, wanted to
18 talk about agriculture. When he and I talk,
19 it's about agriculture. It's not about
20 politics, it's not about other issues, it's
21 about agriculture. So that gives me great
22 confidence and optimism going forward. He
23 asks lots of questions, as you know.

24 So that's one thing that gives me

1 optimism. The other one, involving the green
2 economy -- I think we had kind of a hard
3 situation. The solar industry in particular
4 kind of got here before we were ready to
5 figure out what to do about them. There were
6 no solar regulations in zoning in any town in
7 New York that I was aware of. Farm Bureau
8 did not have any policy regarding solar
9 siting on farms.

10 And I remember getting a
11 solicitation -- I was commissioner for about
12 a couple of months and I got four
13 solicitations personally, as a farmer, to
14 install hundreds of acres of solar array on
15 my farm. Which was in Ag District No. 1 of
16 New York. And I mentioned the plaque that I
17 have on my wall commemorating the Ag District
18 No. 1 in Schoharie County, New York. And so
19 that got my attention and it got me on the
20 phone with NYSERDA, it got me on the phone
21 with the developers, it got me on the phone
22 with Farm Bureau saying, We need to catch up.
23 So they kind of got a head start on us.

24 But as a result of the conversations

1 that I've been able to have with President
2 Harris over at NYSERDA, her understanding of
3 agriculture, I'm encouraged there that they
4 get it. That we don't want to meet New York
5 State's energy goals by robbing our
6 agricultural community or our ag goals. The
7 Governor has challenged us -- me
8 personally -- to grow agriculture in our
9 state, to feed you better in Manhattan. We
10 want to do that.

11 And, yes there's a way to do it. We
12 have to make sure we avoid our top four tiers
13 of soil as we consider renewable energy. We
14 have to make sure we find ways to be
15 compatible with energy renewal. And frankly,
16 as we look at the broader issue of greenhouse
17 gases and climate change, our farms can be
18 part of the answer here. There's a lot of
19 things that -- good soil health practices --
20 we can encourage, that can help us advance
21 the goals of the climate.

22 So I'm excited that agriculture has a
23 seat at the Climate Action Council. I'm
24 excited that there's an Ag and Forestry Work

1 Panel that I get to chair. And I'm excited
2 by the interaction with the other seats on
3 the Climate Action Council. So I'm excited
4 that agriculture is being listened to, and
5 that gives me that optimism.

6 CHAIRWOMAN KRUEGER: Thank you.

7 And a couple of Senators already
8 brought up the issue of the age of farmers
9 and the goal of New York to bring more people
10 onto our farmland and want them to be
11 farmers. And we have programs to provide
12 technical assistance, et cetera. You and I
13 have talked about starting -- maybe when you
14 first started, now -- the idea of a program
15 to encourage new Americans who had farm
16 histories in their original country to come
17 to be farmers in the farming areas of our
18 state. Because they usually come to New York
19 via New York City, and they want to be
20 farmers but have no idea how they would head
21 down that road in New York State.

22 Have we had any success with that
23 program?

24 COMMISSIONER BALL: Yeah, we do,

1 through our Beginner Farmer work and most
2 recently with our Diversity and Racial Equity
3 Workgroup, BIPOC farmers. So many -- as you
4 point out, so many in the Office of New
5 Americans, who we talk to on a regular basis,
6 at the Secretary of State's office -- so many
7 people come to New York coming from other
8 countries, whether it be the Caribbean,
9 whether it be South America or Africa or
10 wherever, so many of them agrarian roots.
11 They have agrarian foods that they miss. And
12 they have that technical understanding of
13 agriculture.

14 So we have to look to make sure, with
15 this workgroup, frankly, that -- we saw some
16 disturbing things in the ag statistics in the
17 last national survey. We saw farm numbers
18 changing. We kind of saw that coming. We
19 saw more women involved in agriculture. We
20 saw that coming. But it was mostly because
21 they started counting women where they hadn't
22 counted them before.

23 But we saw a decline in, for example,
24 Black farmers, brown farmers. And that was

1 very disturbing. Some of that's a long
2 history at USDA, a sorry history. But let's
3 make sure that in New York State we're doing
4 things to make sure that our agriculture
5 community represents our population.

6 The conversations are hard, as you can
7 imagine. But I think we're going to find
8 some ways that we can reverse that trend here
9 in New York State. And of course the time
10 nationally has never been better than right
11 now to do that.

12 CHAIRWOMAN KRUEGER: We had also
13 talked about when you look at New York City's
14 population and where they're from, and the
15 diversity -- and again, my argument New York
16 City wants to eat whatever New York State
17 will grow -- that we talked about wanting to
18 help educate farmers to potentially grow
19 different crops that our Asian-American
20 community might be desperate to buy if it was
21 sold in New York. Or, again, people from
22 Central America and the diet that they eat
23 and prefer, people from Southeast Asia.

24 I am constantly amazed at the prices

1 people are willing to pay for their native
2 foods in the markets in New York City, when I
3 know we could figure out -- I mean, okay,
4 we're not going to become a tropical island
5 and grow tropical plants. But for example,
6 the radishes and the cabbages of Asia and
7 almost all of Central Asia -- I know we can
8 grow those.

9 I'm just curious whether we have been
10 able to develop some of those markets for
11 ourselves through our own farms.

12 COMMISSIONER BALL: We have. And I
13 want to turn around your statement, which you
14 did, but New York needs to grow what New York
15 City wants to eat.

16 So yes, we -- the Governor asked me a
17 couple of years ago -- as you know, he likes
18 summits. We've had dairy summits and craft
19 beverage summits and we've had wood products
20 summits. I like summits too. And he asked
21 me to put on an upstate/downstate summit. We
22 talked about so much of the things you've
23 articulated here -- you know, What does
24 New York City need and want, how does it move

1 around, how do they want it, how does it need
2 to be packaged and presented? Where do we
3 have that capacity upstate?

4 So that is an ongoing effort here at
5 the department to work on connecting those
6 dots in a better way. But there are
7 incredible opportunities for New York
8 agriculture in those diverse marketplaces
9 that, you know, most farmers don't have a
10 clue exist. So that's going to be a
11 continuing effort. Working with New York
12 City's school system is one way we can get at
13 that. Building the Food Hub in the South
14 Bronx is one way we can get at that. Having
15 an office in New York City, which we now have
16 for the department, with very talented people
17 who just keep an eye on what's going on in
18 the marketplace every day, is a way to get at
19 that.

20 COVID-19 really interrupted some of
21 our work. But on the other hand, it really
22 highlighted the importance of that work.

23 So --

24 CHAIRWOMAN KRUEGER: Oh, I would

1 agree. I think COVID-19 is a crisis that
2 gives us an opportunity to do more for
3 ourselves because now we understand why we
4 need to.

5 So thank you very much for your time
6 today and for all your hard work. I view it
7 as on behalf of the farmers of New York State
8 and everybody else who wants to eat what they
9 grow.

10 Thank you, Assemblywoman. The Senate
11 is closed now.

12 CHAIRWOMAN WEINSTEIN: We still have a
13 number of Assemblymembers who would like to
14 ask questions.

15 CHAIRWOMAN KRUEGER: Good.

16 CHAIRWOMAN WEINSTEIN: We have more
17 than double the numbers of Senators, so it
18 makes sense.

19 We next to go to Assemblywoman
20 Woerner.

21 ASSEMBLYWOMAN WOERNER: Thank you,
22 Madam Chairwoman.

23 And thank you, Commissioner, for once
24 again joining us today and for all of the

1 amazing work that you and your team have done
2 over the last year.

3 I have just a couple of questions,
4 sort of following on some of the themes that
5 Assemblywoman Lupardo and Assemblymember
6 Tague introduced earlier, having to do with
7 expanding our production capacity in New York
8 State, particularly around meat production
9 but not exclusively meat production.

10 I'm thinking about ways that we can
11 provide some financial incentive in this sort
12 of moment of crisis to encourage farmers to
13 expand their capacity, and specifically
14 looking at the tax waiver that's in Sections
15 483 and 483-a of the Real Property Law. It
16 explicitly excludes structures for processing
17 agricultural or horticultural commodities,
18 which would mean that it's going to exclude
19 structures for meat processing particularly.
20 But it also excludes some of the more modern
21 controlled-environment agriculture capacities
22 that we might see in urban farming, so
23 vertical farms, other kinds of CEA
24 installations that might not be on

1 traditional farmland.

2 And I'm wondering if in your -- what
3 your thoughts are about whether these kinds
4 of -- expanding these kinds of incentives
5 would provide a greater opportunity for
6 farmers to make investments in this time, to
7 expand their capacity.

8 COMMISSIONER BALL: Yeah, thanks for
9 that suggestion.

10 That came into focus recently when we
11 had the big snowstorm that hit New York a
12 couple of weeks ago and hit the Southern Tier
13 especially hard, and sections of your county
14 as well very hard. We lost some barns, lost
15 some buildings, and it came to our attention
16 that, you know, some -- for example,
17 controlled- environment greenhouses that
18 weren't able to properly insure themselves
19 because of their concerns on the tax
20 situation left them out of agricultural
21 building, et cetera.

22 So that whole issue, I think there's
23 opportunities there in that tax law. I'm not
24 an expert at that, but it -- we put our

1 intergov folks on looking at that. There's a
2 menagerie of local/county concerns and
3 there's state concerns. I think the
4 Department of Ag took a run at this 10 or
5 15 years ago, but I'm willing to take another
6 run at it and just see what can be done
7 there.

8 Because we do have a great connection
9 with our partners at Empire State
10 Development. Eric Gertler is doing a great
11 job over there and takes my calls always when
12 I have a new business interested in
13 expanding.

14 With regards to the meat processing in
15 particular, though, it starts with the
16 customer. So we're working very hard to get
17 customers in Manhattan and New York City
18 schools and our schools to use New York meat.
19 When we have that customer, then we can
20 justify expanding our capacity upstate. You
21 don't build a plant and hope that you're
22 going to be able to sell something.

23 So I think cultivating the consumer
24 and the customer is an important part. We've

1 been doing that. But thank you. You know,
2 we'll look into that tax law thing. I'll see
3 what we can find.

4 ASSEMBLYWOMAN WOERNER: Great. I look
5 forward to working with you on that.

6 And I would just say that, you know,
7 certainly from the -- go ahead. Am I out of
8 time?

9 CHAIRWOMAN WEINSTEIN: We are six and
10 a half hours into the hearing, and this is
11 our third witness. So if you could have some
12 offline conversations, that would be helpful.

13 ASSEMBLYWOMAN WOERNER: Can I ask one
14 other question, just different from the
15 topic?

16 So, Commissioner --

17 CHAIRWOMAN WEINSTEIN: No, no, no,
18 Carrie --

19 ASSEMBLYWOMAN WOERNER: Oh, sorry.

20 CHAIRWOMAN WEINSTEIN: -- I'm sorry,
21 we need to move on.

22 ASSEMBLYWOMAN WOERNER: Oh, sorry,
23 okay.

24 CHAIRWOMAN WEINSTEIN: Okay, thank

1 you. I'm sorry to cut you off, but we need
2 to move on.

3 Next, Assemblyman Englebright.

4 Steve, are you there? (Pause.)

5 Assemblyman Englebright, are you
6 there?

7 Why don't we, since we seem to be
8 having some issue, move to
9 Assemblyman Burdick. Can you --

10 ASSEMBLYMAN ENGLEBRIGHT: Ah. Helene?

11 CHAIRWOMAN WEINSTEIN: Yes. Are you
12 here, Steve?

13 ASSEMBLYMAN ENGLEBRIGHT: I'm here,
14 and I will pass. Thank you.

15 CHAIRWOMAN WEINSTEIN: Oh, okay.

16 Assemblyman Burdick.

17 Thank you, Steve.

18 Chris Burdick, you're next.

19 ASSEMBLYMAN BURDICK: Thank you very
20 much.

21 Thank you, Commissioner, for your
22 excellent work.

23 Earlier you referred to your
24 conversation with the Governor about

1 coordinating all the agencies dealing with
2 agriculture. So my question relates to DEC
3 and your department. And I'm concerned about
4 moving away from chemicals, pesticides and
5 herbicides harmful to waterways, wetlands, as
6 well as to honeybees and insects so important
7 to agriculture. And I wanted to know whether
8 your department is working with DEC to
9 strengthen its regulations of these
10 substances.

11 COMMISSIONER BALL: So I have constant
12 text contact with the commissioner at DEC.
13 DEC was a part of that early workgroup in a
14 big way, and frankly quite a lot of the
15 streamlining of regulations involved
16 agriculture and DEC. So yes, we talk about
17 these issues quite a lot.

18 I will say that we have to balance
19 some of our work here. We've got -- today's
20 agriculture world is really an IPM world.
21 IPM stands for integrated pest management. I
22 was asked once what that really meant, and I
23 said "That really means common sense." We
24 need to have tools, but we need to know how

1 to harmonize those tools in the right way so
2 that we minimize the impact on certainly
3 people and the environment.

4 So I've been very satisfied with the
5 work we've done with DEC, particularly on the
6 pesticide front. The right materials,
7 getting them available for New York farmers,
8 worrying about the wrong materials.

9 You mentioned pollinators there, and
10 one thing that I think the state has a great
11 deal to be proud of is that many states, the
12 federal government included, looked at a
13 pollinator plan. We saw things going the
14 wrong way with pollinators, and New York
15 stepped up to the plate. The commissioner at
16 DEC and I cochaired a pollinator workgroup,
17 we invited all the stakeholders -- farmers,
18 environmental groups, the whole nine yards.
19 And we sat in there, and it was difficult but
20 we came up with a plan for best management
21 practices for landowners, for farmers and for
22 beekeepers.

23 And I think we've got a good plan.
24 Our numbers in New York are better than the

1 national numbers. And the research that we
2 put into it at Cornell, the pollinator plan
3 funding, about a half a million dollars, is
4 really yielding excellent results. So that's
5 something we're going to continue to look at,
6 continue to brag about, and continue to see
7 success.

8 Cornell has a brand-new IPM director,
9 nationally recognized, so I'm excited about
10 our opportunities going forward there.

11 ASSEMBLYMAN BURDICK: Thank you.
12 Appreciate it.

13 CHAIRWOMAN WEINSTEIN: Thank you.

14 We move on to Assemblymember Kelles.

15 ASSEMBLYWOMAN KELLES: Oh, there I am.
16 Thank you so much.

17 And thank you, Commissioner, it's
18 really exciting to finally meet you and work
19 with you. I'm from upstate New York, the
20 Ithaca area, Tompkins and Cortland, so
21 definitely farm country up here, so it's near
22 and dear to my heart.

23 I'm going to just jump right into two
24 comments and then a question that I had. I

1 wanted to add my voice to support for the
2 Cornell Lab. I'm concerned for that funding.
3 I think it's an amazing thing that we have in
4 the state, that we have a lab like this that
5 we require.

6 I know they originally, when they
7 opened -- you know, a hundred years ago we
8 started working with them, 80 to
9 100 years ago, and they were fully funded.
10 And as of a couple of years ago, it was about
11 33 percent. I think this year it's about
12 26 percent, estimated.

13 Particularly right now, given that
14 they are so important for COVID testing, but
15 also other infectious diseases like foot and
16 mouth, African swine fever, high-path avian
17 influenza and even, like someone mentioned
18 before, Lyme disease, I think it's so
19 important that they're fully funded.

20 And I also wanted to put a plug in for
21 Nourish New York. So glad to see that it is
22 being funded. But wanted to mention at least
23 here, the small farmers that we really want
24 to preserve and allow them to remain

1 farmers -- which was part of the intention of
2 the program -- couldn't afford to participate
3 in the program because the prices that were
4 being offered for the produce was not enough
5 for them to be able to participate.

6 So locally a program was created,
7 Nourish Tompkins, that created a tier system
8 for the smaller programs. And I'll share
9 that with you offline, but I would
10 recommend -- I would love to see a tiered
11 system so that the smaller farmers could
12 participate.

13 And then to my question, we know that
14 current large-scale agriculture with the
15 high-till practices, no cover crops,
16 rotation, and high usage of pesticides and
17 herbicides, are --

18 (Zoom interruption.)

19 ASSEMBLYWOMAN KELLES: I'm not sure
20 what that is about. I think Chris is
21 unmuted, so it's cutting into my time. If
22 that's possible -- thank you.

23 Pesticides and herbicides are
24 depleting soil quality and creates a positive

1 feedback loop, needing more inputs to retain
2 soil quality. And we know that this has also
3 depleted one of the natural carbon sinks in
4 the world, which is our soils.

5 But the problem is that farmers, even
6 if they wanted to transition to sustainable
7 farming practices, aren't able to because
8 they have so much money that is invested in
9 large equipment and infrastructure.

10 So I wanted to know if there were any
11 programs, and funds, any system in place that
12 we could actually support farmers who want to
13 integrate sustainable farming practices, to
14 transition where they currently are unable to
15 do that because of the large cost that it
16 would be to the farmers to make that kind of
17 transition.

18 COMMISSIONER BALL: All right, there's
19 a lot to unpack there. And I may not get to
20 all of it, but I do want to say yes, there's
21 a great effort underway to look at soil
22 health again. It's in -- I think 40 years
23 ago there was some arguments to be made about
24 too much chemical pesticide use on farms.

1 But I go to the organic conference
2 every year, sometimes virtually, I go to the
3 vegetable conferences and fruit conferences
4 every year. And the most exciting, dynamic
5 meeting going on is soil health workshops.
6 Because that understanding is foundational.
7 And you'll see that showing up in our
8 Climate Action Council work as well.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 We now move on to Assemblyman
11 Palmesano for three minutes.

12 ASSEMBLYMAN PALMESANO: They're not
13 letting me on. There we go, sorry.

14 CHAIRWOMAN WEINSTEIN: We can hear
15 you.

16 ASSEMBLYMAN PALMESANO: Sorry about
17 that.

18 Thank you, Commissioner, for being
19 here. And thank you for what you and your
20 staff do to help support agriculture and our
21 farmers all across this state, the number-one
22 industry in our state.

23 I don't have a lot to talk about.
24 There's really one particular issue I wanted

1 to get your take on, if I could. It's
2 relative to our educational institutions. I
3 know this would probably be a good question
4 for the SUNY chancellor as well.

5 But, I mean, obviously in New York
6 we're very fortunate to have four colleges
7 like SUNY Cobleskill, SUNY Morrisville,
8 Alfred State College and Cornell, to have
9 really diverse agricultural educational
10 programs to help bring about the next
11 generation of our farming and agricultural
12 community.

13 I was reached out to by a local farmer
14 who had heard that SUNY Morrisville was
15 ending their agricultural program. I know
16 the New York Farm Bureau has been very active
17 in this issue, it's trying to bring attention
18 and awareness to this.

19 I just wondered, what is your -- have
20 you been involved in any discussions with
21 SUNY and with the administration on doing all
22 we can to preserve these important
23 agricultural programs at these schools?
24 Because again, it's critically important to

1 at -- and part of the, I think, cause for
2 your concern is that they're looking at their
3 dairy program and whether maybe it makes
4 sense for them to focus in a different part
5 of agriculture due to enrollment. I know
6 they have some questions around that.

7 They have put together a workgroup
8 with includes Farm Bureau, some prominent
9 dairy alumni, and are looking at that issue.
10 But they're not going to exit agriculture at
11 all. And they're also talking with SUNY
12 Cobleskill about sharing programs, perhaps,
13 and strengths.

14 I think the chancellor, Jim Malatras,
15 I know him very well. He's well apprised of
16 that and will help them make the right
17 decisions. We'll certainly support them as
18 well.

19 ASSEMBLYMAN PALMESANO: Thank you,
20 Commissioner. Appreciate your time.

21 COMMISSIONER BALL: Good to see you.

22 ASSEMBLYMAN PALMESANO: You too. Be
23 well.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 Now we go to Assemblymember Linda
2 Rosenthal, three minutes.

3 ASSEMBLYWOMAN ROSENTHAL: Okay. Here
4 I am. Okay, great.

5 Hi, Commissioner. Good to see you
6 again.

7 COMMISSIONER BALL: Hi, good to see
8 you.

9 ASSEMBLYWOMAN ROSENTHAL: So I have a
10 couple of questions about some of my favorite
11 subjects. But first I want to say that I
12 don't -- I haven't seen if maple is properly
13 funded in the budget, but I just want to put
14 in my two cents. We love maple here in the
15 city, and we love maple around the state, so
16 I hope there's adequate funding for that
17 program.

18 So now a couple of questions about pet
19 stores and inspectors. I see that the number
20 of employees is kept constant in the budget,
21 but it seems to me, and as we've talked about
22 in the past, that you don't have actually
23 enough inspectors to cover all of the
24 responsibilities that are given to Ag &

1 Markets.

2 So during COVID, pet stores were open,
3 but as we learned the puppies were not first
4 cleared by the USDA. So have your inspectors
5 had a chance to go back and make sure that
6 the ones that were being sold and are still
7 being sold are -- meet all the requirements?

8 And then in terms of live markets,
9 those also -- I believe there are quite a few
10 here in the city. They may not have been
11 inspected as well during COVID.

12 And so my -- and then a third thing is
13 that we have to FOIL, actually, to get
14 information about the different inspections
15 of live markets or pet stores. Can that be
16 put online? Because people deserve to know
17 without too much digging whether the places
18 where they buy their food, especially their
19 butchered live animals, are -- meet all the
20 criteria for safety and health. And it's
21 very -- you know, it's not online.

22 So can you put those online? The pet
23 stores, how many inspectors do you have, how
24 often do they inspect? For live markets, if

1 there are violations, how do we know that
2 they're corrected, because of your lack of a
3 robust staff? Which is of course not your
4 fault, but these are places that need to be
5 inspected properly.

6 COMMISSIONER BALL: Okay. Well, thank
7 you.

8 First of all, maple is funded.

9 ASSEMBLYWOMAN ROSENTHAL: Okay, good.

10 COMMISSIONER BALL: Yes, 75,000 for
11 research and 150,000 for the association.
12 And I need you to eat more maple so that we
13 can become number one --

14 ASSEMBLYWOMAN ROSENTHAL: Yes. Yes.

15 COMMISSIONER BALL: -- rightfully so.

16 ASSEMBLYWOMAN ROSENTHAL: Good.

17 COMMISSIONER BALL: We do have, as you
18 observed, a hiring freeze currently. And as
19 soon as we -- we're working with DOB on that
20 on a regular basis. But as soon as we have a
21 firmer sense of Washington --

22 (Zoom interruption.)

23 COMMISSIONER BALL: -- we'll do more.

24 We do inspect the live bird markets,

1 on the average of eight times a year. If
2 there is a violation or concern, then they're
3 reinspected immediately.

4 As you know, and you mentioned USDA,
5 USDA handles the more or less wholesale
6 breeding of dogs that are imported. We
7 handle pet stores, pet retailers. We inspect
8 them every year. We reinspect if there's
9 ever an issue. And there is a record of
10 that. I know you sent us a request for
11 information. I think there was around 50
12 questions. I don't know if you didn't get
13 it. We did send it out to you. We can
14 resend it --

15 ASSEMBLYWOMAN ROSENTHAL: No, I don't
16 believe we got it.

17 But the USDA was not doing inspections
18 of the animals that were sold in pet stores
19 during --

20 COMMISSIONER BALL: They're
21 required -- for an animal to come into
22 New York State from another state requires a
23 certificate from a veterinarian within
24 30 days of that animal being moved to New

1 York State. That's a USDA regulation.

2 CHAIRWOMAN WEINSTEIN: Thank you,
3 Commissioner.

4 ASSEMBLYWOMAN ROSENTHAL: All right, I
5 will follow up with you. Thank you.

6 COMMISSIONER BALL: You bet.

7 CHAIRWOMAN WEINSTEIN: Thank you.
8 Thank you, Linda.

9 We have next Assemblywoman Zinerman
10 for three minutes.

11 ASSEMBLYWOMAN ZINERMAN: Good evening,
12 Commissioner.

13 COMMISSIONER BALL: It is almost
14 evening, isn't it?

15 ASSEMBLYWOMAN ZINERMAN: It is almost
16 evening. I want to thank you for your
17 testimony, and I want to thank you for your
18 hard work on behalf of the state's farmers.
19 And I'd like to introduce myself, and I look
20 forward to meeting and working with you.

21 My name is Stefani Zinerman, and I
22 represent Bedford-Stuyvesant and
23 Crown Heights, which is home to over
24 30 community farms and gardens. I am myself

1 an urban gardener and farmer. In my district
2 we have bees and we have chickens and we have
3 vegetable gardens. And we have a number of
4 people who volunteer to work in gardens on a
5 daily basis.

6 In the upcoming session, we are hoping
7 to fund those institutions so that they are
8 able to actually get paid for the work that
9 they do. Most of those gardens are
10 individuals who grow food that of course
11 helped us throughout the COVID pandemic, but
12 they also provide fresh produce to our local
13 schools and to our restaurants.

14 You may know that my district was
15 labeled the "Fourth Coolest Neighborhood"
16 in -- I think it's the world. But I just
17 want you to know that part of the reason that
18 we have that designation is because what the
19 56th Assembly District grows, the world wants
20 to eat. And so we want to continue to
21 support those local farmers so that we can
22 build capacity in the upcoming season.

23 And some of the things that we are
24 embarked on right now -- I don't know where I

1 am with time, so I'm going to go quickly --
2 is that we really are looking for some
3 dedicated technical assistance for them to
4 continue to grow and build capacity.
5 Especially as in disasters you can't always
6 count on the supply chain, we want to make
7 sure that our schools can continue to support
8 the hydroponic labs that have already been
9 funded. And of course, as I mentioned
10 before, funding for paid workers.

11 So the two questions that I have for
12 you, one having to do with the task force
13 that I just cosponsored, what your thoughts
14 are on the work that that committee would be
15 able to do. And then also if you could just
16 speak a little bit about what your
17 administration could do to support those
18 farmers.

19 COMMISSIONER BALL: Great. Well, I'll
20 look forward to visiting your district when
21 we're moving about the country again, and
22 certainly invite you to visit upstate
23 New York and Schoharie Valley Farms as well.

24 I want to connect you with our office

1 in Brooklyn. We've got a great team there.
2 They've got some of the technical expertise.
3 We have desks there for Cornell Cooperative
4 Extension to help with a number of the things
5 you've been talking about, and staff that can
6 help with some of the marketing issues.
7 We've been involved, as you're probably
8 familiar, with Vital Brooklyn in a big way,
9 and that's where our staff is located and
10 just doing a fantastic job.

11 The urban gardening, community garden
12 work, there's a workgroup here that we host.
13 It does great work and helps with an awful
14 lot of those issues. We certainly want to
15 work with you to extend all those
16 opportunities. That's a very important point
17 of connecting between people who need food,
18 people who have food, people who need to
19 learn how to grow food, and expands horizons
20 for the people in your neighborhood in such a
21 big way.

22 So we're going to get you the
23 connections to our New York City office in
24 Fort Greene and the good people there who can

1 help you get through that.

2 Tell me about your task force, please.

3 ASSEMBLYWOMAN ZINERMAN: The task
4 force legislation. Well, it's a piece of
5 legislation that was -- wait, she's on
6 here -- that I cosponsored to actually have
7 the -- to -- I'm sorry, I'm new. It's to do
8 a study on the local task force so that you
9 can come up with recommendations about how we
10 can sustain the work that they do.

11 COMMISSIONER BALL: Yeah. Happy to --

12 CHAIRWOMAN WEINSTEIN: Wait,
13 Commissioner, maybe you can give a response
14 to the committee that we could share, because
15 I'm sure we'll all be interested in the
16 answer. But our time is running -- has long
17 since run out. Being a little bit more
18 considerate --

19 COMMISSIONER BALL: (Inaudible.)

20 CHAIRWOMAN WEINSTEIN: Thank you,
21 Assemblywoman.

22 Our last speaker on the Assembly side
23 is Assemblyman Ra.

24 And I just want to remind members to

1 keep an eye on the clock, though I don't have
2 to remind Assemblyman Ra about that.

3 Now we can go to --

4 ASSEMBLYMAN RA: Thank you.

5 CHAIRWOMAN WEINSTEIN: Yes, go ahead.

6 ASSEMBLYMAN RA: Thank you,
7 Commissioner. Just a couple of questions.

8 In terms of the Nourish New York
9 program, which I know was talked about
10 earlier and is a perfect example of kind of,
11 you know, circumstance necessitating action
12 and coming up with something that created a
13 great synergy between the needs of
14 individuals for the food and the farmers
15 needing someplace to go with it.

16 Any ideas or suggestions on kind of
17 the program side of it? Continuing the
18 funding is great, but on changes or
19 improvements that might need to be made?

20 COMMISSIONER BALL: You know, as --
21 I'm sure that's going to be a conversation
22 that's coming for all of us. I have to say
23 it has been so heartwarming for us at the
24 department to be a part of it and to see the

1 success that it had in the agricultural
2 community and to see the corresponding
3 success in the communities.

4 I think we're going to have a kind of
5 a decompression point at some point where we
6 look at, okay, we learned a lot of things.
7 We learned the importance of relationships.
8 Fortunately, we had forged many of those
9 relationships with the Hunger and Food Policy
10 Council. We already knew all the food banks,
11 they already knew all their clients. They
12 already knew the pantries.

13 There seems to be opportunity there
14 for, I think, the food banks to know more
15 about what's happening in some of the
16 communities, particularly in the city.
17 Because we got calls from churches and
18 community workgroups that wanted to connect
19 with Nourish New York, and we had to
20 introduce them to the food banks. So I think
21 there's some more work that can happen there.

22 Administratively, I think this was a
23 miracle that it came together so well. It
24 got Department of Health and Department of Ag

1 talking to each other every day. We already
2 talked a lot, but it really heightened that
3 relationship. I think, going forward, we're
4 going to see that continue. We had to
5 respond as one state government, not a bunch
6 of agencies. I think we're going to see some
7 benefits from that.

8 But I certainly look forward to having
9 that conversation where, okay, now let's look
10 and make sure that New York State
11 agriculturally has the capacity in the kinds
12 of crops and in the way that people need
13 them. Because when we saw the food service
14 world shut down -- the restaurants, the
15 institutions, schools -- you know 50 percent
16 of what we grew in New York went there.

17 And so families didn't need a 50-pound
18 bag of potatoes. They didn't need a large
19 container of anything. They needed
20 family-sized. And one thing we did hear from
21 our food banks were family-sized portions and
22 shelf-stable things.

23 I think there's an opportunity here as
24 we go forward to say to our ag community and

1 our food processing plants, Hey, let's
2 consider, you know, if we find ourselves in
3 another pandemic situation, how do we produce
4 food in a shelf-stable way that families can
5 utilize quickly and easily and have access
6 to? Let's look at those kinds of things.

7 I'm anxious to have that conversation
8 with Empire State Development, our investor
9 arm in New York State, and with our ag
10 community.

11 So those are some ideas that we're
12 already starting to foster. But, you know,
13 we think sometimes we're in the food
14 business -- and certainly getting food to
15 people is the food business -- but we're in
16 the relationship business.

17 ASSEMBLYMAN RA: Well, it certainly
18 was good work, so kudos. And I think it was
19 a lesson to a lot of us in the Legislature of
20 how much our -- you know, even in districts
21 that are very different from each other, how
22 much they can tie together and benefit one
23 another. So thank you and the agency for
24 your work on that.

1 Just one other thing, if -- and
2 certainly this is a complex issue, perhaps.
3 And, you know, if you have any information
4 that could be provided offline, I'd
5 appreciate it. But I'm just wondering what
6 the agency has seen in terms of benefit or
7 impact from the United States-Mexico-Canada
8 agreement and its implementation, what impact
9 that it's had on the agricultural industry in
10 New York State.

11 COMMISSIONER BALL: Yeah, well thank
12 you. That's a half hour answer. I'm happy
13 to talk with you offline.

14 I represent New York State at the
15 Tri-National Accord, which is a conversation
16 between the three countries. All the
17 commissioners in the U.S., the ministers from
18 Canada and the secretaries from Mexico, we
19 meet every year. And love to highlight that.
20 It's an important issue for New York State.

21 ASSEMBLYMAN RA: Okay. Maybe we could
22 catch up with yourself and our ranker,
23 Mr. Tague, and we could speak further about
24 it. I appreciate it.

1 COMMISSIONER BALL: Happy to do that.

2 ASSEMBLYMAN RA: Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We actually have one more member,
5 Assemblyman Epstein, who would like to ask a
6 question for three minutes.

7 ASSEMBLYMAN EPSTEIN: Thank you,
8 Madam Chair. I don't know when my video is
9 going to be open, but -- oh, there it goes.

10 Commissioner, thank you. I know
11 you've been on for a long time, so I'll be as
12 quick as we can. Just three issues.

13 One is I know Assemblywoman Zinerman
14 talked about urban farming. As you probably
15 know -- I've mentioned this in the past -- we
16 have 53 community gardens in my district, and
17 one of the, you know, really active urban
18 gardening -- issue. I represent the
19 East Side of Manhattan and most of the
20 Lower East Side, not in Liz's part of my
21 district, but mostly in Brian and Brad's
22 portion.

23 And, you know, we'd really love to
24 figure out how we can expand that. We don't

1 really have any connection to farming in our
2 schools. We don't have -- you know, there
3 are other parts of the city and the state
4 that have stronger connections. We'd love to
5 be able to have our students really connect
6 to that. I worked on getting rooftop gardens
7 in schools, and such an issue around climate
8 and climate resiliency to have our young
9 people talking about farming and urban
10 farming.

11 And I would love to figure out how the
12 state can be a much more active player in
13 encouraging urban students and urban young
14 people to get involved in farms and farming.
15 So I'd love to have a conversation and a
16 partnership around that.

17 The second issue, about animal rights.
18 We've seen a huge increase in adoption of
19 animals over the last year. With COVID, as
20 people are home more often, we've seen more
21 animals. And there's a real concern around
22 increases in animal abuse and better
23 oversight. And I'm wondering how in that
24 environment, with so many more, you know,

1 dogs and cats in New York City and -- you
2 know, how we're managing with the same number
3 of resources on your side. Just concerned
4 that it's sufficient.

5 And finally, I know this has been an
6 issue around growing New York and using
7 New York local and trying to -- especially in
8 our Thruway stops and our schools, making
9 sure that we buy New York. I'm wondering how
10 you are in the expanded relationship with the
11 New York City School District and how you are
12 with -- because, you know, I stop on the
13 Thruway rest stops. And those New York --
14 "Made in New York" vending machines and "Made
15 in New York" store, actually little shops,
16 there aren't a lot of made-in-New-York things
17 that we would be happy to buy. And I'm
18 wondering how you're doing about expanding
19 that.

20 COMMISSIONER BALL: Sure. We'll
21 continue that conversation, I think, in
22 person. But great questions. The community
23 garden stuff is stuff that we take very
24 seriously. We have a statewide committee on

1 that. The issues are common, but I -- I've
2 been very fortunate to bring some schools,
3 third-grade and fifth-grade classes from New
4 York City, Brooklyn, PS 32, up to my farm and
5 actually connect some dots there.

6 New York Thursdays is one way we're
7 going to work to accelerate that work. We do
8 talk with New York City School Food. They're
9 a pretty big partner in helping us with
10 New York Thursdays.

11 And we'll look into the issues that
12 you have in your neighborhoods around more
13 pets than normal. But I'm watching the clock
14 tick down; we'll follow up with you, sir.
15 Thank you.

16 ASSEMBLYMAN EPSTEIN: Thank you.

17 And thank you, Madam Chair.

18 CHAIRWOMAN WEINSTEIN: Sure.

19 CHAIRWOMAN KRUEGER: Is the Assembly
20 done?

21 CHAIRWOMAN WEINSTEIN: No, actually
22 one of the members -- some of the members
23 have been having problems with the
24 raised-hand function. I think they need to

1 update their Zoom software.

2 But we have Assemblyman John Lemon --

3 Lemond --

4 ASSEMBLYMAN LEMONDES: Lemondes.

5 CHAIRWOMAN WEINSTEIN: Lemondes, okay.

6 ASSEMBLYMAN LEMONDES: Can you hear
7 me, Madam Chairwoman?

8 CHAIRWOMAN WEINSTEIN: Yes, we can
9 hear you.

10 ASSEMBLYMAN LEMONDES: Thank you very
11 much, I appreciate it.

12 And Commissioner, very nice to see
13 you.

14 One simple question; I promise it
15 won't take long. I am a huge proponent of
16 the Health Assurance programs, and I'm just
17 wondering if there's anything -- if you think
18 that we should try to grow participation in
19 them. And if so, if there's anything we can
20 do to help with that.

21 COMMISSIONER BALL: Good to see you
22 too, at least part of you.

23 ASSEMBLYMAN LEMONDES: There we go.
24 Sorry.

1 COMMISSIONER BALL: When am I going to
2 get an invitation to your farm, by the way,
3 huh?

4 ASSEMBLYMAN LEMONDES: Sure, tonight.
5 You can help me feed animals in about an
6 hour.

7 COMMISSIONER BALL: Okay. I may be
8 late.

9 (Laughter.)

10 COMMISSIONER BALL: What specifically
11 would you like some help with, John?

12 ASSEMBLYMAN LEMONDES: I don't know
13 that we necessarily need any. I just am a
14 huge proponent of the Health Assurance
15 Program, and I don't think that enough people
16 participate in it.

17 COMMISSIONER BALL: We're a big fan of
18 it as well. And as you know, with -- as we
19 look at New York Grown & Certified, this is
20 one way that animal agriculture can
21 participate in a big way.

22 As you know, with most food we're
23 looking at food safety, we're looking at
24 environmental stewardship. But I think that

1 that stewardship of animals is a very
2 important ingredient, so that we can go to a
3 marketplace and say, you know, here's another
4 reason why you need to look at Grown &
5 Certified, and New York being the principal
6 part of that.

7 So yeah, happy to work on that.

8 ASSEMBLYMAN LEMONDES: Thank you.

9 COMMISSIONER BALL: It's good to see
10 you.

11 ASSEMBLYMAN LEMONDES: Likewise.

12 COMMISSIONER BALL: And
13 congratulations.

14 ASSEMBLYMAN LEMONDES: Thank you.

15 CHAIRWOMAN WEINSTEIN: Now I do
16 believe the Assembly is finished.

17 So Senator Krueger, if you want to
18 call on our next witness.

19 CHAIRWOMAN KRUEGER: Thank you.

20 One, I want to thank Richard Ball. I
21 want to release him from staying here with
22 us. Appreciate all your hard work, and you
23 have many assignments in front of you.

24 COMMISSIONER BALL: (Inaudible.)

1 CHAIRWOMAN KRUEGER: And I would now
2 like to highlight for people that we are just
3 finished with the first three people on
4 today's hearing agenda, and we have one more
5 panel of government representatives. And
6 after that, we are hoping it will start to
7 roll along a bit faster.

8 But coming up together are New York
9 State Public Service Commission Chair
10 John Rhodes and Acting President and CEO --

11 (Zoom interruption; discussion off the
12 record.)

13 CHAIRWOMAN KRUEGER: I'm going to keep
14 going.

15 Joining John Rhodes, chair of the
16 New York Public Service Commission, is Doreen
17 Harris, acting president and CEO of NYSERDA.
18 And we're going to allow both of them to
19 testify 10 minutes each, and then we'll take
20 questions for both of them as if they were
21 one panel.

22 So are you both here with us?

23 PSC CHAIRMAN RHODES: I am.

24 CHAIRWOMAN KRUEGER: Hi, John.

1 Do you know where Doreen is?

2 PSC CHAIRMAN RHODES: Doreen, you're
3 muted.

4 CHAIRWOMAN KRUEGER: Doreen, are you
5 there and muted?

6 NYSERDA ACTING PRESIDENT HARRIS:
7 There. Good afternoon.

8 CHAIRWOMAN KRUEGER: Good afternoon.

9 And between the two of you, you can
10 decide who's testifying first and who's
11 testifying second.

12 NYSERDA ACTING PRESIDENT HARRIS:
13 Great. Thank you. Yes, I will be going
14 first.

15 And good afternoon, Chair Krueger,
16 Chair Weinstein, and members of the
17 committees. I'm Doreen Harris, acting
18 president and CEO of NYSERDA.

19 2020 was truly an extraordinary year
20 as we witnessed the impacts of the colliding
21 public health and climate crises
22 disproportionately impacting our most
23 vulnerable citizens.

24 Under his steady leadership, and

1 guided by the state's Climate Act, Governor
2 Cuomo has charted a clear path forward,
3 aligning New York's nation-leading clean
4 energy and climate goals with a new
5 imperative to rebuild our economy back from
6 the devastation of the COVID pandemic.

7 The Climate Action Council, which I
8 cochair with DEC Commissioner Seggos, is
9 charged with developing a scoping plan to
10 reduce economy-wide greenhouse gas emissions,
11 meet our clean energy targets, and deliver
12 benefits to advantage disadvantaged
13 communities. The work of the council is well
14 underway, and NYSERDA has already taken steps
15 to ensure that we are advancing initiatives
16 that deliver a minimum of 35 percent, with a
17 goal of 40 percent of benefits to
18 disadvantaged communities.

19 As we look ahead, advances in offshore
20 and land-based wind, solar, energy storage,
21 energy-efficient buildings, and clean
22 transportation will provide new opportunities
23 to make progress as we fight for healthier
24 communities and support workforce development

1 and community engagement.

2 Governor Cuomo recently announced our
3 second offshore wind and large-scale
4 land-based Clean Energy Standard awards.
5 This includes two offshore wind and
6 24 large-scale land-based projects, totaling
7 more than 4700 megawatts of clean energy,
8 enough capacity to power nearly 2 million
9 homes. The combined awards constitute the
10 largest competitive procurement of renewable
11 capacity in the nation.

12 The awards will also launch the first
13 significant in-state manufacturing and
14 assembly operations facilities, located at
15 the Port of Albany and South Brooklyn Marine
16 Terminal, in addition to activity already
17 underway at the Port of Coeymans, Montauk,
18 and Port Jefferson. Coupled with public and
19 private investment in New York port
20 facilities, the projects are expected to spur
21 nearly \$14 billion in direct investments,
22 while creating over 8,600 good-paying short-
23 and long-term jobs.

24 New York now has a contracted pipeline

1 of more than 31,000 gigawatt hours of
2 large-scale renewable generation projects.
3 Once operational, these projects, coupled
4 with existing renewable generation, are
5 expected to deliver 50 percent of the state's
6 power from renewable sources, in pursuit of
7 the Climate Act's 70 percent renewable by
8 2030 target.

9 The NY-Sun program has helped make
10 New York a national leader in distributed
11 solar. We are well on our way to achieving
12 our target of 6,000 megawatts by 2025. We
13 recently crossed the 2500-megawatt mark for
14 installed projects, and have an additional
15 2,000 megawatts in the development pipeline.

16 New York ranks second among states for
17 overall community solar capacity and was
18 ranked first in installed megawatts of
19 community solar in the first three quarters
20 of 2020.

21 Governor Cuomo recently announced the
22 launch of a new large-scale renewable energy
23 procurement program, known as Tier 4, which
24 will allow New York City to decarbonize its

1 electricity supply, promote environmental
2 justice, and support economic recovery.

3 We are similarly proud of our work to
4 increase deployment of energy efficiency and
5 clean heating and cooling solutions.
6 NYSERDA, in conjunction with the state's
7 investor-owned utilities, launched a new
8 initiative to increase access to energy
9 efficiency for low-to-moderate-income
10 households and affordable multifamily
11 buildings. This framework will invest nearly
12 \$1 billion and more than double the number of
13 low-to-moderate-income households and
14 multifamily buildings receiving energy
15 efficiency services. We are pleased this
16 coordinated effort will help more than
17 350,000 low-to-moderate-income households
18 reduce energy costs by developing clean
19 heating and cooling pilot programs and
20 demonstration projects.

21 Clean energy is a vital component of
22 New York's economic future, and these
23 historic actions will generate billions of
24 dollars of investment and thousands of new

1 family-sustaining green jobs. As we build
2 back our economy better with clean
3 infrastructure and consumer-focused
4 investments, I am extraordinarily proud of
5 NYSERDA's leadership in advancing clean
6 energy and climate solutions on behalf of the
7 people of this great state. I look forward
8 to continuing to work with the Legislature on
9 the critical climate and energy issues facing
10 our state and nation.

11 This concludes my opening remarks, and
12 I will now turn it over to PSC Chair
13 John Rhodes for his opening remarks.

14 Thank you.

15 PSC CHAIRMAN RHODES: Thank you,
16 President Harris.

17 And good afternoon, Chair Krueger,
18 Chair Weinstein, and other distinguished
19 members. I'm going to check audio -- am I
20 good?

21 CHAIRWOMAN KRUEGER: You're good.

22 PSC CHAIRMAN RHODES: Great, thank
23 you.

24 My name is John Rhodes, and I'm CEO of

1 the Department of Public Service and chair of
2 the Public Service Commission.

3 The commission's jurisdiction extends
4 over investor-owned utilities, including six
5 major electric/gas utilities, five major
6 gas-only utilities, and three major private
7 water companies. It also has jurisdiction
8 over small telephone companies, hundreds of
9 small water companies, nearly 40 municipal
10 utilities, cable companies, power generators
11 and energy service companies. The
12 department -- the staff arm of the
13 commission -- also provides regulatory
14 oversight over electric utility operations on
15 Long Island.

16 Doreen Harris has already captured the
17 extraordinarily challenging nature of 2020;
18 now we look ahead.

19 In FY '21-'22 we are prepared to
20 implement several budget initiatives proposed
21 by Governor Cuomo, including his proposal to
22 require broadband providers to offer internet
23 service for no more than \$15 a month to
24 low-income households. Internet service is

1 becoming as necessary as other basic
2 utilities, but far too many New Yorkers
3 cannot afford access.

4 Under the Governor's proposal, the
5 department will ensure the providers remain
6 in compliance and will provide consumers with
7 information about available broadband
8 products and pricing. We will also regularly
9 review the speeds offered in the program to
10 ensure that they stay current with federal
11 definitions of broadband and meet consumer
12 needs.

13 We will also be continuing to advance
14 Governor Cuomo's nation-leading climate plan,
15 which includes a mandate for a carbon-free
16 electric system, modernizing our utility
17 systems, and ensuring affordable energy for
18 all New Yorkers, especially our most
19 vulnerable citizens.

20 We are proud to have supported the
21 creation of the new Office of Renewable
22 Energy Siting, which is now up and running
23 and processing applications. And this plan
24 is putting the state on a path to

1 economy-wide carbon neutrality.

2 In FY '21-'22 we will build on our
3 work to hold utilities accountable through
4 rigorous oversight and enforcement actions
5 where those are warranted.

6 There were numerous instances of
7 utility failure in response to Tropical Storm
8 Isaias last August, and Governor Cuomo called
9 on our agency to investigate and remedy the
10 problems quickly. Our newly enhanced
11 enforcement unit immediately went to work,
12 and in November submitted its investigation.
13 Three utilities -- Con Edison, O&R and
14 Central Hudson -- now face potential
15 penalties totaling \$137 million, with Con Ed
16 and O&R also facing potential license
17 revocation.

18 And we are supporting LIPA's lawsuit
19 against PSEG Long Island for its failures.

20 In November, the Governor appointed
21 Rory Lancman as the statewide Special Counsel
22 for Ratepayer Protection to represent
23 consumers in some of our enforcement work,
24 among other things. In the Isaias

1 investigation, for example, the special
2 counsel conducted hearings throughout the
3 affected regions to gather information
4 regarding ratepayer impacts that will inform
5 the commission's final decision on penalty
6 amounts, and he is actively involved in
7 LIPA's ongoing litigation with
8 PSEG Long Island.

9 Other policy proceedings include
10 reforming the retail access market served by
11 energy service companies to protect consumers
12 and ensure companies are selling appropriate
13 energy services to customers; enhancing our
14 low-income affordability programs that
15 provide utility bill discounts to vulnerable
16 New Yorkers; modernizing the department's
17 oversight of the telecom industry to ensure
18 reliable access to emergency service; and
19 addressing the need to upgrade the state's
20 transmission system to reduce congestion and
21 meet public policy goals.

22 In addition, the Executive Budget
23 amends existing utility shut-off moratorium
24 provisions, adding small businesses to the

1 customers who are protected, and makes such
2 protections permanent during future emergency
3 declarations, and also makes it applicable to
4 cable companies and internet service. While
5 it's to be hoped that these protections will
6 never again be necessary, having them in
7 place establishes a set of safeguards for
8 residential and small business customers in
9 the event of certain statewide economic
10 constraints.

11 In sum, we are positioned to deliver
12 our core mission and meet the Governor's
13 ambitious agenda and the state's needs.
14 This concludes my remarks, and I welcome your
15 questions.

16 CHAIRWOMAN KRUEGER: Thank you. Thank
17 you very much. Good evening to both of you.
18 I know you probably didn't expect to start
19 this late in the day, and that's what
20 happens.

21 And in fact our Energy chair is
22 otherwise committed, so we've asked our EnCon
23 chair, Todd Kaminsky, if he will start off.
24 And we're going to give him five minutes,

1 because he's not technically the chair of
2 this committee.

3 Todd? You have to unmute.

4 SENATOR KAMINSKY: Thank you very
5 much.

6 I really appreciate speaking with both
7 of you. And the first issue I want to bring
8 up is about American Water, Chairman Rhodes.
9 And, you know, private water, has really
10 plagued my constituents with sky-high bills
11 without justification.

12 And I know you're studying the issue
13 of municipalization, and I unfortunately have
14 the Town of Hempstead that does not want to
15 municipalize. So I'm hoping that one of the
16 facets that you can study and that comes out
17 through this budget process is a study that
18 looks at whether municipalization is possible
19 through a different new entity if the town
20 does not want to take it over.

21 I think that will help us compare how
22 much can be saved one way versus another.
23 And we're really looking, you know, to find
24 respite from this awful system, and so having

1 that in the study would be meaningful.

2 PSC CHAIRMAN RHODES: So thank you,
3 Senator.

4 So the answer is yes. Obviously we're
5 very focused on the New York American Water
6 situation and are exploring the feasibility
7 of municipalization. You know we've invited
8 comments, and you know that they've come in,
9 as you describe, with some interest on the
10 North Shore and less on the South Shore. But
11 we are open to all proposals for
12 consideration and would like to have the
13 options as fully developed as possible.

14 There's also on the table the proposal
15 by American Water to sell its system to
16 Liberty Utilities. And we are actively
17 investigating whether that transaction offers
18 a scenario for possible mitigation. And the
19 company is in fact evaluating possible
20 pathways to reduce the property tax burden,
21 which makes up between 30 and 50 percent of
22 the customer bills.

23 So all options are welcome. All
24 proposals are under consideration and will be

1 under study. And no decision has been made
2 yet, so the timing is good.

3 SENATOR KAMINSKY: Thank you.

4 President Harris, can you tell us
5 whether the new Office of Renewable Energy
6 Siting within the Department of State is up
7 and running, whether they are well staffed
8 and whether applications have shifted from
9 the PSC over there for review? What's going
10 on over there?

11 PSC CHAIRMAN RHODES: Senator
12 Kaminsky, with all due respect, may I answer
13 that question?

14 SENATOR KAMINSKY: Of course.

15 PSC CHAIRMAN RHODES: I can explain
16 later why it's more appropriate.

17 But yes, it is up and running. In a
18 fairly extraordinary 2020, the first order of
19 business was just to get regulations out.
20 The ORES, the shorthand, issued those in
21 September. The comments were closed in
22 December. And the due date for final
23 resolution is early April, April 3, but with
24 a high expectation that we'll beat that

1 deadline.

2 The office -- and I won't go through
3 all the work that that entailed, but it was
4 massive and very challenging under COVID
5 circumstances. The new office has taken in
6 three applications already for major
7 renewable projects as of at least -- I think
8 last Friday, and information about those
9 projects is available on their site.

10 There are about 35 projects currently
11 in the Article X process that are eligible to
12 transfer to ORES, and it's my latest
13 understanding that about five of those 35 are
14 actively considering doing that. That's
15 obviously not a final number.

16 And between the staffing up that they
17 have done and their ability to call on
18 partner agencies for staff work, including my
19 own, they are fully enabled to process the
20 processes. So they're -- they're in
21 business.

22 SENATOR KAMINSKY: Thank you. And to
23 Chair Rhodes, I'm hoping we could work, and
24 with your successor work on what will happen

1 with LIPA going forward. There's a big talk
2 about LIPA wanting to get rid of PSEG and
3 take over the electric grid. I obviously
4 have concern about there not being enough
5 supervision, since PSC does not supervise
6 LIPA.

7 It is a very difficult situation
8 following Isaias, and I just ask for your
9 partnership and guidance as we move forward
10 figuring out how to best protect Long Island
11 ratepayers from whatever comes next in the
12 utility iterations down on the island.

13 PSC CHAIRMAN RHODES: Absolutely. I'm
14 happy to commit my successor.

15 But we have teeth. In the case of
16 Long Island, DPS, the department rather than
17 the commission, actually has a lot of
18 regulatory oversight and is actively pursuing
19 our complaints against LIPA, and is in fact
20 deeply involved in the litigation that's
21 going on.

22 SENATOR KAMINSKY: Thank you. Thank
23 you both. Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 And our next speaker is the Energy
2 chair from the Assembly, Michael Cusick.

3 There you go.

4 ASSEMBLYMAN CUSICK: Thank you. Thank
5 you, Senator. Thank you so much. Good to
6 see you.

7 I want to welcome President Harris and
8 Chair Rhodes. Thank you for joining us
9 today. I also want to just thank you both
10 for your service to the State of New York.

11 And particularly Chair Rhodes, with
12 your term ending at the end of this month, I
13 want to thank you for your work for the State
14 of New York. And it's been a pleasure
15 working with you these last number of
16 years --

17 PSC CHAIRMAN RHODES: Thank you.

18 ASSEMBLYMAN CUSICK: -- in my capacity
19 as Energy chair. But thank you, thank you so
20 much.

21 I have a few questions. I want to
22 start with Chair Rhodes. In 2016 the PSC
23 established the energy affordability policy
24 to limit energy costs for low-income

1 ratepayers to 6 percent of household income.

2 Is this policy reaching enough people,
3 do you think? And when do you think PSC will
4 release a white paper on this issue so that
5 amendments to the program can proceed?

6 PSC CHAIRMAN RHODES: Thank you for
7 the question. It's an important -- a very
8 important initiative. And we think it's
9 doing a lot of good, but we're also very
10 focused on enhancing it. When it started, it
11 served about three-quarters of a million
12 people. I think last year we got to just
13 under a million and provided about
14 \$240 million of relief.

15 As you've pointed out, there's a white
16 paper, which is another way of studying the
17 methods by which we will enhance it further.
18 We are very close on that, and we should be
19 issuing that shortly.

20 For your colleagues who are not versed
21 in regulatory speak, a white paper means we
22 describe our regulatory plan and then the
23 world gets to comment, so that ultimately the
24 commission can make the best informed

1 decision. So it's a proposal that will be
2 coming out, as I hope, very shortly.

3 ASSEMBLYMAN CUSICK: That's great.

4 And also, I just wanted to ask
5 Chair Rhodes -- the executive proposal for
6 DPS supports 476 FTEs. This is 52 less than
7 the Executive Budget of 2021, which accounted
8 for 528. Can you explain the decrease? And
9 how does this affect the operations at DPS?

10 PSC CHAIRMAN RHODES: So I believe
11 that the Executive Budget holds us at current
12 head count.

13 ASSEMBLYMAN CUSICK: Okay. Am I
14 reading it wrong?

15 PSC CHAIRMAN RHODES: So it is
16 dropped -- I'm sorry, I'm informed that it is
17 dropped to 476.

18 But we -- we believe and obviously
19 we're cognizant of the economic distress and
20 the hiring freeze and the fiscal prudence
21 that's required. But we're positioned to
22 deliver on everything that is involved.

23 I know you heard me conclude that our
24 agenda is ambitious, but we actually have

1 concrete plans on how to get it all done.

2 ASSEMBLYMAN CUSICK: Okay. All right.

3 Thank you. Thank you for that.

4 President Harris, I wanted to ask
5 about the Clean Energy Standard. And so in
6 October 2020, as you had stated in your
7 statement, the Clean Energy Standard -- the
8 PSC published an update to the Clean Energy
9 Standard of 2016 which includes two new
10 tiered programs, as you mentioned, a
11 competitive Tier 2 program, which is for
12 legacy baseline resources, and a competitive
13 Tier 4 program specifically for renewable
14 energy projects for New York City.

15 Can you elaborate on these programs
16 for us and how they will contribute to the
17 goals of the CLCPA?

18 NYSERDA ACTING PRESIDENT HARRIS:

19 Certainly, yes. And I'm pleased to report
20 that in fulfillment of the order's
21 instructions, NYSERDA has issued RFPs or
22 solicitations for competitive proposals in
23 both Tier 2 and Tier 4, for both Tier 2 and 4
24 programs.

1 You are correct in saying Tier 4 is
2 advanced with a specific goal to bring
3 renewable energy to New York City, where we
4 have, you know, particular challenges with
5 decarbonizing the grid and improving the air
6 quality in the downstate region. So through
7 that RFP we will be receiving bids in May of
8 this year to bring renewables specifically to
9 New York City.

10 In a different tone, but consistent
11 with the achievement of the Clean Energy
12 Standard, we are advancing also a Tier 2
13 solicitation, which is also now on the
14 street, which is designed to maintain the
15 reliable contributions of what we call the
16 baseline renewable generators in contributing
17 to New York State's CLCPA goals.

18 So together, they bring forth the
19 potential to not only retain significant
20 numbers of renewable generators and
21 generation, but also to bring new generation
22 to our state in the case of Tier 4.

23 ASSEMBLYMAN CUSICK: Okay, great.
24 Thank you. And I wanted to also ask you,

1 President Harris, on electrification.

2 In the State of the State that the
3 Governor gave, the proposal includes
4 \$700 million for building electrification.
5 What types of technologies and projects will
6 be prioritized throughout the state based on
7 that proposal?

8 NYSERDA ACTING PRESIDENT HARRIS:

9 Sure. Yes. Well, when we look at
10 electrification, we are specifically looking
11 at technologies that can help us to bring
12 forth new methods for heating and cooling
13 specifically.

14 So we at NYSERDA have advanced
15 specific programs in advancement of that
16 goal, such as clean heating and cooling
17 technologies, and others, specifically with
18 the goal of electrifying our buildings.

19 ASSEMBLYMAN CUSICK: Okay. And this
20 question might be for both Chair Rhodes and
21 President Harris.

22 NYSERDA programs are funded primarily
23 from assessments on ratepayers, which
24 generate approximately -- and correct me if

1 I'm wrong -- \$1.3 billion in fiscal year
2 2021-'22, including through the ZEC program
3 and utility surcharge assessments.

4 How much does this cost the average
5 residential ratepayer on their monthly
6 utility bill? Is there any way to calculate
7 that? Or is that something that you could
8 get back to us on?

9 PSC CHAIRMAN RHODES: Yes --

10 NYSERDA ACTING PRESIDENT HARRIS:

11 Certainly -- go ahead, John.

12 PSC CHAIRMAN RHODES: Yes, we can.
13 I'll just -- when we do that, we'll probably
14 also want to include in the math the benefits
15 that flow from that spending. Certainly in
16 the case of energy efficiency and the like,
17 you're saving money at the same time that
18 you're spending money.

19 But yes, we can do that for you.

20 ASSEMBLYMAN CUSICK: Yes, because that
21 would be very important. Because I know
22 that, along with myself, I'm sure many of my
23 colleagues get that question. People are
24 excited about the direction of the state when

1 it comes to energy, but also to their concern
2 about how much they're paying with their
3 bills. So that would be very helpful I'm
4 sure for many of my colleagues.

5 At this point, Madam Chair, I'm going
6 to cede the rest. I think I have a minute
7 left, and I'm feeling generous. I'll cede it
8 back to my colleagues.

9 CHAIRWOMAN WEINSTEIN: Okay, back to
10 the Senate, then.

11 CHAIRWOMAN KRUEGER: Thank you so
12 much.

13 And it's going next to the Senate
14 ranker on Energy, Patty Ritchie.

15 SENATOR RITCHIE: Thank you.

16 My question is for Chairman Rhodes.
17 You touched on, at the beginning, the issue
18 with broadband and also the Governor's new
19 proposal. I continue to get calls pretty
20 much on a daily basis, not just from my
21 district but from underserved areas in the
22 state, from families who especially are
23 trying to get their children on for school,
24 those that are working from home.

1 In the past year we had a couple of
2 projects in my district that were slated to
3 actually be done, and once the utility
4 right-of-way fee went on, the provider has
5 stalled the project because that cost is not
6 feasible.

7 So my question is with the \$15 a month
8 service that the Governor proposed, what will
9 be done for potential providers to make them
10 interested in serving those areas with no
11 broadband, given that they may not be able to
12 recoup the cost? And that's what I continue
13 to see over and over again in my district,
14 and I assume that's what's going on many
15 places across the state.

16 PSC CHAIRMAN RHODES: Well, it's -- I
17 can't comment broadly on the broadband
18 buildout other than to note that, you know,
19 between us and the BPO administered by Empire
20 State Development, you know, the Governor
21 led, you know, the most ambitious broadband
22 buildout, including to rural areas in the
23 country.

24 Our own focus is on the Charter

1 buildout, which is one of the companies. And
2 as I think you know, a meaningful part of
3 that buildout is a mandate for 145,000
4 passings, customers served, in underserved
5 areas, which does mean those kind of rural,
6 hard to get areas.

7 We are tracking Charter. We are
8 challenging their submissions. Even as we
9 throw out some of their proposed
10 count-this-house, they're tracking -- on
11 track to get to their goal by I believe
12 September of this year of 145,000. And by
13 the way, they're also passing the speed tests
14 that we're applying in the field.

15 I also know that, you know, there's a
16 proposal in -- in the bill you mentioned to
17 map. Obviously that's going to be an
18 extremely helpful set of information to have
19 so that we understand where there is access
20 and where there isn't.

21 And also we stand ready to help in any
22 way we can if -- if a local township, you
23 know, just isn't getting the information that
24 it needs, there's some mechanisms we have to

1 help on that.

2 SENATOR RITCHIE: I appreciate that.

3 And we do have some that we've forwarded on,
4 but maybe we'll forward those on again.

5 Thank you very much, Chairman.

6 PSC CHAIRMAN RHODES: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Assembly.

9 CHAIRWOMAN WEINSTEIN: Excuse me.

10 Assemblyman Palmesano, the ranker.

11 ASSEMBLYMAN PALMESANO: Thank you.

12 Hi, Chairman Rhodes, President Harris.

13 Before I start with my question, I
14 just had a real quick comment to make, what I
15 said to Commissioner Seggos earlier. In the
16 interests of transparency relative to the
17 CLCPA, regarding the comment the chairman
18 made earlier, it's really imperative that the
19 commission works together to provide a
20 detailed cost analysis study of the
21 implications from this act, the impact it's
22 going to have fiscally, on our consumers, our
23 businesses, our seniors, our manufacturers,
24 relative to the electricity rates, wholesale

1 rates, transportation rates, delivery rates
2 and the conversion costs that are going to be
3 part of this program.

4 You know, we've spent billions upon
5 billions of dollars, so it's really
6 imperative that -- for transparency purposes
7 for the residents, that a report is done and
8 it's released to the public so it can be
9 analyzed.

10 So my first question really surrounds
11 the definition of "alternative energy
12 production facility." What is the reason or
13 purpose or need for the change in this
14 definition to include facilities such as
15 solar and wind as electric corporations? And
16 what is the benefit of expanding the
17 definition of "electric corporations" to
18 include these alternative energy facilities
19 that generate between 25 and 80 megawatts?
20 Is it for oversight purposes and siting
21 certificates? And if so, isn't the current
22 PSC enforcement provisions in both Article X
23 and the ORES siting law enough to address
24 this issue? So what are the reasons, what

1 are the benefits of making this expansion?

2 PSC CHAIRMAN RHODES: Doreen, do
3 you -- let me get back to you on that unless
4 Doreen has an answer.

5 I do know that -- if I can sort of
6 pivot back to the first part of your remarks,
7 we actually endorse both the transparency
8 ethic that you mentioned and also the very
9 strong focus on costs and on minimizing those
10 costs through programs like NYSERDA's. And
11 also the point that when we spend money,
12 we're investing it to deliver benefits, and
13 we want to optimize those.

14 ASSEMBLYMAN PALMESANO: All right, I
15 understand that. So if you're going to get
16 back to me -- if you can't answer that
17 question now, I'd love for you to get back to
18 me. I can put it in writing also.

19 I'd also like to know how this
20 definition change is consistent with the
21 operation of these facilities and the
22 competitive wholesale electricity market. I
23 think that's an important question that needs
24 to be answered. I think there's some

1 his green energy transmission proposal. In
2 his comments he talked a lot about from
3 Central New York down to Rensselaer -- over
4 to Rensselaer, from Hudson down to New York
5 City. I didn't hear any comments about
6 anything relative to the Southern Tier.

7 I know there are several proposals and
8 projects being discussed in the Southern
9 Tier. Do you have anything that you can
10 comment in regards to that? Are these
11 projects in the Southern Tier being
12 discussed? Because that certainly would be
13 beneficial to the economic activity in the
14 Southern Tier. There's a lot of renewable
15 energy in the Southern Tier, and we need to
16 be able to transmit that energy to where it
17 needs to be going to.

18 But I haven't heard anything about the
19 Southern Tier, so I was wondering if you can
20 comment on that at all.

21 PSC CHAIRMAN RHODES: Sure.

22 So you're right, the Governor has
23 announced or focused all of our attention on
24 about 250 miles of bulk backbone transmission

1 from the North and from the West. And in a
2 recently issued power grid study, you know,
3 we confirm that that plus some other projects
4 under development put us on the path to, with
5 minimal further bulk investments, deliver the
6 energy from where it's being generated to
7 where the customers use it.

8 I've emphasized the word "bulk"
9 because we also need to not just build the
10 highways but the country roads out to
11 capacity. And in the Southern Tier, a lot of
12 the issues relate to what I'll call sub-bulk.

13 So those are under active
14 consideration. We've got several needs
15 identified in the Southern Tier, in Steuben
16 County and the like. And those are the
17 subject of proceedings that are underway --
18 in fact, I expect the commission to be
19 issuing some decisions in the next few
20 months. But if those are the projects that
21 you're hearing about, those have not been
22 forgotten. In fact, they're active.

23 ASSEMBLYMAN PALMESANO: Okay, great.

24 And then one other question, if I

1 could, relative to the moratorium on
2 termination of services.

3 Certainly we all understand what's
4 going on with COVID and not wanting to
5 penalize people with shutoffs. But certainly
6 there's a great deal, millions upon millions
7 of dollars in arrears that are being accrued
8 by these customers. And how is that going to
9 work, and what plans do you have to assist in
10 that matter? Because obviously these bills
11 are ultimately going to have to be paid, and
12 there's -- you know, there's, like I said,
13 millions upon millions of dollars.

14 What is the plan? What role do you
15 have in that to address this issue? Because
16 it's certainly something that needs to be
17 acknowledged as we move forward with it.
18 That is there, it's not going to go away, the
19 obligation continues to rise further and
20 further. And it's going to be a challenge
21 and, for the customers, quite a financial
22 burden that it could take some of them years
23 to pay off.

24 PSC CHAIRMAN RHODES: So in the

1 interests of time, I'll be willing to follow
2 up with you. But we are very aware of that
3 issue and are actively considering it and
4 entertaining public comments on how best to
5 handle those arrearages, as you point out.

6 So we'll get back to you. But we are
7 very mindful and we believe that there's a
8 thoughtful way to manage that -- the bill
9 when it comes due.

10 ASSEMBLYMAN PALMESANO: Thank you for
11 your time.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Back to the Senate.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Brand-new Senator Brisport.

16 SENATOR BRISPORT: Thank you so much,
17 Senator Krueger.

18 And thank you, Commissioners, for your
19 time. I have three questions. They're all
20 for you, Commissioner Rhodes. Thanks again
21 for considering them.

22 My first question is about residential
23 utility debt. I saw that in the Public
24 Utility Law Project, as of November 2020,

1 last year, there were over 1 million
2 residential utility customers who were in
3 arrears and face over a billion dollars in
4 utility debt.

5 I wanted to know, is there a plan in
6 the budget already to address this crippling
7 level of residential utility debt? I support
8 taxing the rich to cancel the debt. I'm
9 curious if there's a plan already within the
10 budget.

11 My second question is -- I know you
12 alluded to the CLCPA. I'm curious, I want to
13 double-check. Are we definitively on track
14 to meet the goals of the CLCPA? And if not,
15 do we need new legislation in order to meet
16 those goals?

17 I'm curious about the state revenue
18 that's needed to meet the goals and whether
19 or not we could be expanding the power and
20 budget of public utility companies in order
21 to do that.

22 And my third question is in the
23 Executive Budget there seems to be a heavy
24 reliance on public-private partnerships. I'm

1 curious why there is such a reliance on those
2 and --

3 (Zoom interruption.)

4 SENATOR BRISPORT: Okay. I love
5 cocoa.

6 (Laughter.)

7 SENATOR BRISPORT: But I guess, you
8 know, when it comes to the public-private
9 partnerships, you know, I looked at
10 Long Island Power Authority's report, which
11 says that full public ownership and
12 contracting could be more efficient and
13 cheaper. So, you know, I think, you know,
14 NYPA has actually a lower cost of capital
15 compared to private utilities like Con Ed.

16 So, you know, do you think it's
17 reasonable to make an up-front investment and
18 expand NYPA instead of pursuing all these
19 public-private partnerships?

20 So I just want to reiterate, with the
21 time I have, again, I asked about what's the
22 plan for addressing residential utility
23 debts. My second question was about the
24 CLCPA, are we on track. And my third

1 question was about shifting over from
2 public-private partnerships into expanding
3 public authorities NYPA.

4 Thank you so much.

5 PSC CHAIRMAN RHODES: Thank you.

6 So can I answer 1 and 3 and ask
7 President Harris to do CLCPA progress?

8 So the utilities have deferred-payment
9 arrangements, which are being heavily
10 utilized as we speak, including in the year
11 for which you're citing the information. We
12 monitor those constantly as to adequacy and
13 their true ability to help. And we believe
14 that financially things are -- that we
15 probably don't need further funding.

16 As to public versus private, that's
17 obviously a matter for continuous
18 reevaluation. And I know there are studies
19 that show that in certain circumstances
20 public can be cheaper than private. And if
21 that's the best path to being good for
22 customers, consumers, ratepayers, then that
23 should be pursued and developed, based on
24 good and thoughtful study.

1 So conceptually, we're in support of
2 that, we just need to do the math.

3 But Doreen, perhaps CLCPA?

4 NYSERDA ACTING PRESIDENT HARRIS:

5 Certainly. Yes. And thank you, Senator.

6 We are certainly well on our way in
7 implementing the CLCPA and have made
8 tremendous progress this year in not only
9 forming our seven sector-specific advisory
10 panels, but also beginning our work together
11 to develop recommendations that are actually
12 anticipated in 2021 towards the completion of
13 the draft scoping plan, which is due by the
14 end of the year.

15 So I think there is more to come with
16 respect to the particular needs that this
17 reveals. But as it exists today, we have
18 made tremendous progress. I'm very pleased
19 to report we're on schedule and ready to
20 implement.

21 SENATOR BRISPORT: Thank you both
22 very much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Assembly.

1 CHAIRWOMAN WEINSTEIN: We now go to
2 Assemblyman Smullen.

3 ASSEMBLYMAN SMULLEN: Thank you,
4 Chair. Appreciate it.

5 Chair Rhodes, I just really need to be
6 really brief and quick on this. I'd like to
7 go back to broadband very quickly. The
8 Governor has a bill before him that
9 overwhelmingly passed the Senate and the
10 Assembly to study broadband, to really get to
11 the baseline. Will you ask the Governor to
12 sign that bill, please?

13 PSC CHAIRMAN RHODES: (Laughing.)
14 I -- you know that that's not the role I
15 play.

16 ASSEMBLYMAN SMULLEN: Very well.

17 PSC CHAIRMAN RHODES: But I appreciate
18 the sentiment. Thank you for attributing so
19 much clout to me. Thank you.

20 ASSEMBLYMAN SMULLEN: You've got a lot
21 of clout in my book.

22 PSC CHAIRMAN RHODES: Thank you.

23 ASSEMBLYMAN SMULLEN: So to get to
24 this broadband question, which is: How do we

1 know who has broadband access? The
2 Governor's proposal is a proposal. But what
3 it doesn't tell us is who doesn't have
4 broadband or who does have broadband at what
5 speed.

6 You mentioned the word "speed test"
7 before, and that's an industry term. But
8 there are tools -- there's a company called
9 Speedtest.net, in which people can actually
10 test their broadband speed. And that would
11 be helpful to know, you know, who has it and
12 who doesn't have it. I've been hearing from
13 schools, businesses -- this is a huge issue
14 for this pandemic. Four reasons: Schools,
15 telehealth, telecommute, and telemed. It's
16 just absolutely, you know, the issue that's
17 going to consume us.

18 But I'm really worried about this \$15
19 per month mandate, because it seems to me
20 it's like a -- how are our ISPs going to pay
21 for it? Isn't that like a price-control
22 mechanism?

23 PSC CHAIRMAN RHODES: Well, it all
24 goes to, you know, the definition of access.

1 ASSEMBLYMAN SMULLEN: And it needs to
2 be solved by the market. If the market won't
3 do it, we need to go back to the old idea of
4 rural cooperatives for broadband, just like
5 we still have rural cooperatives for
6 electricity in New York State.

7 Thank you very much. I appreciate it.

8 PSC CHAIRMAN RHODES: Thank you. Very
9 good comments. Thank you.

10 CHAIRWOMAN WEINSTEIN: To the Senate
11 now.

12 Senator Krueger, I --

13 PSC CHAIRMAN RHODES: She may be
14 frozen.

15 CHAIRWOMAN WEINSTEIN: I think that
16 Senator --

17 CHAIRWOMAN KRUEGER: I'm here. Thank
18 you.

19 CHAIRWOMAN WEINSTEIN: Okay.

20 CHAIRWOMAN KRUEGER: For some reason
21 it went off on its own, I'm not sure why.

22 Our next Senator is Senator Pete
23 Harckham. Sorry about that.

24 SENATOR HARCKHAM: Thank you,

1 Madam Chair.

2 Hello, everybody. Three minutes.
3 Speed lightning round. President Harris,
4 welcome. A pleasure to work with you. Look
5 forward to it. And Chairman Rhodes, thank
6 you for your service. Always a pleasure to
7 work with you.

8 Questions for both of you. First,
9 Chairman Rhodes.

10 One of the things in the CLCPA was it
11 enabled the PSC to change the way we finance
12 the cessation fund. I think that was a
13 terrific move. How much money is the fund
14 right now?

15 And then the next question I have for
16 you is in negotiations with the Governor's
17 office for signing three Indian Point bills
18 in December, we negotiated the creation of
19 the Decommissioning Oversight Task Force. Is
20 there adequate funding in the PSC budget to
21 support those activities?

22 PSC CHAIRMAN RHODES: So yes on the
23 second, and about 40 million on the first.

24 SENATOR HARCKHAM: All right. And can

1 you anticipate what the annual inputs to that
2 fund will be based on the new system?

3 PSC CHAIRMAN RHODES: I believe it's
4 in the 10 to 12 a year. And I believe the
5 current plans are on the order of a decade in
6 terms of replenishments, if you want to use
7 that term.

8 SENATOR HARCKHAM: Okay.

9 PSC CHAIRMAN RHODES: And I'll beg
10 the -- the -- whatever, privilege of giving
11 you a more detailed answer in writing.

12 SENATOR HARCKHAM: Yeah, that's fine.
13 We can do it offline. Thank you.

14 President Harris, quick question about
15 charging stations. We have legislation in
16 the Senate and in the Assembly that would ban
17 the sale and lease of fossil fuel vehicles by
18 2035 and heavier vehicles by 2045. Based on
19 the investments being made now and the plans,
20 will New York State have an adequate
21 infrastructure charging system by 2035 to
22 begin that evolution?

23 NYSERDA ACTING PRESIDENT HARRIS: Yes.
24 Thank you for the question. Indeed, we have

1 made tremendous progress this year alone to
2 achieve Governor Cuomo's Charge NY goals.

3 We have seen a record number of
4 increase in the number of electric vehicles
5 sold this year, bringing the total number of
6 EVs on the road to over 60,000. And I think
7 to your question, the number of the charging
8 stations in the state, to approximately
9 7,000, well on pace to hit our goal of 10,000
10 chargers by the end of 2021.

11 I think it is also notable that we
12 make particular work this year with respect
13 to a PSC order which is intended to create --
14 it's known as the "Make Ready" order. If
15 you're interested, I could ask Chair Rhodes
16 to talk a bit about the specific goals,
17 including the deployment of more than 50,000
18 charging stations by 2025 as part of that
19 order.

20 PSC CHAIRMAN RHODES: I know we're
21 over time. We're actually confident that the
22 "Make Ready" 50,000 level and 1500 fast
23 chargers by 2025 is what's needed to be on
24 the trajectory that you're talking about.

1 It's worth about a million or 850,000,
2 900,000 vehicles.

3 And the market is responding, and the
4 costs are coming down. This is a very
5 cost-effective trajectory that we're on in
6 electric vehicles, and I'm very confident of
7 the state's direction.

8 SENATOR HARCKHAM: Terrific. Thank
9 you both.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Next we go to
13 Assemblymember Glick.

14 ASSEMBLYWOMAN GLICK: Thank you.
15 Thanks very much.

16 One, I just want to say that I have a
17 bill that would require all of the wind
18 turbines to have at least one blade painted
19 black in order to make them more visible to
20 birds. This could reduce bird strikes by
21 about 70 percent. And I'm wondering whether
22 you are looking at making some requirements
23 in this area. That's number one.

24 Number two, it appears that somewhere

1 in the budget the Governor would allow large
2 building owners in New York to purchase
3 renewable energy credits instead of doing
4 what they're supposed to do, which would be
5 to upgrade their inefficient buildings to
6 make them more energy-efficient and thereby
7 provide jobs to people in New York City.

8 So I would hope that this would not be
9 something that would be pursued. And if you
10 could talk about why, as if there wouldn't be
11 people investing in renewable energy. I
12 think lots of people have been.

13 And the third thing is will there be
14 new credits for homeowners who do major
15 projects like solarize or do some -- you
16 know, some of those kinds of programs?

17 NYSERDA ACTING PRESIDENT HARRIS:

18 Great. Thank you, Assemblywoman.

19 And Chair Rhodes, if it's okay, I'll
20 start. And I have a feeling you'd rather
21 take the second part of the question.

22 But we have over the years conducted
23 various analyses around the question of
24 colored blades with researchers, and frankly

1 we've seen mixed results with respect to the
2 findings of those studies. But we will
3 continue to work with our colleagues at
4 DEC -- in coordination, of course, with you
5 and the Governor's office -- on collaborative
6 solutions. Certainly agree with the
7 principles and the objectives that you seek.

8 Chair Rhodes, do you want to speak as
9 to the Local 197 question?

10 PSC CHAIRMAN RHODES: So in Part R of
11 the Governor's bill, budget bill, the
12 proposal is to align changes -- to align city
13 law with changes that we made last year in
14 the Clean Energy Standard that Doreen already
15 mentioned which created Tier 2, created
16 Tier 4 on top of the existing offshore wind
17 RECs and other programs.

18 And the issue is that those Tier 4 and
19 those offshore wind RECs are not going to be
20 available in the immediate term, whereas the
21 Tier 2, which is about existing facilities,
22 would be.

23 So it's really a temporary alternative
24 compliance mechanism for building owners in

1 the interim until energy from Tier 4 or from
2 offshore RECs associated with that energy
3 becomes available.

4 None of that reflects any backing down
5 on the state's commitment to the full sweep
6 of clean energy. Including, of course,
7 renewable energy, but also decarbonizing
8 buildings, in the city or upstate, through
9 energy efficiency and electrification. We
10 need them all, and our investments prove our
11 commitment to clean energy.

12 And by the way, you're absolutely
13 right, in clean energy, energy efficiency is
14 the single best job engine. And that's a
15 really important factor.

16 ASSEMBLYWOMAN GLICK: We don't want to
17 lose that in New York City.

18 And any new credits for homeowners?

19 NYSERDA ACTING PRESIDENT HARRIS: So
20 this is a topic we maybe would need to take
21 offline, given the time.

22 But there are a number of different
23 programs that we are undertaking on the
24 residential side that would be, you know, in

1 consideration -- specifically, energy
2 incentives for solar and efficiency, heat
3 pumps and the like.

4 ASSEMBLYWOMAN GLICK: -- if you sent
5 that to the chairs, they would send that on
6 to all of us. So thank you very much.

7 NYSERDA ACTING PRESIDENT HARRIS: Of
8 course. Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.
10 We go on to the Senate now.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Senator Jim Gaughran.

13 Jim, are you there?

14 SENATOR GAUGHRAN: I'm here.

15 CHAIRWOMAN KRUEGER: Okay.

16 SENATOR GAUGHRAN: Can you see me?

17 Here I am. Okay, now we've got it.

18 Thank you very much, Madam Chair.

19 And Chairman Rhodes, thank you so much
20 more for your service to the State of
21 New York. You have accomplished quite a bit.
22 And I know that citizens may not know
23 everything, but you certainly have, and we're
24 grateful for that.

1 PSC CHAIRMAN RHODES: Thank you.

2 SENATOR GAUGHRAN: And thank you also
3 for I know you and the commission and the
4 department taking a really good look at the
5 people I represent and the problems they have
6 on the North Shore with American Water. So I
7 appreciate you taking a look at their goal
8 towards public water.

9 But my question is with Isaias, you
10 reviewed what happened and what PSEG did and
11 all the problems. But what do you think of
12 the oversight role or failure of oversight
13 that LIPA played, both before that storm and
14 being ready for it and during it?

15 PSC CHAIRMAN RHODES: Well, I -- a
16 couple of things. Isaias -- and I'll talk --
17 I want to note that Isaias was a failure not
18 just on Long Island. I want to have some
19 sympathy for the Con Ed people who were out
20 of power for a long time.

21 But it was obviously just an
22 unacceptable failure on Long Island. The
23 failure in the first instance was PSEG's.
24 Our investigation reveals -- has demonstrated

1 that. And the ongoing work that Rory Lancman
2 is doing is showing the impact that that's
3 had, although I think all of us intuitively
4 knew how bad it was. And that's why we are
5 working together with LIPA -- as a
6 department, not as a commission, just because
7 the nuances on Long Island -- to hold PSEG
8 accountable by either reforming the contract
9 or changing it and going to a different
10 model.

11 On Long Island the accountability tool
12 is contractual, because that's what there is.
13 And it's evident that the contract let us
14 down, as well as some failures at the
15 company. And we're dead serious about
16 putting in place arrangements for a
17 never-again, better future.

18 SENATOR GAUGHRAN: But you have
19 \$137 million you talk about in terms of fines
20 going against, you know, the other utilities.
21 And we're just battling with a contract as it
22 relates to LIPA.

23 Don't you think LIPA bears some
24 responsibility in terms of failing to

1 recognize that PSEG was just not ready at all
2 for this storm? Because after all, they are
3 supposed to play the regulatory role with
4 LIPA that, you know, you play so well with
5 all the other utilities.

6 PSC CHAIRMAN RHODES: Well, thank you
7 for that point of view.

8 I'll just -- I understand -- I
9 understand your concern. And obviously
10 everything is on the table for reexamination
11 in terms of a structure that's going to work
12 in the future.

13 But when I read the investigation --
14 and believe me, I was a close student of the
15 investigation writeup -- the fact basis is
16 not one -- the fact pattern that emerges is
17 not the one that you're interpreting.

18 But as I say, we do need a better
19 solution for the future. And we, and perhaps
20 I'm speaking for my successor, will work with
21 you to make sure that we get that right.
22 Because what we had was not acceptable.

23 SENATOR GAUGHRAN: Absolutely. We do
24 need major reforms. And I thank you very

1 much.

2 PSC CHAIRMAN RHODES: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Assembly.

5 CHAIRWOMAN WEINSTEIN: We go to
6 Assemblyman Tague for three minutes.

7 ASSEMBLYMAN TAGUE: Thank you,
8 Chairwoman, again.

9 Chairman Rhodes, President Harris,
10 thank you so much for the job you do. And
11 I'm very well aware of the tough jobs that
12 you have. My mother worked at PSC and my
13 brother worked at NYSERDA many, many years
14 ago.

15 So just a real quick question. And
16 I'm kind of sounding like a broken record,
17 because I've asked all our folks today the
18 same question. But I think it's a very
19 important question, especially to those of us
20 in ag districts in rural upstate New York.

21 But New York acreage under cultivation
22 has declined by nearly 320,000 acres since
23 the year 2012 in New York State. Large-scale
24 renewable projects, especially solar, appear

1 to pose direct challenges to efforts to
2 maintain or improve New York's agricultural
3 sector. Since land use for renewable
4 projects cannot always be repurposed, I'm
5 just wondering -- and we heard from both
6 Commissioner Seggos and Commissioner Ball
7 that they work directly with you folks with
8 regards to this issue, but they really didn't
9 say what your position was.

10 And I have a couple of concerns. One
11 concern is about how the siting is done
12 without local home rule or approval from the
13 local residents. So I would like to just get
14 your thoughts on this.

15 And again, I am not against solar. I
16 think it's a great thing. And I also am not
17 against wind power. But what I am against is
18 using productive farmland -- you know, we
19 talk about the food-insecurity problem that
20 we have in our cities, but then we don't have
21 a problem taking 800 to 1200 to 1400 acres at
22 a time in rural upstate New York and siting a
23 solar farm.

24 So again, thank you for your time, and

1 looking forward to hearing your answer.

2 NYSERDA ACTING PRESIDENT HARRIS: Yes,
3 thank you, Assemblymember. And I share your
4 strong interest in the balance of issues that
5 you articulate.

6 And I did strongly agree with
7 Commissioner Ball's response to your
8 question. It's been one of my top priorities
9 in this role to ensure that NYSERDA continues
10 to work with potential host communities and
11 our colleagues at the Department of
12 Agriculture and Markets to understand the
13 balance of issues that you just described.

14 We aim to ensure that both parties
15 have early awareness and the ability to weigh
16 in as to how a project is sited, what
17 construction standards are utilized, and what
18 specifics would apply with respect to the
19 stewardship of farmlands that I agree is one
20 of New York's most valuable assets.

21 And in fact I'm pleased that together
22 we have built a mitigation hierarchy of
23 avoiding, minimizing and mitigating those
24 impacts collectively and collaboratively with

1 Agriculture and Markets in the construct of
2 our land-based-renewables solicitations that
3 is intended to satisfy the requirements of
4 Agriculture and Markets but also to bring
5 forth the viewpoint of balance that I would
6 agree we need to strike on these issues.

7 Happy to talk offline at any time.

8 PSC CHAIRMAN RHODES: And I concur. A
9 responsible siting and striking the balance
10 is the only way we get there. Thank you.

11 CHAIRWOMAN WEINSTEIN: To the Senate
12 now.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Senator Rachel May.

15 SENATOR MAY: Yes, hi. And thanks to
16 President Harris and Commissioner Rhodes for
17 being here and for your good answers.

18 I have a comment for President Harris
19 and two questions, and one for
20 Commissioner Rhodes. So we'll try to get
21 through them.

22 My comment is this. The Governor
23 proposed \$20 million for a training program
24 for 2500 students at Stony Brook to become

1 technicians of renewable infrastructure. I
2 think that's a great idea, but let me put in
3 a plug that half of them should be at SUNY
4 ESF, and maybe to do offshore wind downstate
5 and geothermal and solar upstate. I would
6 like to just make that pitch.

7 And then I have a question about net
8 zero construction, building construction.
9 Which is clearly the way of the future, and
10 I'm just wondering if we are at a level of
11 technological sophistication yet where we
12 could stipulate that no state tax dollars or
13 no state money would go to building
14 energy-guzzling buildings, but always have to
15 be going for net zero.

16 NYSERDA ACTING PRESIDENT HARRIS:

17 Sure. Yes.

18 And I'm pleased to report that the
19 Offshore Wind Training Institute that was
20 launched is a statewide program. And it is
21 housed -- the hubs are at Stony Brook and
22 Farmingdale, but the competition is statewide
23 and frankly the opportunity is statewide as
24 well. So I will say that for the

1 solicitation that's on the street now and
2 beyond.

3 With respect to net zero, I think, you
4 know, there are particular opportunities that
5 we have advanced at NYSERDA. I think one
6 really exciting opportunity is in the
7 industrial sector where we have a net zero
8 Energy for Economic Opportunity program,
9 which is really combining the downtown
10 revitalization initiative with economic
11 development together.

12 And I think, you know, the goal of net
13 zero and carbon-neutral projects in these
14 sectors are -- really are top economic
15 priorities for the state and opportunities
16 from a carbon perspective as well.

17 SENATOR MAY: Okay, thank you. And --

18 PSC CHAIRMAN RHODES: If I can just --
19 I do think --

20 SENATOR MAY: I have a completely
21 different question for you, if I can --

22 PSC CHAIRMAN RHODES: Okay, ask yours.

23 SENATOR MAY: Going back to the
24 broadband issue, I am really interested in

1 municipal broadband as a solution to some of
2 the problems in my district, for example,
3 where people just don't have access in some
4 of the rural parts of the district. And I
5 wonder if you think the state can make funds
6 available to support municipal broadband.

7 PSC CHAIRMAN RHODES: I think that the
8 need is so clear-cut and important -- and
9 COVID has reinforced from a realization of
10 the need -- that every solution has to be
11 explored, whether it's the rural cooperative
12 model or this thing, the municipal model.
13 Absolutely we should study those and see if
14 there's a good path forward and make those
15 investments.

16 Back to net zero, if I can, I will say
17 that I don't believe all the solutions are
18 ready yet. And that's why I want you to note
19 that R and D are two letters in NYSERDA's
20 name. And I think the innovation agenda that
21 they're driving is a really big part of the
22 comprehensive strategy to get there, so --

23 NYSERDA ACTING PRESIDENT HARRIS:
24 Thank you, Chair Rhodes.

1 You know, I think -- if I could jump
2 in as well, from a planning perspective, we
3 are actively developing a carbon-neutral
4 buildings roadmap, which is charting this
5 path to achieve a carbon-neutral building
6 path by mid-century, but with the actions
7 that we're discussing embedded within it.

8 So I think that's another place where
9 public comment will be useful.

10 SENATOR MAY: Okay, great. We're way
11 over time, but thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Assembly.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We go now to Assemblywoman Buttenschon
16 for three minutes.

17 ASSEMBLYWOMAN BUTTENSCHON: Thank you
18 very much.

19 Thank you, Chair Rhodes and President
20 Harris, for being here today. I just have a
21 couple of questions.

22 To follow up with many of my
23 colleagues regarding broadband, I know we're
24 just looking for, again, that specific number

1 of New Yorkers that have access. And I know
2 you broke it down a little earlier. But
3 clearly, how many and what percentage of
4 homes do have it in New York.

5 Regarding the surcharge question, we
6 get many calls in my office in regards to
7 that surcharge. And I know that you said you
8 will be forwarding the positive components of
9 that surcharge, so I look forward to that
10 information so I can share it with
11 constituents in the area.

12 And I've heard from the smaller and
13 medium-size utilities within the district
14 that are struggling with individuals that
15 can't pay their bills. And it is financially
16 strapping those businesses because they were
17 able to work and apply for the PPP, but now
18 financially it's creating an extensive burden
19 on those utility companies.

20 And as we move forward with the new
21 program, which is very important to ensure
22 that broadband is affordable to
23 New Yorkers -- but how are we going to
24 support these smaller to medium-size

1 companies that are providing this service to
2 our residents? And I just was --

3 PSC CHAIRMAN RHODES: Can I ask a
4 clarification question? The smaller
5 utilities are the energy utilities? Or is it
6 the internet/cable utilities?

7 ASSEMBLYWOMAN BUTTENSCHON: Internet
8 and phone company.

9 PSC CHAIRMAN RHODES: All right. So
10 let us look into that situation and what we
11 can do on that. We have different -- a
12 different kind of jurisdiction over those
13 companies. But the problem sounds very real.
14 Let's get back to you.

15 In terms of broadband coverage, I know
16 that averages of all the numbers aren't that
17 useful. But we're north of 98 percent, at
18 this point, in the state. That doesn't help
19 if you're in the 2 percent, I know. But
20 we're getting there. And it's still ongoing.

21 ASSEMBLYWOMAN BUTTENSCHON: Yeah, and
22 I -- I guess I struggle with that number
23 because of the number of individuals just in
24 my district alone. But the feds, great to

1 see that.

2 And I'm excited to hear about the
3 fiber buildout. And will there be support to
4 those companies that participate in that?

5 PSC CHAIRMAN RHODES: Well, if they're
6 grantees under the BPO program that's
7 administered by Empire State, then yes,
8 that's the case.

9 ASSEMBLYWOMAN BUTTENSCHON: Okay.

10 PSC CHAIRMAN RHODES: And we can get
11 you more. I know -- and I'm just not versed
12 in them -- that there's some federal programs
13 as well that support this. So you're going
14 to -- I'm sorry, you're going to get like
15 four or five follow-ups from us, but you are
16 correct.

17 ASSEMBLYWOMAN BUTTENSCHON: As many as
18 possible. Thank you so much for the time.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senator Michelle Hinchey.

21 SENATOR HINCHEY: I've done it this
22 time! Wonderful, thank you.

23 (Laughter.)

24 SENATOR HINCHEY: For everyone new,

1 I've been having a hard time unmuting myself.

2 Thank you so much, Madam Chair, and
3 thank you both for being here today to meet
4 with us for your testimony and for taking our
5 questions.

6 I have a question for each of you, and
7 I will start with our first around renewable
8 energy.

9 In order to shift fully to renewables
10 and meaningfully combat climate change, we
11 know that large-scale renewable energy
12 projects are needed. The fact is, most of
13 these projects are being sited and
14 constructed in upstate New York but are meant
15 to transfer energy to the localities with the
16 highest demand, which is downstate.

17 As we move towards more renewable
18 energy projects in New York and expedited
19 siting processes, how can we work to ensure
20 that an adequate amount of locally captured
21 energy stays local and benefits upstate
22 communities and doesn't overly disrupt the
23 local landscape as well?

24 NYSERDA ACTING PRESIDENT HARRIS:

1 Well, I think you bring up some very
2 important points about local consumption and
3 real benefits of the host communities.

4 I would say that there are obviously
5 economic benefits, tax benefits and, again,
6 local payments made for hosting projects.
7 But from the perspective of local buying, in
8 my view that is a very important part of
9 ownership. Ownership means having particular
10 connectivity with the renewable projects in
11 your community as well.

12 You know, a great way for that to
13 happen is through community choice
14 aggregation, through buying, particularly
15 local governments that can procure energy
16 service and supply for consumers in their
17 community. That is a growing means by which
18 local communities can be served by
19 large-scale renewable projects in their
20 locality.

21 I also think it is the case that there
22 are other renewables that you can literally
23 buy into as an owner. So there's a lot of
24 ways to have that personal and local

1 connection from a consumption perspective.

2 But I would say that from the
3 perspective of buying, I would say that the
4 Clean Energy Communities Program which
5 supports CCAs directly I think is a great
6 example of that in action.

7 PSC CHAIRMAN RHODES: Can I -- if I
8 may, I should also mention the Governor's
9 directive to put in place a Host Communities
10 Benefit Program, which directly provides in
11 this case financial benefit equivalent to the
12 value of a portion of the energy that's
13 generated by -- by whatever the wind farm in
14 that town.

15 And that's an open proceeding, and I
16 believe we're getting close to finalizing
17 that.

18 But the CCA idea is an excellent one.

19 SENATOR HINCHEY: Thank you. And I
20 know I'm about out of time, but I just have
21 to say, to Mr. Rhodes, thank you.

22 Following my colleagues in the last
23 two questions, with all due respect, I think
24 we all know that the 98 percent coverage

1 number is inaccurate. We need a full
2 understanding of what broadband looks like
3 across this state. Census tracts are not
4 enough.

5 So do you have any data now that can
6 speak to that, or is there anyone that you
7 can compel to -- any way, sorry, that you can
8 compel the broadband providers to give us a
9 better understanding of the data, of where
10 the gaps exist, especially in rural New York?
11 We now have three of us in a row who believe
12 that that number is inflated.

13 PSC CHAIRMAN RHODES: Well, let us get
14 back with you and your other colleagues, show
15 you what we've got and why we think that's
16 right, but also acknowledge -- sort of bring
17 you up to speed on the steps we're taking to
18 get more granular. Because I appreciate that
19 these top-level numbers, even if they're
20 right, which we believe they are, are not
21 helpful to households that are facing a "why
22 not me" kind of situation.

23 We'll get -- we'll engage with you.

24 SENATOR HINCHEY: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Yes, we go to
4 Assemblyman Englebright for three minutes.

5 ASSEMBLYMAN ENGLEBRIGHT: Yes, thank
6 you very much.

7 I just have a couple of questions
8 regarding RGGI. The recent adopted RGGI
9 carbon cap fails to account for the emission
10 reduction in renewable energy mandates of the
11 CLCPA. Does the state plan to push for an
12 updated cap that aligns with the CLCPA in the
13 upcoming regional review of the program?
14 Does the state plan to update that? Update
15 the cap.

16 NYSERDA ACTING PRESIDENT HARRIS:
17 Sure. Yes. So we did advance regulations
18 this year to make advancement in RGGI
19 consistent with the Climate Leadership and
20 Community Protection Act obligations. I
21 believe that Commissioner Seggos spoke to
22 that topic this morning as well.

23 If there's a particular -- you know,
24 the overarching objective, of course, is to

1 align RGGI ultimately with the CLCPA.

2 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

3 The 2021 RGGI operating plan transfers
4 over \$50 million to the Clean Energy Fund and
5 the Long Island Power Authority. Are the
6 programs these funds are supporting in
7 compliance with the environmental justice
8 spending requirements of CLCPA?

9 NYSERDA ACTING PRESIDENT HARRIS: Yes.

10 So this year's RGGI operating plan
11 does repurpose \$40 million of previously
12 approved funds for energy storage projects on
13 Long Island. Those funds will be repurposed
14 for continuing support of their energy
15 efficiency portfolio, at \$20 million per
16 year.

17 In exchange, the Long Island
18 Power Authority has agreed to deploy at least
19 200 megawatts of energy storage and non-wires
20 alternatives by 2025. So this is a win/win
21 as far as we're concerned.

22 LIPA's planning to issue an RFP for
23 both energy storage this year and continuing
24 those solutions. And at the same time, we

1 will have the ability to further advance
2 energy efficiency on Long Island.

3 And if -- with respect to -- if your
4 question was getting specifically to
5 alignment of those expenditures with the
6 overall CLCPA objectives, both LIPA and NYPA
7 have committed to the goals of the CLCPA,
8 including that 35 and 40 percent objective of
9 benefits to disadvantaged communities.

10 ASSEMBLYMAN ENGLEBRIGHT: Thank you
11 very much.

12 And while giving thanks, I just want
13 to express appreciation for your service to
14 the state, John Rhodes. You've been a
15 terrific public servant in the capacity
16 you've been in. I hope your public service
17 is not over. But thank you for your work to
18 date.

19 PSC CHAIRMAN RHODES: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 We move to the Senate.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Ranker Tom O'Mara.

24 SENATOR O'MARA: Thank you.

1 Good evening. Thanks for hanging in
2 there with us. We've got a long night ahead
3 of us.

4 I have a question on the Hudson
5 Champlain Hydro-Québec TDI line and the I
6 guess RFP that's out there. Where does that
7 stand? And why is there not a requirement
8 that there be an interconnect within New York
9 State somewhere higher up in the Hudson so
10 that our upstate producers can put energy
11 into it?

12 NYSERDA ACTING PRESIDENT HARRIS:

13 Thank you for the question.

14 So NYSERDA has issued the RFP that is
15 soliciting proposals. It's known as Tier 4,
16 which is soliciting proposals specifically
17 for renewables delivering into Zone J, or the
18 New York City region. Governor Cuomo
19 outlined potential projects that may be
20 considered as transmission routes for this
21 RFP, but we are in a competitive process and
22 the bids are due in May. So we will
23 certainly see what the market brings forth as
24 to projects.

1 However, with respect to the question
2 of New York, I'll say New York generation is
3 competing as part of this RFP. We did
4 include a requirement for projects that would
5 require all projects to submit at least one
6 bid that included a provision for New York
7 on-ramps, if you will, to bring New York
8 generation from our renewable generators,
9 potentially upstate, into downstate regions.

10 So we will be able to look at those
11 bids in the spring and summer, compared to
12 one another on this competitive RFP.

13 SENATOR O'MARA: Chairman, nothing
14 else to add? You're not involved in that?

15 PSC CHAIRMAN RHODES: No. I think
16 that our -- our main involvement was to shape
17 the Tier 4 in the order that we issued, I
18 believe in October, that then charged NYSERDA
19 to go out and execute an RFP and potentially
20 an award which goes along these lines.

21 I'm not sure whether you were also
22 asking about the status of the line itself,
23 the CHPE line. They have an existing permit.
24 They continue to amend it. And I'm not sure

1 what the technical term is, but that they're
2 tweaking it. They're very -- they're modest
3 modifications. I believe they just submitted
4 another one. So the gist of it is they're
5 probably pretty close, from a permitting
6 point of view, but it depends on, you know,
7 whether they continue to find dial
8 adjustments that they need -- they feel the
9 need to do.

10 SENATOR O'MARA: I just want to note
11 my interest in having that on-ramp, so to
12 speak, for our upstate providers to do that.

13 PSC CHAIRMAN RHODES: Excellent.

14 SENATOR O'MARA: I'll move on to the
15 CLCPA and the CAC. There was a tweet after
16 Commissioner Seggos's testimony from Marie
17 French today saying that the Climate Action
18 Council, while they're going to do a
19 cost-benefit analysis, will not break out the
20 impacts and costs to the consumers or
21 businesses.

22 Now, that concerns me, of course,
23 because it's going to take a lot for the
24 public to get behind this type of thing

1 without knowing what the costs are going to
2 be on their ultimate utility bill or to their
3 business.

4 So that hasn't been denied on Twitter
5 by Commissioner Seggos or a representative.
6 And I'm not saying this is the be-all and
7 end-all, Twitter, by any means. But it was
8 out there concurrent with the time he was
9 testifying.

10 So what is your position on how open
11 this cost-benefit analysis is going to be to
12 the ratepayers and to businesses that are
13 paying those rates?

14 NYSERDA ACTING PRESIDENT HARRIS:
15 Certainly. Yes, it is critical to all of us
16 that our work under the Climate Action
17 Council is transparent. And I know
18 Commissioner Seggos was clear in that respect
19 earlier today as well.

20 And so as we head through 2021, we
21 will be considering costs and benefits as
22 part of our integration analysis that will be
23 conducted this spring. This cost-benefit
24 analysis is going to look at what we call

1 societal costs associated with the policies
2 that we will be considering as a council, and
3 those that are advanced by the advisory
4 panels themselves as well.

5 So we will look at costs and
6 implementation considerations through that
7 analysis, as well as the emissions and health
8 and job benefits that we know will come from
9 these scenarios.

10 SENATOR O'MARA: Well, I guess my
11 question is --

12 NYSERDA ACTING PRESIDENT HARRIS: And
13 then, after the scoping plan -- let me --
14 I'll just finish, and I hope this last piece
15 will answer your question.

16 At the completion of the scoping plan
17 and as specific programs and policies are
18 advanced, we will be looking at the specific
19 costs of implementation to consumers. To
20 your point, regulated entities, we will be
21 conducting these analyses as we look at the
22 specific programs and policies on a very
23 consumer-level basis, policy by policy. So
24 that will be happening after the scoping

1 plan.

2 SENATOR O'MARA: I certainly encourage
3 you and -- to make sure that this is as
4 transparent as possible as early in the
5 process as possible, so the public can see
6 it, understand what's going on, and be able
7 to respond to it. Because it is going to
8 affect rates, without question. And people
9 deserve to know what we're going to be paying
10 for.

11 But thank you for being here today.

12 CHAIRWOMAN KRUEGER: Thank you.

13 NYSERDA ACTING PRESIDENT HARRIS:
14 Yeah, thank you. We completely agree. And,
15 you know, when we implement programs, this is
16 certainly critical to the transparency that
17 we're committed to. So we look forward to
18 that and are certainly committed to that.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Sorry to go over, Assembly.

21 CHAIRWOMAN WEINSTEIN: We go next to
22 Assemblywoman Kelles.

23 And I just want to mention we still
24 have at least eight Assemblymembers who wish

1 to speak. And the Senate is winning the race
2 of dropping out; some members are declining
3 to speak because they are mindful of the
4 clock. So anybody who wants to send in a
5 question to the PSC or NYSERDA instead of
6 speaking now, we would welcome that. But now
7 let's go to Assemblywoman Kelles.

8 PSC CHAIRMAN RHODES: Chair Weinstein.
9 Chair Weinstein, can we just go on record as
10 saying we will of course reply to anything
11 that comes in through one of the other
12 channels.

13 CHAIRWOMAN KRUEGER: Excellent. Thank
14 you.

15 CHAIRWOMAN WEINSTEIN: Thank you,
16 Mr. Rhodes.

17 Assemblywoman Kelles, you're on.

18 ASSEMBLYWOMAN KELLES: Thank you so
19 much. I know we've all been here for a very
20 long time, so thank you for your patience.

21 And I wanted to just add some comments
22 to what Senator Hinchey was saying about
23 broadband. You know, there has been a lot of
24 controversy with respect to the estimates.

1 And I heard that you were going to share some
2 information with her about how those were
3 estimated. I'm particularly concerned with
4 the estimation of census blocks and how, as
5 long as there's one house in that census
6 block, then it's considered to have access.
7 That isn't necessarily true in the rural
8 areas. So I would love to hear more
9 information about that.

10 The other comment that I wanted to
11 make -- it's in addition to what Senator May
12 was saying -- I really appreciated, Chairman
13 Rhodes, your comment about expanding and
14 considering all options. And I wanted to add
15 the Southern Tier Network, which is a
16 nonprofit and has been successful in
17 expanding about 500 miles of middle fiber and
18 are looking into middle and last-mile fiber
19 networks throughout the whole Southern Tier.

20 So any way that we can help those
21 types of programs, nonprofits that are
22 partnering with municipalities, would be
23 really wonderful to see. I'm happy to talk
24 about this and internet work offline. That

1 would be great.

2 I'm sorry?

3 PSC CHAIRMAN RHODES: I was going to
4 respond, but I interrupted instead.

5 ASSEMBLYWOMAN KELLEES: No, please.
6 Please, no.

7 PSC CHAIRMAN RHODES: So we'd love to
8 engage with you on that, on that model. That
9 sounds good. And on the broadband, of course
10 we'll share the information with you.

11 I think on your specific interest, I
12 believe there's some initiatives at the FCC
13 that are going to go a long way to resolving
14 if I can call it the granularity need that
15 you're talking about.

16 But why don't we make that a topic of
17 discussion when we engage as well, and not
18 just with you, but with the now four or five
19 of you who have raised the same issue.

20 ASSEMBLYWOMAN KELLEES: That would be
21 great. And one more level on the
22 broadband -- and I have many other questions,
23 actually, about RGGI which I will maybe do
24 offline.

1 But the budget right now talks about a
2 \$15 per month for low-income families but
3 doesn't talk about how to reach those who
4 don't have access at all. So added into that
5 discussion that we have, I would love to talk
6 about the more rural areas as well.

7 PSC CHAIRMAN RHODES: So noted. Yes.

8 ASSEMBLYWOMAN KELLES: Okay. And then
9 just really quickly, I'm trying to get a
10 sense of what percentage of RGGI funds are
11 currently directed to environmental justice
12 and low-to-moderate-income communities and,
13 you know, what the ramp-up process is for
14 that.

15 NYSERDA ACTING PRESIDENT HARRIS:
16 Sure, yes. So the forthcoming RGGI operating
17 plan does put forward a suite of program
18 investments. And I'm pleased to say that
19 39 percent of those investments we project
20 will deliver benefits directly to
21 disadvantaged communities. So we're feeling
22 very good about that operating plan and its
23 ability to really lead with respect to CLCPA
24 compliance.

1 As we look at our pre-2020 portfolio
2 commitments, our estimate is around
3 23 percent of those benefits, just to give
4 you some point of reference. So we have made
5 very specific and material changes to our
6 portfolio in order to ensure those benefits
7 go to disadvantaged communities.

8 ASSEMBLYWOMAN KELLES: Thank you so
9 much.

10 NYSERDA ACTING PRESIDENT HARRIS:
11 Thank you.

12 CHAIRWOMAN KRUEGER: Thank you. So
13 i's back to the Senate?

14 CHAIRWOMAN WEINSTEIN: Senate, yes.

15 CHAIRWOMAN KRUEGER: Okay. So I'm the
16 last Senator, and I'm not going to take that
17 long.

18 First, I want to thank John Rhodes for
19 his true public service to the state for I
20 don't know how many years. I feel
21 like almost --

22 PSC CHAIRMAN RHODES: Seven.

23 CHAIRWOMAN KRUEGER: Seven years? Oh,
24 okay, not that long. Although I would like

1 to point out, in fact, because he is leaving,
2 and so, Acting Chair of the Public Service
3 Commission, I was looking around for other
4 people in energy and other related activities
5 for the Governor, and all the seats are gone.
6 Everybody's run for the hills. So I hope
7 you're ready to handle pretty much every job
8 because, you know, the second floor just
9 doesn't seem to have many people left working
10 on this. You're losing your colleague and
11 partner at PSC. You know, Basil has a big
12 agency to run, as you saw this morning with
13 the endless questions that didn't even touch
14 on energy or the environment in particular.

15 So tell me, what are these bottlenecks
16 to transmission improvements in our state? I
17 feel like 19 years I've been in the Senate,
18 and for 19 years people have been telling me
19 the fundamental problem is we don't have an
20 adequate transmission line system so no
21 matter how much progress we tend to be making
22 on alternative environmentally sound energy
23 production, if we can't get it from one part
24 of the state to the other, we've flunked our

1 test.

2 So how are we really going to just
3 take care of this once and for all?

4 PSC CHAIRMAN RHODES: So we actually
5 looked at that very issue. We just published
6 a study called the Power Grid Study which
7 looked at transmission associated with
8 offshore wind, transmission associated with
9 onshore renewables at the bulk level, the 100
10 by '40 objective, as well as unbottling at
11 the sub-bulk level.

12 And an important conclusion was that
13 we -- for 2030 there's very little bulk
14 transmission that we really need to do in
15 order to unlock the renewables that we have
16 in mind. There is one southeast New York
17 Long Island to whatever, Westchester and New
18 York City, the mainland, that would be a good
19 addition.

20 But the bulk side, under the
21 Governor's leadership and his Clean Energy
22 Highway and Smart Path and the 250 miles that
23 he just talked about, and Tier 4 that Doreen
24 talked about, really has put us in a

1 remarkable position, and I think perhaps
2 surprising to folks.

3 We still need to do a lot on the
4 sub-bulk, on the country roads, to get to the
5 highways, there's no doubt about that. And
6 we're taking that up in this commission -- in
7 fact, some of it before I go.

8 If I can just respond to your comment
9 about succession, you're right to say that
10 Doreen is probably capable of doing
11 everything. That part's right. But I do
12 know that the Governor's office really has an
13 active and promising search going on.
14 They'll announce when they're ready, but
15 I'm -- they'll get someone good, I have no
16 doubt about that.

17 CHAIRWOMAN KRUEGER: Look, I think
18 there's multiple people that are missing
19 right now. I know you referenced earlier in
20 an answer to a question that you had
21 confidence in that new siting office within
22 the Department of the Secretary of State. We
23 tried to find it. There's one person, and
24 they don't have a phone number. That didn't

1 really make me feel very good about how much
2 work is going to get done through that
3 system, just as an example.

4 PSC CHAIRMAN RHODES: We'll have to
5 correct the brand image of that office for
6 you.

7 CHAIRWOMAN KRUEGER: Yes. Is there
8 more than one person in that office?

9 PSC CHAIRMAN RHODES: Yes.

10 CHAIRWOMAN KRUEGER: Okay. And they
11 don't have other jobs?

12 PSC CHAIRMAN RHODES: Well, they're
13 still doing the regs. But yeah, their only
14 job is this job, yes.

15 CHAIRWOMAN KRUEGER: Okay. Okay.
16 Because it wasn't clear that they do that
17 over there at the Department of the Secretary
18 of State.

19 And I feel, Doreen, that you want to
20 also jump in here.

21 NYSERDA ACTING PRESIDENT HARRIS:
22 Well, yes. As the last person standing here,
23 per your statement, I want you to know that
24 it is the case that we as a state

1 collectively -- you know, I know I should be
2 speaking for NYSERDA alone. But broadly, the
3 progress that we are making is proof positive
4 of the people that are working every day and
5 every day in and out to make these CLCPA
6 goals real.

7 And the fact that we alone have
8 projects entering construction -- in
9 preparation for this hearing, that we have
10 20 projects entering construction in 2021 is
11 proof positive that indeed the work of these
12 agencies is making progress in ways that are
13 very tangible and very -- and make the goals
14 of the CLCPA very achievable.

15 So yes, there's some transition that
16 we will see in the agency heads, but rest
17 assured there is strong leadership and strong
18 levels of work being completed in many
19 respects across the state.

20 CHAIRWOMAN KRUEGER: Thank you both
21 for your service and your work. And
22 Assemblywoman Weinstein, I'm just going to
23 turn off my mute for a while and let the
24 Assembly people take it from here. Turn on

1 mute.

2 CHAIRWOMAN WEINSTEIN: Okay, yes. As
3 I said, we do have at least eight members --
4 someone came off the list, but then two got
5 added, so I'm not going to encourage people
6 to get off anymore.

7 So next we have Assemblywoman
8 Pam Hunter.

9 But I would ask members to really be
10 mindful of the clock. We have many public
11 advocacy witnesses who have been waiting all
12 day to speak to the committee. Thank you.

13 ASSEMBLYWOMAN HUNTER: Good evening.
14 And thank you, Chair Weinstein, and also
15 President Harris. And it's good to see you,
16 Mr. Rhodes, I guess for your short term
17 getting ready to leave.

18 I made mention of these comments a few
19 years back, and I'm going to bring them up
20 again, and it is related to the rate case for
21 National Grid. And I am advocating,
22 obviously, for Onondaga County here and
23 Central New York.

24 During the time of this rate case in

1 Onondaga County, the county legislature
2 during this time increased an energy tax
3 effective September 1st. And also during
4 this time, the City of Syracuse has ramped up
5 their collection activity for parking
6 tickets. I know this doesn't really relate,
7 you know, but it does, because we really are
8 preying on our most poor. That doesn't also
9 include the outstanding medical debt that
10 these hospitals are now asking to collect.
11 And that doesn't include now that the Thruway
12 has increased 30 percent or has a 30 percent
13 tax on folks who don't have an E-ZPass. What
14 about the people who don't have a bank
15 account?

16 And I set the stage for you because
17 we're at it again, where a huge power company
18 is asking for a rate increase. The last time
19 we had this conversation they needed to, you
20 know, have operational expenses, they needed
21 to increase their pipeline and do some work.
22 And here we are again a couple of years
23 later, asking for another rate increase. I
24 did go to the public hearing. I didn't give

1 testimony. They say they have a debt pool of
2 \$50 million. That doesn't even touch the
3 outstanding amount of debt that is owed to
4 National Guard.

5 So I'm asking when do we take
6 everything into consideration relative to a
7 rate increase -- not just the company, but
8 all of the factors that are involved related
9 to where people live? I do represent a
10 community that has the highest concentration
11 of poverty for people of color in the
12 country. It's recorded. It's a fact. And
13 yet and still, these are the same folks who
14 are going to have to turn around and pay
15 again. So that's my first question.

16 My second question is to
17 President Harris, related to our old housing
18 stock. We have a Rust Belt city. My own
19 home is almost a hundred years old; in two
20 years it will be 100 years old. We have
21 landlords who own homes, but essentially
22 they're not energy efficient enough. And
23 because it's not a nonprofit and because
24 they're not asking, it's a situation tenants

1 who live there are paying sky-high rates for
2 utilities because they are not
3 energy-efficient properties.

4 So what can tenants and landlords who
5 aren't asking for it, but whose tenants need
6 to be able to get some kind of relief in
7 order to be able to pay these sky-high bills?
8 Thank you very much.

9 CHAIRWOMAN WEINSTEIN: Okay, so you
10 have managed to use all your time to ask
11 questions. If the witnesses can just very
12 briefly respond.

13 PSC CHAIRMAN RHODES: So I'm sorry to
14 say that there's -- there is a pattern of
15 high-cost proposals coming into the PSC. I
16 think we've got a pretty good track record of
17 whittling them down. I believe the recent
18 ones we've been knocking 75 percent off
19 the -- or even more off the initial proposal.

20 And I'll just say that in these COVID
21 times, I assure you we are deeply sensitive
22 to the burden, the energy burden associated
23 with these costs and the economic distress
24 that's happening across the state, but also

1 in your community. We will -- we will go to
2 the mat to keep these costs down.

3 NYSERDA ACTING PRESIDENT HARRIS: Yes.
4 And in NYSERDA's perspective, you know, the
5 program that has been most notably relevant
6 for the types of households that you're
7 referring to is EmPower NY, which provides
8 low-income households, including renters,
9 with no-cost energy efficiency assessments
10 and upgrades, with NYSERDA covering
11 100 percent of the project cost.

12 I think, you know, specifically that's
13 the best example. The Governor in this
14 year's State of the State initiated a new
15 program called Raise the Green Roof, where
16 we'll be working with HCR on similar types of
17 investments in their housing stock. So some
18 examples for you of your commitment.

19 CHAIRWOMAN WEINSTEIN: Okay. Thank
20 you so much. Perhaps some additional
21 follow-up to --

22 PSC CHAIRMAN RHODES: Of course.

23 CHAIRWOMAN WEINSTEIN: --
24 Assemblywoman Hunter offline, or to the

1 committee.

2 We go now to Assemblyman Burdick.

3 ASSEMBLYMAN BURDICK: Thank you.

4 Thank you, Chair Weinstein.

5 And President Harris and
6 Commissioner Rhodes, thank you for your
7 excellent work.

8 I've been working with Westchester
9 mayors and supervisors who wish to have CCA
10 regulations updated. A number of us met last
11 January with DPS staff, requesting
12 elimination of the utility switch letter when
13 a CCA negotiates new contracts with energy
14 providers. And we also requested elimination
15 of the ZEC charge for CCA electricity
16 customers if the municipality is purchasing
17 qualified power in New York State RECs.

18 We'd also like to have CCA programs be
19 able to purchase green supply directly from
20 the renewable supplier. And I think that
21 really relates to what Senator Krueger spoke
22 about in terms of capacity transmission
23 lines.

24 And linked to that is that I

1 understand that NYSERDA and NYPA are working
2 with CCA programs to utilize NYPA
3 transmission lines to transmit renewable
4 power from upstate to downstate. And I'm
5 just wondering if you can give an update on
6 updating the regulations, which we had
7 thought were going to be -- rulemaking would
8 be March of last year, and also on the NYPA
9 transmission lines.

10 PSC CHAIRMAN RHODES: So on the
11 rulemaking, what I do know is that we have --
12 we're very close to our CCA proposal to put
13 out for comment, so that should be
14 forthcoming. And I believe that addresses
15 most -- or considers most of the suggestions
16 that you're talking about, as well as many
17 others. It's benefited from a lot of input.

18 But I will check with you and ask
19 permission to connect with you, you know, on
20 this.

21 ASSEMBLYMAN BURDICK: That would be
22 great. Thank you.

23 And I guess it's a question for
24 President Harris regarding NYPA and NYSERDA

1 discussions. Are you familiar with that? I
2 know Sustainable Westchester has been working
3 on that, and wondering whether you know the
4 status and the timing.

5 NYSERDA ACTING PRESIDENT HARRIS: We
6 will have to get back to you on the timing.
7 Although I will say we are actively engaging
8 to specifically assist these, as you describe
9 it, local governments and administrators with
10 respect to these types of programs. It's
11 just the specific timing certainly that we
12 need to -- I need to check on.

13 I will note, in case it's relevant for
14 your considerations, the fact that just
15 yesterday we launched the Clean Energy
16 Communities Leadership Round, making
17 \$17 million available for an additional set
18 of high-impact actions that may be relevant
19 in this context as well. That was a big
20 milestone to expand on a very successful
21 program.

22 ASSEMBLYMAN BURDICK: Thank you.

23 The last question -- and I can take
24 this offline -- is --

1 CHAIRWOMAN WEINSTEIN: Yeah, I think
2 Chris, if you could, because we do have 30 --

3 ASSEMBLYMAN BURDICK: Okay. I'll
4 email it. Thank you.

5 CHAIRWOMAN WEINSTEIN: -- people,
6 nongovernmental people waiting to testify.

7 ASSEMBLYMAN BURDICK: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you so
9 much. And we can, for yourself -- and I know
10 Assemblyman Anderson is taking his name off
11 the list -- if you or anybody needs helps
12 in -- needs us to help facilitate some
13 communications, please let us know and my
14 office staff will help work that out for you.

15 Assemblyman Mamdani, Zohran, you're
16 up?

17 ASSEMBLYMAN MAMDANI: Thank you so
18 much. I'm just waiting for the video to turn
19 on. In the meantime I -- oh, here we go.
20 There we go. Thank you so much.

21 Hello, President Harris. Hello, Chair
22 Rhodes. How are you? My name is Zohran
23 Mamdani. I'm an Assemblymember representing
24 the 36th District in Astoria. I will be very

1 brief -- I will try to be.

2 So President Harris, I wanted to ask
3 you a question that I asked Mr. Basil Seggos
4 this morning. He said that you would be the
5 better person to ask this of, so I wanted to
6 make sure I got a chance to do so.

7 So offshore wind leases have been
8 awarded to Equinor and Ørsted. Both are
9 state-owned energy companies owned by the
10 governments of Norway and Denmark
11 respectively. And I wanted to ask why
12 shouldn't the New York Power Authority be
13 permitted to bid on, build and own offshore
14 wind? And a follow-up question of what are
15 the obstacles to that?

16 NYSERDA ACTING PRESIDENT HARRIS:
17 Certainly. And I do remember your question
18 this morning, which seems a long time ago.
19 But I'm glad to speak with you, particularly
20 about the topic of offshore wind.

21 You know, the projects that NYSERDA
22 has awarded -- again, the Governor's
23 announcement of the two major awards in this
24 year's State of the State were to Equinor and

1 previously two contracts, one to Equinor and
2 Ørsted -- are driven by the generation
3 owners, who actually obtain leases from the
4 federal government. And in this case those
5 are the companies that are the holders of
6 offshore wind leases and therefore eligible
7 to bid in NYSERDA's auctions and our
8 solicitations.

9 NYPA is not a leaseholder and is
10 therefore unable to produce a generation
11 project that would be eligible to compete.

12 You know, with respect to offshore
13 wind, it is true that NYPA has a very
14 important role in leading with respect to
15 offshore wind development. But the role that
16 they are playing on behalf of New York State
17 is to leverage their vast expertise with
18 respect to transmission infrastructure, to
19 assist specifically with the onshore
20 transmission component of various offshore
21 wind projects.

22 So NYPA is bringing their skills to
23 bear, but from a transmission perspective,
24 not a generation perspective.

1 ASSEMBLYMAN MAMDANI: With just
2 40 seconds left, I'm going to be very, very
3 quick with a second question that I was
4 wondering about.

5 So recently investigators discovered
6 that \$19 million of NYPA's funding was
7 diverted to build lighting in the Moynihan
8 Train Station. And this harkens back to
9 Governor Cuomo's use of \$5 million in MTA
10 funding to bail out ski resorts.

11 What can we do to protect NYPA funding
12 from pet projects and ensure that it's
13 actually being spent on green renewable
14 energy and supplying it to New Yorkers?

15 PSC CHAIRMAN RHODES: I'm afraid we're
16 not -- I'll speak for myself. I'm just not
17 familiar with those facts. And I'm not sure
18 we're the right entity to give an answer.

19 ASSEMBLYMAN MAMDANI: I appreciate
20 that. I'll send an email with reference to
21 the facts themselves. But thank you for your
22 time.

23 NYSERDA ACTING PRESIDENT HARRIS:
24 Thank you.

1 CHAIRWOMAN WEINSTEIN: Now we go to
2 Assemblywoman Griffin.

3 ASSEMBLYWOMAN GRIFFIN: Okay, good
4 evening. Good evening, Commissioner Rhodes
5 and President Harris.

6 Chairman Rhodes, I've appreciated
7 working with you over the past couple of
8 years, and I wish you all the best after your
9 term comes to a close.

10 I have two questions regarding the
11 public takeover of American Water. The Town
12 of Hempstead relied on an out-of-date study
13 that did not even include my Assembly
14 district, where a large percentage of
15 constituents are served by American Water.

16 Last year I introduced a bill that I'm
17 reintroducing this year which calls for a
18 study of a public takeover which includes my
19 district, which is a large portion of the
20 Town of Hempstead.

21 So my question to you is, I wondered
22 how can the PSC make a decision unless there
23 is a study that really includes the entire
24 region? And then --

1 PSC CHAIRMAN RHODES: That's a bit of
2 a trick question. Can I just make a
3 statement?

4 ASSEMBLYWOMAN GRIFFIN: Yes.

5 PSC CHAIRMAN RHODES: Why don't we
6 make sure the study is the study that's
7 needed and it's thorough, and we will
8 undertake to do that.

9 ASSEMBLYWOMAN GRIFFIN: Okay. And
10 then my follow-up to that is while we have --
11 Liberty Utilities is ready to buy
12 American Water, can we be assured that no
13 decision will be rendered on that until we
14 really look into the possibility of a public
15 takeover?

16 PSC CHAIRMAN RHODES: I -- let me
17 reframe it, as we really need to understand
18 the options before we make a decision. And
19 so that's definitely the commitment.

20 ASSEMBLYWOMAN GRIFFIN: Okay, that's
21 fair.

22 And one final question is -- I don't
23 expect a response now. But in light of all
24 the difficulties we had with our utilities

1 serving us after the storm this summer, I
2 would love to have the PSC provide us with
3 plans and reforms for oversight and
4 accountability so in future storms,
5 Long Island and the rest of New York State
6 could be better served by our utilities.

7 PSC CHAIRMAN RHODES: Absolutely.

8 ASSEMBLYWOMAN GRIFFIN: Thank you very
9 much.

10 PSC CHAIRMAN RHODES: Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 Next we have Assemblyman Carroll.

13 ASSEMBLYMAN CARROLL: Thank you,
14 Chair Rhodes and President Harris. And
15 Chair Rhodes, I will miss being able to talk
16 to you. You've always been a sober and
17 knowledgeable voice on these topics.

18 And so I'm going to just ask a very
19 broad question. You know, it looks from my
20 analysis that we currently produce about 4 to
21 5 percent of our energy from wind and solar.
22 Yet by 2030, you know, we're supposed to ramp
23 up to 70 percent renewables, is that what
24 we're supposed to hit? You know, where --

1 what are the benchmarks that we should be
2 hitting over the next 10 years? How can we
3 do that?

4 And in that same vein, if we're
5 supposed to be making these giant leaps in
6 renewables, specifically wind and solar, why
7 would the PSC not deny the application for
8 the peaker plant, the natural gas peaker
9 plant that I think, I believe, is going
10 forward in Newburgh right now? How are we
11 going to actually meet these goals of the
12 CLCPA? Because I have constituents who
13 consistently point to the CLCPA, think we're
14 doing something, but then when you look at
15 the numbers it seems like all of our
16 non-carbon energy production is still from
17 nuclear and hydroelectric dams built decades
18 ago.

19 NYSERDA ACTING PRESIDENT HARRIS:

20 Sure. I'll start, and then I'm sure Chair
21 Rhodes would want to jump in.

22 But I want to convey the fact that we
23 are very confident in our ability to reach
24 the 70 percent renewable energy goal codified

1 within the CLCPA. Where we sit today,
2 between our hydroelectric baseline, as I call
3 it, and our new wind and solar assets, we are
4 at about 27 percent renewable, according to
5 our most recent reporting. And when we add
6 the projects that are now awarded and
7 contracted by the state, as announced by
8 Governor Cuomo through his State of the State
9 address, when those enter operation we will
10 be exceeding 50 percent renewable energy
11 serving our load at that point.

12 And so that's tremendous progress. I
13 will agree that there is work to do to get
14 from 50 to 70. Actions we are taking to do
15 so include the Tier 4 RFP that we have on the
16 street right now, which is a real game
17 changer to decarbonize our New York City grid
18 and broadly achieve our Clean Energy Standard
19 goals. But in addition, we will continue our
20 march in bringing forth additional offshore
21 and land-based renewables to get to that
22 70 percent goal.

23 And as I had referenced briefly
24 before, these projects are not just

1 contracts. They are steel in the ground.
2 This year alone, we have 20 different
3 large-scale renewable energy projects
4 entering construction. You know, these are
5 the projects that will not only bring jobs
6 but megawatt hours generating toward this
7 goal.

8 So certainly work to do, but
9 incredible progress and tangible progress as
10 well.

11 Chair Rhodes?

12 PSC CHAIRMAN RHODES: Yes. So on
13 Danskammer, I believe, I think -- so
14 there's -- the regulatory answer is there's a
15 decision that's coming before us, so I can't
16 really comment. The factual answer is there
17 has been no decision on this plant yet.

18 So it's before us in an early stage.
19 And that's all -- that's probably all I can
20 say. But it has -- it's not gotten a yes,
21 and it hasn't gotten a no. But it's -- it's
22 in early stages.

23 ASSEMBLYMAN CARROLL: Fair enough.

24 CHAIRWOMAN WEINSTEIN: Thank you. We

1 now go to -- I believe our final couple of
2 colleagues have taken their name off the list
3 and will be reaching out separately. But we
4 go to our final Assembly speaker,
5 Assemblyman Burke.

6 Sorry about the Bills.

7 ASSEMBLYMAN BURKE: Not cool. Not
8 cool bringing up the Bills.

9 CHAIRWOMAN WEINSTEIN: Yeah, I don't
10 see a background anymore.

11 ASSEMBLYMAN BURKE: Yeah. No, no, I
12 had to take it down.

13 So thank you all for your hard work
14 today, so I'll be quick and respectful of
15 that.

16 You know, sort of piggybacking on what
17 Senator Hinchey had said, you know, we're
18 doing all of these large, ambitious renewable
19 energy projects, which I'm happy about. But
20 how it benefits our communities where we are,
21 where the energy is being produced, is
22 obviously to someone in Western New York and
23 the Niagara Power Plant. So I have a couple
24 of questions about that.

1 One, how is that plant being -- is the
2 plant being utilized fully to produce, you
3 know, clean energy? How much are we using it
4 properly and fully?

5 And two, you know, just -- I know we
6 have a relationship with Ottawa Hydro, but
7 when I look at Ottawa's, you know,
8 residential per-kilowatt costs, it's about
9 6.6 cents for the people in Ottawa to benefit
10 from clean hydropower. When I look at
11 Buffalo and the Western New York regions,
12 it's about 11.5 cents.

13 So, you know, I would certainly like
14 to see our -- my local region benefit from
15 that. And if not, you know, there are plenty
16 of other important -- the Biden
17 administration certainly made it very clear
18 that they want to find new ways to, you know,
19 use electricity for transportation, for
20 residential buildings. And we have this big
21 old power plant there, and we're not seeing
22 as many benefits as I would like to see.

23 So if we're doing all of these big
24 projects, you know, I want to see there be

1 real benefits. And I feel like many times
2 we're not seeing it from the Niagara Power
3 Plant from my region. So I guess it's more
4 of a statement, but if you have any -- if
5 you're going to opine at all, I'd appreciate
6 it.

7 PSC CHAIRMAN RHODES: Well, only to
8 suggest that we get together and we include
9 NYPA. I mean, I think NYSERDA and us and
10 then NYPA talk. I think there's probably
11 more avenues for local benefit than you're
12 aware of. And that's going to take us
13 through those, and then if there's -- if we
14 can come up with further ideas, I think that
15 would be good. Because certainly your
16 community isn't the only one that's asking
17 those kinds of questions. So let's get
18 together.

19 ASSEMBLYMAN BURKE: Sure.

20 And then on the follow-up on
21 broadband, you know, we talked about this
22 98 percent. But I would certainly hate to
23 see any state dollars or any public money
24 being utilized to continually invest in

1 coaxial cable buildout. You know, for me I
2 feel like it's this antiquated technology.
3 So when we were connecting with Time Warner
4 and including all of that network, you know,
5 it's really this very dated technology. And
6 I would hope we would be focusing on fiber
7 buildout if we're going to -- you know, when
8 what we're really looking at are maps of what
9 the true future of that industry is.

10 PSC CHAIRMAN RHODES: We can look at
11 that. I think the BPO grantees, you know,
12 need to have the freedom to fulfill their
13 grants in the best way that makes sense.

14 But as a practical matter, it's not
15 really a technology for the future. But we
16 can look into how prevalent that is, with
17 ESD.

18 ASSEMBLYMAN BURKE: Okay, thank you.

19 PSC CHAIRMAN RHODES: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you. So
21 we are -- that's the last Assemblymember for
22 this panel, so --

23 CHAIRWOMAN KRUEGER: All right.

24 PSC CHAIRMAN RHODES: Chairs?

1 CHAIRWOMAN KRUEGER: Yes.

2 PSC CHAIRMAN RHODES: May I ask for
3 just 10 seconds, which is -- many of you have
4 said nice things about me. I just want to
5 return the sentiment.

6 Some of you I've only met this time,
7 but many of you I have worked with over the
8 years. And New York has some awfully fine
9 public servants. So thank you very much.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much. And good luck with whatever comes up
12 for you next. Thank you. But both of you
13 are now released for this evening.

14 Apparently, John, you have many things
15 to do before you retire on February 1st, so
16 go back to your office. Or stay in your
17 office.

18 (Inaudible overtalk.)

19 NYSERDA ACTING PRESIDENT HARRIS:

20 Thank you for the opportunity.

21 CHAIRWOMAN KRUEGER: For those people
22 who have not stretched today, I really
23 encourage you to at least stand up, do some
24 kind of exercise off-camera near wherever you

1 are.

2 And for those of you who have been
3 waiting patiently for us to get past the
4 government representatives, we are now
5 starting the portion of the hearing which are
6 not the invited testifiers but those of you
7 who asked to come testify.

8 Rules of the road, you get three
9 minutes to testify. People who ask questions
10 only get three minutes, and we don't let
11 anybody extend that. I will call by panel,
12 even though no one's really getting up and
13 moving to the front of the hearing room. But
14 so I'll read off the names of the people who
15 will testify each in a row, and then after
16 that group completes their testimonies, then
17 we'll open it up to members for questions.
18 So it's not one by one, but rather, for
19 example, I think there are five groups --
20 four groups on the first panel. It's
21 possible --

22 CHAIRWOMAN WEINSTEIN: Senator
23 Krueger?

24 CHAIRWOMAN KRUEGER: Yes.

1 CHAIRWOMAN WEINSTEIN: If I could just
2 add -- I just want to clarify because there's
3 a lot of new members who are here.

4 CHAIRWOMAN KRUEGER: Yes.

5 CHAIRWOMAN WEINSTEIN: It is -- the
6 member has three minutes to ask of the panel,
7 not each individual member of the panel.

8 CHAIRWOMAN KRUEGER: Correct.
9 Correct. Thank you. Thank you very much.
10 And that's why we set it up in panels. So
11 we're going to have -- again, some of you may
12 not be here, and you just won't be there and
13 that's okay.

14 New York League of Conservation
15 Voters, Patrick McClellan. Preservation
16 League of New York State, Erin Tobin. NY
17 Renews, Stephan Edel. Open Space Institute,
18 Kathy Moser. So in that order, if the League
19 of Conservation Voters is here and can say
20 "Yes, I'm here and ready."

21 MR. McCLELLAN: Yes, I'm here and
22 ready.

23 CHAIRWOMAN KRUEGER: Excellent, thank
24 you. Feel free to start.

1 MR. McCLELLAN: Thank you, Senator
2 Krueger, Assemblyman Weinstein and members of
3 the committees.

4 NYLCV strongly supports a \$300 million
5 Environmental Protection Fund, \$500 million
6 in new funding for clean water
7 infrastructure, and timely implementation of
8 the Climate Leadership and Community
9 Protection Act. So we're very pleased that
10 the Executive Budget contains those funding
11 asks as well as new staff for the Office of
12 Renewable Energy Siting and at DEC to support
13 CLCPA implementation. We're also pleased to
14 support the NY Parks 100 ask for \$440 million
15 over four years.

16 Last year NYLCV strongly supported and
17 worked with many of you in support of the
18 \$3 billion Restore Mother Nature Bond Act.
19 We were disappointed that it was pulled from
20 the ballot, and we hope to work with the
21 Legislature this year to restore it to the
22 ballot for voter approval.

23 And as you look to identify new funds
24 to implement the CLCPA and invest in

1 environmental justice communities, we urge
2 you to look at tax expenditures that benefit
3 fossil fuels, which could be repurposed to
4 support our climate goals. I know that
5 Senator Krueger carries legislation to that
6 effect, and last year NYLCV coauthored a
7 report with the Citizens Budget Commission
8 that made further recommendations along those
9 lines, and I believe that the man who is the
10 prime author of that report now works for the
11 Senate Finance Committee, which is wonderful.

12 On clean transportation we also
13 support a Clean Fuel Standard and would like
14 to see it included in the budget.
15 Assemblymember Woerner in the Assembly and
16 Senator Parker in the Senate carry that as
17 stand-alone legislation. A clean fuel
18 standard requires producers of
19 high-carbon-intensity fuels like diesel and
20 gasoline to purchase credits from
21 low-carbon-intensity fuels like electricity
22 and biofuels.

23 As a starting point, we think a Clean
24 Fuel Standard could reduce on-road

1 transportation emissions by 20 to 30 percent
2 within a decade. And in California's
3 experience -- they were the pioneers of this
4 policy tool -- their clean fuel standard
5 resulted in over a billion dollars per year
6 of economic activity. We would expect
7 something similar in New York.

8 We also support legislation carried by
9 Senator Kaminsky to lift the artificial cap
10 on direct sales from zero-emission vehicle
11 manufacturers. Right now there are multiple
12 ZEV manufacturers who are trying to enter the
13 New York market and cannot.

14 And finally on transportation,
15 advancing environmental justice requires
16 direct investment in things like electric
17 transit buses, electric school buses, e-bikes
18 and ZEV rebates for used cars. So we're
19 pleased that the Executive Budget includes
20 funding for 100 electric transit buses; we
21 think it could go further.

22 And finally on sustainable waste
23 management, we also support legislation for
24 extended producer responsibility for

1 packaging waste. That's legislation carried
2 by Senator Kaminsky and Assemblyman
3 Englebright. This is something that can both
4 boost the total recycling rate for New York
5 State for packaging, reduce the amount of
6 packaging waste in the first place, and
7 relieve a significant financial burden on
8 local governments.

9 Thank you very much.

10 CHAIRWOMAN KRUEGER: Thank you.

11 And before we jump to the next one, so
12 you were the perfect example. Everybody's
13 full testimony is online, can be seen by
14 every Senator and Assemblymember. You only
15 have three minutes. So you did it perfectly;
16 you bulleted your key issues. Anyone who
17 starts and starts to read their testimony, I
18 can guarantee you you're not going to meet
19 the three minutes.

20 So follow the model of the first
21 testifier; highlight what you really want us
22 to get from you at this moment. Thank you.

23 Next testifier, Preservation League of
24 New York.

1 MS. TOBIN: Hi. Thank you so much,
2 Chairwoman Krueger, Chairwoman Weinstein, and
3 distinguished members of the Senate and
4 Assembly. I really appreciate the
5 opportunity to speak today on behalf of the
6 Preservation League of New York State, as our
7 statewide historic preservation nonprofit.

8 Our big ask and issue this year
9 relates to the New York State Historic Tax
10 Credit. We believe that in a period of
11 economic recovery, an increase to our State
12 Historic Tax Credit of 20 to 30 percent of
13 qualified rehabilitation cost for projects
14 under \$2.5 million will create community
15 revitalization, sustainable economic growth,
16 and the protection of our historic buildings
17 and landscapes, with an annual fiscal impact
18 of about \$2.7 million to the state. And that
19 wouldn't even be felt until the following
20 fiscal year, 2023, at the earliest. So
21 there's an outyear fiscal impact on that.

22 It creates jobs and it brings in
23 local, state and federal tax revenue, as well
24 as being a key driver in providing affordable

1 housing throughout New York State.
2 Assemblywoman Woerner and Senator Kennedy are
3 carrying a bill on this. We're awaiting the
4 bill numbers. But we're hoping to see the
5 language in those bills reflected in the
6 one-house. So thank you for your
7 consideration on that.

8 We're also supportive of the
9 Governor's proposed investments at Parks and
10 DEC, with a focus on New York State Historic
11 Sites as well as historic buildings and
12 structures located within our parks.

13 We support the renewal of the
14 Environmental Protection Fund at
15 \$300 million, noting the significance of the
16 Historic Preservation Grants allocated within
17 the park's budget there. And we also hope
18 that the funds that are authorized in the
19 fiscal year 2021 budget for that program are
20 released, in addition to the grants that we
21 hope will be authorized in fiscal year 2022.

22 In terms of renewable energy, we
23 strongly believe in the importance of
24 renewable energy to ensure a sustainable

1 future, and we believe that renewable energy
2 and sensitivity to our state's culturally
3 significant places can work together as
4 complementary goals. And we trust that the
5 state will continue to follow our state and
6 federal Historic Preservation Acts.

7 I want to call your attention to the
8 Governor's proposed Empire Station District
9 in New York City, which we applaud the
10 expansion of rail, but that project is going
11 to be one of the largest demolition and urban
12 renewal projects in recent history. And so I
13 urge the Legislature to consider the
14 extraordinary environmental impacts of that
15 level of demolition and new construction, and
16 while balancing the goal of expanded rail
17 access that we all know is so important.

18 Finally, the Governor's proposed
19 economic investment of \$40 million in NYPA's
20 Reimagine the Canals project. While we
21 applaud the investment in our canal system,
22 we believe that the best future for it is
23 capitalizing on its authenticity. And we
24 hope that he maintains the Erie Canal as the

1 Erie Canal, not the Empire Line, because we
2 don't want to rename the Brooklyn Bridge or
3 Niagara Falls or the Erie Canal.

4 Thank you for your time and attention
5 today, and for inviting me to testify.

6 CHAIRWOMAN KRUEGER: Thank you.

7 And we know the great song "Erie
8 Canal," so we don't want to lose the song
9 either.

10 I'm sorry, NY Renews.

11 MR. EDEL: Thank you for the
12 opportunity to testify today. I'm presenting
13 testimony on behalf of NY Renews, a
14 multi-sector coalition of over 250
15 organizations representing all regions of the
16 state and sectors.

17 While it's clear -- and it's been
18 discussed a lot today -- that the CLCPA has
19 already had a huge impact on state
20 operations, there is a lot of work yet to be
21 done. We've seen, as New Yorkers are dying
22 and losing their jobs from the COVID-19
23 pandemic and the ensuing economic crisis,
24 that pollution and the climate crisis are

1 deeply linked to the current health crisis.
2 And so these issues go far beyond traditional
3 issues of energy.

4 Both of these crises are also deeply
5 uneven, hitting low-income and people of
6 color hardest.

7 We recommend three ways for the
8 Legislature to continue its leadership on
9 climate and climate justice leading forward
10 from the CLCPA. First, we need to ensure a
11 just recovery. We can't wait for the federal
12 government when the New York State agencies
13 and authorities were handed a tremendous task
14 to make the CLCPA real and are now facing
15 budget cuts that undermine those efforts in
16 many agencies. New York State needs
17 additional revenue to maintain vital services
18 and make your vision behind the CLCPA real.

19 Leadership here requires both that the
20 state act on climate and environmental
21 justice, and that those efforts are front and
22 center for every arm of state government.

23 Second, you led the charge for the
24 CLCPA. Please continue to lead on climate

1 justice by including the Climate and
2 Community Investment Act in both one-house
3 budgets and the New York State budget and
4 making it law. We need new dedicated
5 revenue. And I just want to make very
6 clear -- there's been a lot of discussion
7 today on how much New York State is already
8 doing. But the reality is, as has been
9 highlighted, there's a lot more to do and we
10 need dedicated revenue to do it.

11 Third, we need to live up to the
12 mandate and ensure spending. And there's
13 been some discussion of this today, that
14 40 percent of funding is legally mandated in
15 New York to go to disadvantaged communities
16 for clean energy projects. And we need a
17 budget that reflects that in law whenever the
18 appropriate elements are there.

19 This is what New York leading on
20 climate looks like. This is what we can do
21 together as a Legislature, and we can move
22 forward from here.

23 Thank you very much for your time
24 today. I look forward to working with you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 And our last on this panel, from the
3 Open Space Institute.

4 MS. MOSER: Hi, I'm Kathy Moser. I'm
5 the chief conservation officer for the
6 Open Space Institute.

7 For those of you that don't know us,
8 we are based and founded here in New York.
9 We go up to Canada and down to Florida, and
10 we've protected 2.3 million acres of land.

11 And for the most part, we are happy
12 with the Governor's Executive Budget, but
13 with a few caveats.

14 So first of all, with a \$300 million
15 EPF, that is fantastic. But I would ask the
16 two budget committees to make sure that the
17 funds are allocated to implement the projects
18 in that EPF. It's great to have it in the
19 budget, but unless we have an allocation of
20 funds, those programs can't keep moving.

21 We are thrilled that the Governor is
22 allocating \$440 million for the 100th
23 anniversary of State Parks and the
24 \$75 million for DEC's Adventure NY program.

1 And I'd like to point out that one of the
2 things OSI does is public-private
3 partnerships. And so we count on those
4 monies, and we then raise tens of millions of
5 dollars for things like the Lake Minnewaska
6 Visitors Center. We built some of the Empire
7 State Trail. We did mountain bike trails in
8 the Catskills. And so those public dollars
9 are leveraging a lot of private dollars as
10 well.

11 One of the initiatives that you'll be
12 hearing more about and we hope affects the
13 budget in the future is we're working with
14 the New York Outdoor Recreation Coalition to
15 reach out to the diversity of users for the
16 state parks and open spaces, and find out how
17 we can diversify, how we can get more people
18 of color, more members of the LGBTQ community
19 to parks and open spaces. And we hope that
20 will affect financing in the future.

21 We would love to see the Legislature
22 move forward with a \$3 billion environmental
23 bond act. And that really ties to the change
24 in administration in Washington. While

1 everybody was testifying today, President
2 Biden passed an executive order on "30 by
3 30," so to protect 30 percent of the
4 country's land by 2030.

5 Senator Kaminsky and Assemblywoman
6 Fahy have proposed similar legislation here
7 in New York. And because New York is ready
8 with things like the EPF and hopefully a bond
9 act, we will be able to leverage the increase
10 in federal funding for initiatives like "30
11 by 30." So thanks for your time tonight.

12 CHAIRWOMAN KRUEGER: Thank you.

13 And I believe we have several
14 Assemblymembers with questions, so I'm going
15 to hand it over to Helene Weinstein.

16 CHAIRWOMAN WEINSTEIN: We actually
17 have four Assemblymembers.

18 Just a reminder, the three minutes on
19 the clock is both for your question to the
20 panel and the answer from whichever panel
21 member is to answer.

22 We go first to Jen Lunsford.

23 ASSEMBLYWOMAN LUNSFORD: Thank you.

24 Can everyone hear me?

1 nonprofits.

2 ASSEMBLYWOMAN LUNSFORD: All right.

3 Excellent. Thank you all for hanging in

4 there with us.

5 I'm going to cede the rest of my time.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 So we go now to Assemblywoman Woerner.

8 ASSEMBLYWOMAN WOERNER: Thank you,

9 Madam Chairwoman.

10 Two questions, one for Mr. McClellan

11 and one for Ms. Tobin.

12 Starting with you, Erin, as we're
13 looking in the state at record unemployment,
14 can you highlight some of the job creation
15 aspects of this Historic Preservation Tax
16 Credit?

17 MS. TOBIN: Thank you, Assemblywoman
18 Woerner.

19 Yes. In the federal fiscal year 2019,
20 in New York State alone the Historic Tax
21 Credit created over 8600 jobs. And that's --

22 ASSEMBLYWOMAN WOERNER: Go ahead.

23 MS. TOBIN: I was just going to say
24 that's with over \$520 million --

1 ASSEMBLYWOMAN WOERNER: And then my
2 question -- thank you, Erin. Sorry to cut
3 you off.

4 So Mr. McClellan, the low carbon fuel
5 standard, I know Oregon and California have
6 both implemented this already. Can you speak
7 to the results that they have experienced in
8 terms of reducing greenhouse gases and
9 improving the transportation sector?

10 MR. McCLELLAN: I don't have the
11 numbers directly in front of me, but I would
12 be happy to send you the charts and graphs
13 which I do have following the hearing.

14 Generally speaking, I can say that the
15 benefits are especially pronounced for fleet
16 operators, including municipal and government
17 fleets, that there becomes a real economic
18 incentive for them that does not currently
19 exist to switch to, you know, electric
20 light-duty vehicles and for heavier-duty
21 vehicles like garbage trucks, plow trucks,
22 things like that, to use things like
23 renewable natural gas and biodiesel and other
24 fuels like that that are significantly

1 cleaner than fossil fuels.

2 I will get you the specific statistics
3 from those states, though.

4 ASSEMBLYWOMAN WOERNER: Thank you.

5 And being a budget hearing, does the
6 low carbon fuel standard cost us anything or
7 is this an industry-based incentive that is
8 fiscally neutral to the state?

9 MR. McCLELLAN: It is fiscally neutral
10 to the state. It's -- 100 percent of the
11 program costs are borne by private industry.

12 ASSEMBLYWOMAN WOERNER: Thank you so
13 much.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We now go to Assemblyman Anderson.

16 (Pause.)

17 ASSEMBLYMAN ANDERSON: Am I -- I'm
18 being unmuted?

19 CHAIRWOMAN WEINSTEIN: Hold on. We
20 can hear you. We can hear you. Go ahead,
21 Khaleel.

22 ASSEMBLYMAN ANDERSON: No, Chairwoman,
23 my question was for the last panel.

24 CHAIRWOMAN WEINSTEIN: Oh, I'm sorry.

1 ASSEMBLYMAN ANDERSON: That's fine.

2 CHAIRWOMAN WEINSTEIN: Okay. And
3 we'll help facilitate the -- I'll make sure
4 we get some communication between the two of
5 you. Thank you.

6 Assemblywoman Fahy, then.

7 ASSEMBLYMAN ANDERSON: Thank you.

8 ASSEMBLYWOMAN FAHY: Hello. I think
9 I've got this. Okay, lots of clicking.

10 Hello. Thank you to the chair, and
11 thank you to each of the panelists.

12 Thank you particularly, OSI, Kathy
13 Moser, for mentioning our "30 by 30." Yes,
14 we were thrilled the President just said he'd
15 like to do "30 by 30" over the next 10 years.
16 But we're thrilled that the President has
17 announced it.

18 A quick question, and then I have one
19 other. How would it help if we were able to
20 launch some of this in New York? How would
21 it also help? I'm thrilled that
22 Senator Kaminsky joined me on this
23 legislation over a month ago. What can
24 New York do to get ahead of this, and why is

1 it good for our economy as well? If you
2 could just briefly address this, I appreciate
3 you noting it.

4 And then I have a quick one for
5 Mr. McClellan.

6 MS. MOSER: Sure. So the OSI hosts
7 what's called the Outdoor America Coalition,
8 and that's all of the environmental groups
9 that are pushing for land and water
10 conservation funding to be increased. And so
11 I think if New York is ready with our plan on
12 30 by 30, we'll be able to access a lot more
13 of that federal funding.

14 As you probably know,
15 Assemblywoman Fahy, a lot of land and water
16 conservation funds go out West. There's a
17 lot bigger properties out there. But if
18 we're shooting to protect 30 percent of our
19 state, the same goal that the federal
20 government does, I think that we'll have a
21 much better chance of capturing some of those
22 funds.

23 ASSEMBLYWOMAN FAHY: Thank you. And I
24 really appreciate your shout-out on that.

1 Really thrilled that our new President Biden
2 has announced this now by executive order. I
3 have legislation with Senator Kaminsky, but
4 the executive order is great.

5 I appreciate that my colleague
6 Carrie Woerner already asked about the
7 historic tax credits and the economic
8 development of those.

9 But if I can go to Patrick just
10 briefly, electric vehicles -- as you know, I
11 carry a number of bills. What else can we be
12 doing? My understanding is we're not even in
13 the top 10 of electric vehicle sales.
14 Transportation emissions are such a critical
15 part of the problem of our climate change
16 issues. What more can we be doing on
17 electric vehicles to really get our state
18 fleet converted as well as more consumers
19 buying electric?

20 MR. McCLELLAN: Thank you,
21 Assemblymember.

22 So I think first of all we have to
23 expand the charging network, which NYSERDA
24 has done great work on. There are certainly

1 bills out there, including -- I believe that
2 you have sponsored some over the years to
3 ramp up installation of electric vehicle
4 charging stations and things like new
5 developments or lots and garages that are
6 owned by the government. Programs like the
7 Clean Fuel Standard would create a financial
8 incentive to spread those.

9 And then finally we have to find a way
10 to incentivize electric vehicle purchases for
11 lower-income New Yorkers. Right now most of
12 the benefits on the market to incentivize EV
13 purchases go towards higher-income folks who
14 don't really need those subsidies. So
15 figuring out how to make subsidies work so
16 that they're targeting people who actually
17 need that financial assistance, rather than
18 people who would be purchasing an electric
19 vehicle anyways.

20 ASSEMBLYWOMAN FAHY: Thank you. I'll
21 look forward to following up.

22 Thank you, Madam Chair.

23 MR. McCLELLAN: Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 Back to the Senate for our next panel.

2 CHAIRWOMAN KRUEGER: All right, thank
3 you. Thank you all.

4 The President also did an executive
5 order saying we're not going to subsidize oil
6 companies anymore. So we're really happy
7 with President Biden.

8 All right, our next group of
9 panelists, starting with Protect the
10 Adirondacks, Peter Bauer; Parks & Trails
11 New York, Will Coté; Adirondack Mountain
12 Club, Michael Barrett; Adirondack Council,
13 Kevin Chlad; and Catskill Mountainkeeper,
14 Katherine Nadeau.

15 Gee, guess what the topic is on this
16 panel.

17 All right, is Peter here?

18 MR. BAUER: I'm here. Can you see me,
19 Chair?

20 CHAIRWOMAN KRUEGER: I can see your
21 box and -- but not your face. But even if
22 you can't get your video to work -- oh, let's
23 see, where did you go now.

24 MR. BAUER: Here I am.

1 CHAIRWOMAN KRUEGER: There you are.

2 Now we can see you too. Thank you.

3 MR. BAUER: Thank you. Thank you very
4 much, Madam Chair. I'm coming to you from
5 Hamilton County in the middle of the
6 Adirondacks. We're the last stop at the end
7 of the road. We have beautiful forests,
8 lakes and mountains, but our broadband is
9 pretty poor. So I hope that I don't drop out
10 on you guys.

11 Thank you, Senator Krueger and
12 Assemblymember Weinstein, for chairing this
13 committee. Thank you to our EnCon chairs
14 Kaminsky and Englebright.

15 As we all know, this has been a
16 heartbreaking year for so much because of
17 COVID. And I thank you for all you've done
18 to keep our government open.

19 In the Adirondacks, the Forest
20 Preserve was our saving grace. The Forest
21 Preserve, the people's land, 3 million acres
22 in the Adirondacks and Catskills, during this
23 past year, during the COVID pandemic, proved
24 itself to be utterly indispensable. The

1 Forest Preserve, you know, was the saving
2 grace and a safe place for outdoor
3 recreational experiences, for socially
4 distanced recreations -- just a place to get
5 back and think that everything is okay and
6 things are not completely going nuts.

7 In the budget this year, we support
8 the Environmental Protection Fund at the
9 Governor's funding, given the challenges that
10 we have from COVID. It's mystifying, though,
11 that year after year in the Governor's budget
12 there's been a refusal to adequately invest
13 in the public Forest Preserve, to adequately
14 invest in the people's land.

15 This year the EPF has -- in the Stand
16 Land Stewardship Account, there's \$800,000
17 for overuse. The Adirondacks and Catskills,
18 the Forest Preserve, needs much more. We
19 need funding to build comprehensive
20 professional management programs in the
21 Adirondacks and Catskills. We need better
22 public education, both at the trailheads and
23 online. We need to build a world-class
24 National Park-style visitor interpretive

1 center in Keene Valley to help manage overuse
2 in the High Peaks. We need to build
3 sustainable trails, better trailheads, better
4 parking areas.

5 We need to do scientific research so
6 our public use decisions are based on
7 science, they're not based on anecdote,
8 they're not based on personal whim, they're
9 driven and based on science.

10 We need to put together comprehensive
11 management programs for the High Peaks, and
12 we need the State Land Stewardship Account in
13 the EPF to help do that. So we're hoping
14 that we can boost the amount that's going for
15 overuse in the Adirondacks and Catskills.

16 We also support the EPF funding for
17 the Adirondack Diversity Initiative under the
18 environmental justice line. We support
19 funding for the Paul Smith's and Newcomb VICs
20 in the EPF as well. We support the Bond Act.

21 A plug for some important legislation
22 coming up this year. We support the
23 conservation design legislation carried by
24 Kaminsky and carried by Englebright, very

1 important.

2 We also need to strengthen our aquatic
3 invasive species transport law this year.

4 Happy to take any questions, but thank
5 you very much for the opportunity.

6 MR. COTÉ: Looks like I'm unmuted.

7 Thank you, everyone.

8 Distinguished members of the Senate
9 and Assembly, thank you for the opportunity
10 to present testimony today on behalf of Parks
11 & Trails New York. My name is Will Coté.
12 I'm the parks program director.

13 Since 1985, PTNY has been fighting to
14 improve our health, economy and quality of
15 life through the use and enjoyment of green
16 space. We champion the protection and
17 enhancement of New York's state park system
18 and multi-use trail network, ensuring all
19 New Yorkers have access to the outdoors.

20 Our public lands have seen record
21 levels of visitation as New Yorkers seek
22 solace and refuge in nature during the
23 pandemic, highlighting the role of parks as
24 vital public health infrastructure. As

1 investments in our environment, parks and
2 trails have continued to prove themselves as
3 crucial drivers of the state's economic
4 resiliency plan.

5 This is why we applaud the Governor's
6 proposed Executive Budget. It not only
7 continues to address the renewal of our
8 iconic State Park system, but also ensures
9 that we continue the protection and
10 stewardship of our precious open spaces,
11 mitigate against the impacts of climate
12 change, and help ensure our parks and
13 historic sites are welcoming and accessible
14 for everyone.

15 We encourage the Legislature to
16 support the following proposals. First,
17 approve the \$110 million in capital funding
18 for state parks, historic sites and the
19 Empire State Trail through the NY Parks 100
20 initiative. This initiative is directly
21 responding to issues identified during
22 COVID's record use of public lands; namely,
23 creating places where residents can recreate
24 locally, relieve overcrowded parks, welcome

1 new visitors, and protect New York State's
2 environmental and historic legacy.

3 After completion of the monumental
4 Empire State Trail, Parks 100 allocates money
5 to the renovation of trail sections that were
6 built 30 or more years ago, ensuring that the
7 trail can accommodate the more than
8 8.5 million projected annual users. In fact,
9 we're already seeing evidence that trail use
10 has increased by as much as 114 percent.

11 The state park system generates
12 \$5 billion in economic activity and creates
13 over 45,000 private-sector jobs in the state.
14 Advancing this effort thus is an economic
15 investment towards our recovery. And the new
16 proposal will build upon previous investments
17 made to the NY Parks 2020 initiative, which
18 resulted in more than 900 improvement
19 projects at over 200 locations.

20 We also ask that you maintain the EPF
21 at 300 million. This will help ensure that
22 we have an environmentally just economic
23 recovery. EPF programs touch communities in
24 every corner of our state. The EPF also

1 includes \$1 million for the Park & Trail
2 Partnership Grant, which is a
3 capacity-building grant program for
4 volunteer-driven, nonprofit grassroots
5 friends groups of public lands. Since 2015,
6 111 grants have been awarded and leveraged
7 more than \$1.5 million in private investment,
8 which is benefiting park communities.

9 And the Connect Kids program, also in
10 the EPF, has provided transportation to parks
11 and environmental education centers for more
12 than 300,000 students. This, coupled with
13 other initiatives from State Parks, is
14 helping to ensure that our public lands and
15 historic sites are welcoming and accessible
16 for all New Yorkers. And at a time when
17 social and racial justice is being
18 reexamined, fostering opportunities for
19 education within traditionally
20 underrepresented communities is essential.

21 We also, finally, ask that you support
22 the \$75 million in outdoor recreation and
23 environmental protection funding at DEC to
24 help upgrade campgrounds, recreational

1 facilities and improve access.

2 Thank you very much for your time.
3 Parks & Trails New York looks forward to
4 working with the Senate, Assembly and the
5 Governor to keep momentum for our public
6 lands moving forward.

7 CHAIRWOMAN KRUEGER: Thank you.

8 And Michael Barrett next.

9 MR. BARRETT: Yes, hi. My name is
10 Michael Barrett. Good afternoon -- good
11 evening now, I guess I should say --
12 Chairwoman Krueger, Chairwoman Weinstein, and
13 honored legislators.

14 Again, my name is Michael Barrett.
15 I'm the executive director of the Adirondack
16 Mountain Club, and I'm very pleased to
17 represent our 30,000 members spread out
18 across the State of New York and testify
19 today on the Governor's Executive Budget
20 proposal, which is a bold and responsible
21 effort, particularly in this most challenging
22 budget year.

23 In particular, ADK greatly supports
24 the 300 million proposed for the

1 Environmental Protection Fund, 440 million
2 for state park capital projects, 500 million
3 for critical water infrastructure projects,
4 and 75 million for DEC capital projects.

5 While these investments are absolutely
6 critical to New York's economic recovery,
7 what's missing is a robust, targeted funding
8 effort for stewardship and sustainability in
9 the Forest Preserve. As everyone well knows
10 by now, the state has recognized that 10 to
11 12 million people a year are coming to the
12 Adirondacks and to the Catskills, and these
13 numbers have only increased as people look to
14 maintain their mental and physical health
15 during this pandemic and find solace in a
16 time of stress.

17 But because of lack of targeted
18 funding in the Forest Preserve over the
19 course of the last many years to include
20 front- and back-country infrastructure,
21 parking, restrooms, signage, we're seeing far
22 more impacts on our most cherished natural
23 resource, with highly concentrated use that
24 leads to accelerated erosion and trail

1 degradation.

2 An example of this is the Governor's
3 proposed line in the EPF which includes only
4 \$800,000 for high use in Essex County.
5 That's even down from -- by 400,000 from last
6 year.

7 To address this historically
8 underfunded stewardship of our Forest
9 Preserve, we're asking the Legislature to
10 work with the Governor for 10 million in land
11 stewardship for both the Adirondacks and the
12 Catskill Park, to include funding for
13 building and maintaining sustainable trails.
14 The fact that 12 million people are coming to
15 this area every year should be celebrated,
16 particularly since we've long searched for
17 economic development efforts in the
18 North Country as well as when we consider the
19 state's high costs for its -- in healthcare.

20 But we have to protect the resource
21 that we're using by building sustainable
22 trails, infrastructure to spread people out,
23 and education to help recreationers safely
24 and responsibly enjoy the back country. We

1 have to do this with an investment that is
2 worthy of the State of New York and that is
3 worthy of the largest protected area in the
4 contiguous United States.

5 We also must remember that funding to
6 protect our resources and become
7 environmentally resilient requires staff
8 support from the state agency whose mission
9 it is to steward these lands. About two
10 decades ago the DEC Lands & Forest Division
11 had about 50 more employees than it does now.
12 Since that time, their responsibilities have
13 grown to include having to combat invasive
14 species and added a million more acres to its
15 jurisdiction.

16 To be sure, we need more foresters,
17 trail crews, natural resource stewards,
18 contract staff and Forest Rangers to take
19 care of these lands.

20 And lastly, I want to say that ADK
21 greatly supports the reauthorization of the
22 \$3 billion Bond Act to tackle climate change,
23 prevent flooding, and to create jobs.

24 Thank you very much.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Kevin Chlad.

3 MR. CHLAD: Thanks for your time.

4 I come bearing a common refrain.

5 We've heard a lot today about the success and
6 challenges of record visitation to the
7 Adirondacks and Catskills. Nearly 500
8 search-and-rescue operations were conducted
9 last year. Most of those were in the
10 Adirondack and Catskill Parks. And many of
11 them were likely preventable. Many of our
12 High Peaks trails are severely eroded. Human
13 waste and garbage are too commonly found
14 along our most popular trails. The waters of
15 the High Peaks have tested positive for
16 E. Coli bacteria.

17 These are all symptoms of a larger
18 problem: We lack a Visitor Use Management
19 Framework, common to the most popular state
20 and national parks. Three million acres of
21 Forest Preserve constitute the majority of
22 state land ownership, yet there is no
23 dedicated funding for the stewardship of
24 these lands. The Parks 2020 program and new

1 capital commitments are laudable and needed,
2 but those funds do not reach our two largest
3 parks.

4 So we stand with our colleagues in
5 calling for \$10 million for the Adirondack
6 and Catskill Forest Preserve Stewardship Fund
7 within the EPF. As my colleagues have noted,
8 this would go towards education, trail
9 repair, front country and back country
10 infrastructure, and private partnerships for
11 trail head and summit stewards.

12 The Forest Preserve belongs to all
13 New Yorkers but suffers from a dichotomy.
14 Its lands are suffering from the symptoms of
15 overuse, yet many of our most vulnerable
16 citizens lack the means to access this
17 treasure that equally belongs to them. Even
18 if the Adirondacks were equally accessible to
19 all, we continue to hear of troubling
20 experiences where people feel unwelcome and
21 unsafe.

22 We support the work of the Adirondack
23 Diversity Initiative funded through the EPF.
24 We also want to foster a dialogue around how

1 to provide the means for disadvantaged
2 communities to reach the Adirondacks and have
3 positive, formative experiences on the Forest
4 Preserve.

5 Quickly shifting gears, in the 1980s a
6 baseline water quality survey of roughly
7 1500 water bodies was conducted to monitor
8 the Adirondack Park's recovery from acid
9 rain. This data has been instrumental to the
10 Office of the Attorney General as they have
11 fought to protect New Yorkers from asthma and
12 other public health issues tied to upwind
13 pollution from coal-fired power plants.

14 The funding for this survey is set to
15 run out, but we are calling for a new survey
16 of climate change in Adirondack lakes
17 ecosystems, a new baseline survey to support
18 efforts to protect the respiratory health of
19 New Yorkers from {inaudible} and to protect
20 water quality. We are requesting \$2 million
21 a year for the next three consecutive years
22 for this effort.

23 Thanks so much for your time and for
24 your continued dedication to preserving clean

1 water and wilderness for all New Yorkers.

2 CHAIRWOMAN KRUEGER: Thank you.

3 And Katherine Nadeau, from the
4 Catskill Mountainkeeper.

5 MS. NADEAU: Hello. Thank you so much
6 for your stamina, I really appreciate it. My
7 name is Katherine Nadeau, and I'm the deputy
8 director for Catskill Mountainkeeper.

9 I just wanted to start by kind of
10 grounding us in the Catskills, right? It's
11 an amazing place: 705,000 acres, 287,000 of
12 which are Forever Wild. It's also run pretty
13 differently from our other parks. Some of
14 this land is state-owned; some of it is
15 city-managed; and some of it's private. We
16 have front country, we've got back country
17 and deep woods, and the Catskills are a
18 vibrant ecosystem. They protect the
19 watershed of -- much of the watershed for New
20 York City, and they provide recreation
21 opportunities year-round. They are New York
22 City's backyard in addition to being home for
23 folks who love to be {inaudible} and out in
24 the woods.

1 And this year the Catskills also serve
2 as an important public health and mental
3 health recourse. As one of my colleagues
4 said, it gave people a way to interact safely
5 and to be outdoors where you can take a
6 breath of fresh air.

7 I'm here today, though, because the
8 Catskills need help. The Forest Preserves
9 need help. We've been discovered, the
10 secret's out, and it's great. We've got more
11 than 12 million visitors per year -- that's
12 two times the number of visitors the Grand
13 Canyon gets. Travel & Leisure named it one
14 of the top 50 Places to Visit in 2021.
15 Lonely Planet said it was the number-two
16 destination in the world in 2019. And some
17 of our most popular spots, like the Blue
18 Hole, had more visitors this year than they
19 did in 2018. And we're seeing increased
20 visitors anywhere where there's water.
21 Whether it's a swimming hole or a beach,
22 there are people coming to the Catskills.

23 But with that comes impact -- good
24 impact, like supporting our economy, and also

1 not-so-good impact. We're seeing trails
2 degraded, we're seeing trash on the trails,
3 we're seeing overcrowded parking lots, people
4 filling the trails so that it really gets to
5 be a concern for both the ecosystems and the
6 people out there.

7 It's only going to get harder and more
8 expensive to solve these problems unless we
9 invest now. We need boots on the ground. I
10 know Commissioner Seggos said that he feels
11 like he has adequate staff. Well, as an
12 organization that relies on the DEC to help
13 protect our land, I can tell you we need more
14 help. We need foresters, we need rangers, we
15 need stewards. We need dedicated Catskills
16 and Forest Preserve funding, and we need to
17 make sure that it comes quickly. That's my
18 first point.

19 The second point is Catskill
20 Mountainkeeper is out there fighting hard for
21 a just transition to renewable energy. You
22 all fought hard for the CLCPA. It was a
23 perfect fight. And now we need the
24 Legislature to fight with us to pass the

1 Climate Community Investment Act in your
2 one-house budgets. This is a policy that
3 will make sure polluters pay for a just
4 transition, and that means investing in our
5 front-line communities who are hit worse and
6 worse by the climate crisis.

7 And I'll wrap up by saying that EPF at
8 300 million -- yes. Make sure it's fully
9 allocated, make sure it's fully spent, and
10 make sure the funding isn't coming from other
11 places. Support the Catskill Center and
12 support the Hemlock Woolly Adelgid
13 Initiative.

14 Thank you so much.

15 CHAIRWOMAN KRUEGER: Thank you.

16 And I will just point out to people
17 who have testified very late on many years,
18 you've never had as many legislators watching
19 you or listening to you, because we still
20 have 55 of us signed into this hearing. So
21 you may not be seeing us, but we are seeing
22 you and listening to you, yes indeed.

23 Assemblymember Weinstein, I believe
24 you have one Assemblymember. I'll just call

1 on her.

2 Deborah Glick.

3 ASSEMBLYWOMAN GLICK: Thanks, all.

4 Just a couple of quick questions. One -- and
5 I guess, whether this is for Peter or
6 Kevin -- good to see you, Kevin. Forest
7 invasives, Peter mentioned aquatics, and I'm
8 just wondering whether the Adirondacks -- I
9 know the Catskills have some forest invasives
10 that are attacking the hemlocks, I think
11 Katherine mentioned that.

12 But I'm wondering about the
13 Adirondacks.

14 MR. BAUER: Thank you, Assemblywoman.

15 We are in the midst of seeing the
16 first of what is probably going to be a
17 sustained wave of the hemlock woolly
18 adelgid. They're pretty thick around
19 Lake George. At the last meeting of the
20 Forest Preserve Advisory Committee a couple
21 of weeks ago, the DEC stated that these are
22 probably not isolated incidents, they're
23 probably more widespread than the department
24 knows, just because they don't have the

1 resources to go out and monitor large swaths
2 of the Forest Preserve.

3 So I think, you know, we're seeing
4 some significant infestations in the
5 Lake George area, in the Southern
6 Adirondacks. The hemlock woolly adelgid has
7 been moving north for years. It's somewhat
8 temperature regulated, but it's persistent.
9 And this is the first of a wave of a number.
10 Emerald ash borer is also on the way,
11 devastated the Upper Midwest and parts of the
12 central part of the country.

13 So I think this is the beginning of
14 what -- of a constant issue we're going to be
15 dealing with in the Adirondacks.

16 ASSEMBLYWOMAN GLICK: Well, I will at
17 some point ask the economic development
18 people how much we waste -- I mean, spend --
19 on the I Love NY, and maybe that money could
20 be shifted to stewardship for our
21 Forest Preserve.

22 And there was one item that I couldn't
23 figure out what it is, the Essex County
24 shuttle service. It sounds like it's

1 something that's important, but what is it?

2 MR. CHLAD: That's a great question,
3 Assemblymember. The shuttle service has
4 unfortunately been delayed by one year due to
5 COVID. But I'd say that it's part of a
6 larger solution that needs to be implemented.
7 It's just one facet.

8 It's a shuttle system that's planned
9 for the Route 73 corridor from Keene Valley
10 to Lake Placid, to move hikers from areas
11 where it's easier to park, safer to park, and
12 to move them to trailheads.

13 But without the other components of
14 visitor use management -- I mentioned a
15 visitor use management framework -- we are
16 doomed to continue to face the same
17 challenges we're facing each and every year
18 with natural resource impacts, visitor safety
19 issues, and loss of our wilderness character.

20 CHAIRWOMAN KRUEGER: Thank you.

21 ASSEMBLYWOMAN GLICK: Yeah, I wondered
22 about it. Because if you get off the rail at
23 Westport, you can't get to Lake Placid,
24 you've got to thumb, which is not good, not

1 safe.

2 Thank you.

3 CHAIRWOMAN KRUEGER: Helene, I think
4 your number of Assemblymembers is growing.

5 CHAIRWOMAN WEINSTEIN: Yes, we have --
6 next, Assemblyman Otis has a quick question.

7 ASSEMBLYMAN OTIS: Thank you, Helene.
8 And thank you Adirondack friends.

9 A quick question. Probably only one
10 of you needs to answer this -- although more
11 can -- which is, we've been hearing for a few
12 years the issue of the increase in people
13 coming to the Adirondacks, the erosion, trail
14 degradation. If you could share to what
15 extent we have public safety issues involved
16 here -- people getting hurt, people getting
17 injured because of the infrastructure not
18 being there to support the volume of people
19 attracted to our beautiful North Country.

20 MR. BARRETT: Yeah, this is
21 Michael Barrett from the Mountain Club. I
22 can address part of this.

23 You know, it is a public safety
24 concern. And it's partly due to the lack of

1 infrastructure, but also the lack of
2 information. What we're seeing more and more
3 is people coming to hike, and they're
4 woefully unprepared. Right? And we don't
5 know whether it's -- you know, they suddenly
6 got a free weekend and then their first
7 instinct is to go up north and go hiking.
8 They're not doing the preparation. They're
9 arriving unprepared, they're arriving late,
10 they don't have the proper footwear, they
11 don't have the water, they don't have a light
12 source.

13 And so this is the type of stuff that
14 can lead to public safety issues and stress
15 the resources of our dedicated
16 Forest Rangers. And of course as more and
17 more people learn about it, you know, more
18 and more people are coming, and it
19 exacerbates the issue.

20 And so, you know, our strategy should
21 be multifaceted. Right? We need the
22 infrastructure to receive them -- bathrooms,
23 parking lots. And in connection with that
24 should be efforts at educating them that

1 you have in your area and what you're
2 fighting, how many wind farms and solar farms
3 are you going to be able to tolerate with no
4 local input and control in your area and
5 around the state? What are your thoughts on
6 that? Thank you.

7 MS. NADEAU: I'll just say from
8 Mountainkeeper's perspective, we don't
9 necessarily agree with that characterization.
10 They're still building in opportunities for
11 local input, although they are shifting
12 toward a more statewide framework, because we
13 need to accelerate renewable energy in the
14 state.

15 And just as -- you know, in the
16 Catskills it's the same as everywhere else:
17 Siting is everything, and we need to get that
18 right. So as we build towards renewable
19 energy, we've got to be mindful that we are
20 protecting our ecosystems while we protect
21 our communities.

22 MR. BAUER: I would also add,
23 Assemblyman, that in the Adirondacks we have
24 the Adirondack Park Agency, a statewide

1 agency, and a major part of the APA is
2 citizen input and public opportunities for
3 comments on major projects. So the solar
4 projects in the park that have come
5 through -- we've only had a couple of large
6 ones of, you know, three acres, five acres,
7 that level. We haven't had any wind projects
8 in the park, they've been outside the park.
9 But the projects that we have had have --
10 there's been opportunities for public
11 comment, both by local governments and the
12 general public.

13 ASSEMBLYMAN PALMESANO: Thank you.

14 CHAIRWOMAN WEINSTEIN: Next we go to
15 Assemblyman Tague.

16 ASSEMBLYMAN TAGUE: Thank you.

17 And I want to thank all you folks for
18 your advocating for our green spaces.

19 As someone that represents a lot of
20 the Catskills, more of a statement than a
21 question. I would really like to find a
22 time, Katherine, that you and I can meet.
23 Some very interesting things have been
24 brought up here in the last few minutes that

1 I've been advocating for since I got elected
2 two terms ago. One of them is transportation
3 issues. And I'm sure Kaaterskill Falls comes
4 to mind, Platte Clove. Some sort of system
5 to transport people. And we saw it more this
6 year with so many people coming. It used to
7 be on the weekends, but with the COVID crisis
8 it was happening every day.

9 We have serious parking issues in
10 Greene and Ulster county in parts of the
11 Catskills and even parts in Delaware County
12 that I represent in the Catskills.

13 So I am right on board with what you
14 folks have to say, especially with regards to
15 safety. I asked the commissioner of EnCon
16 this morning -- I think it was this
17 morning -- as well that, you know, safety and
18 maintenance of these areas are very important
19 and we need to make sure that the money is
20 put into the budget. And you brought up some
21 other facts about the millions of people that
22 go to the Catskills and the Adirondacks, and
23 they spend money in our little rural local
24 towns. And that's economic development as

1 far as I'm concerned.

2 So, Katherine, just because you
3 represent the Catskill area, and I do meet
4 with Jeff Senterman on a regular basis --
5 actually, I'm meeting with him tomorrow --

6 MS. NADEAU: And me. I'll be there
7 (laughing).

8 ASSEMBLYMAN TAGUE: Oh, great. Well,
9 I would like to continue on having some
10 discussions with you with regards to our
11 situation in the Catskills.

12 And thank you again for the time, and
13 thank you folks for coming and speaking to us
14 today.

15 Thank you, Chairwoman.

16 CHAIRWOMAN KRUEGER: Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you. Now
18 back to the Senate for the next panel.

19 CHAIRWOMAN KRUEGER: Great. Thank you
20 to this panel for participating.

21 The next panel we've got Citizens
22 Campaign for the Environment; Sierra Club
23 Atlantic Chapter; Environmental Advocates of
24 New York; and the Interstate Environmental

1 Commission.

2 Are you there, Citizens Campaign?

3 MS. ESPOSITO: I am sure here.

4 CHAIRWOMAN KRUEGER: Oh, how are you,
5 Adrienne?

6 MS. ESPOSITO: I've been here all day.
7 Good, thank you very much for asking.

8 CHAIRWOMAN KRUEGER: I've been here
9 all day too.

10 MS. ESPOSITO: I know you have, and
11 I'd like to start out by saying thank you to
12 all of you Senate and Assembly members who
13 have illustrated such impressive stamina all
14 day long. It's really a testament to your
15 commitment to your work and serving the
16 public, so thank you very much.

17 CHAIRWOMAN KRUEGER: Thank you.

18 MS. ESPOSITO: My name is Adrienne
19 Esposito. I'm the executive director of
20 Citizens Campaign for the Environment.

21 I am actually going to be very brief
22 and succinct and quick because of the time,
23 and I'm only going to make four points.

24 The first one is thank you so much for

1 everyone supporting the Water Infrastructure
2 Improvement Act and also for supporting the
3 next allocation of the \$500 million. Just
4 want you to please be mindful that we not
5 only need to allocate the funds, we need to
6 spend the funds. Sewer infrastructure won't
7 fix itself; we have to do it.

8 Also let's also bear in mind that that
9 funding is used for the grants to drinking
10 water suppliers so they can comply with the
11 new drinking water standards for PFOA, PFOS
12 and 1,4-dioxane, and we need for them to do
13 that as expeditiously as possible.

14 The second thing I just want to raise
15 is thank you again for all of your support
16 for a \$300 million EPF. I just want to flag
17 the Oceans, Estuaries and Great Lakes line
18 item, which seems to have been downgraded a
19 bit. As an organization that works on
20 oceans, estuaries and Great Lakes, we want to
21 raise with you that as a priority.

22 The Oceans Actions Plan that the DEC
23 has crafted through this budget line item and
24 is now implementing has already served to

1 help improve oceans, and also that data is
2 being used to help responsibly site the
3 offshore wind farms. So it's applicable,
4 it's needed, and it's also being used.

5 Third thing, very quick, is -- and
6 this is one of CCE's top priorities for
7 2021 -- is extended producer responsibility.
8 Senate and Assembly members, please put this
9 in the budget. We are in a waste crisis.

10 I'll just speak about Long Island for
11 a second. You know, it's 3 million people on
12 an island -- what could possibly go wrong?
13 Well, it turns out one of the things is we
14 don't know how to dispose of our garbage.
15 The only landfill left that takes C&D and ash
16 is closing in three years. The only ash fill
17 left that takes ash is just from one town;
18 that's closing in 2027. We have no back-up
19 plan.

20 The only thing everybody agrees on is
21 reducing the waste, and that's what EPR does.
22 It takes the financial burden off the
23 municipalities, puts it back on the
24 manufacturers, and it incentivizes them to

1 reduce the packaging.

2 Imagine, if you will, legislators,
3 every cereal box and cracker box on the shelf
4 is only the size it needs to be. And it's
5 not three or four inches taller to make you
6 think you're getting more, because you're
7 not. So this bill actually incentivizes them
8 to make the packaging less or only what it
9 needs to be.

10 And lastly, very quickly, because I
11 know I'm out of time, is we're also asking
12 you to please modernize the Bottle Bill,
13 which was passed in 1982. That was 40 years
14 ago. A lot has changed in 40 years. Not me,
15 and not the fearless chairwoman of the
16 Finance Committee, but the value of a nickel
17 has changed.

18 So if we can up it to 10 cents, a lot
19 more of those materials will end up in
20 recycling rather than our bays and our
21 beaches and our harbors, which is what's
22 happening now on the island. That's the
23 better way to manage solid waste.

24 Thank you very much for the

1 opportunity to comment. We appreciate it.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Sierra Club, Roger Downs.

4 MR. DOWNS: Thanks for staying up with
5 us. Honorable Senators and Assemblymembers,
6 thank you for the consideration of the Sierra
7 Club Atlantic Chapter's budget testimony.
8 We're a volunteer-led environmental
9 organization of over 50,000 members statewide
10 dedicated to protecting New York's air, water
11 and remaining wild places.

12 When New York has faced deep budget
13 holes in the past, environmental funds have
14 been the first pots of money to be raided and
15 obligations to protect natural resources the
16 first to be discarded. We are grateful that
17 the Legislature, Stewart-Cousins and Heastie,
18 recognizes, especially in this time of COVID,
19 that if we do not protect clean air and
20 water, we are only deepening the public
21 health and economic crisis. We are grateful
22 for Governor Cuomo's continuation of a
23 \$300 million Environmental Protection Fund,
24 the \$500 million for clean water

1 infrastructure, and the preservation of
2 agency staffing vital to environmental
3 protection. The Sierra Club encourages your
4 continued support.

5 New York communities are struggling to
6 finance the transition from fossil fuels to
7 wind, solar and energy storage. We ask the
8 Legislature to consider the Climate and
9 Community Investment Act as more than just a
10 revenue generator for the state, but as a
11 mechanism to make polluters pay for the costs
12 of contaminating our environment, and fund
13 renewable energy development, electrified
14 public transportation, worker retraining
15 programs, and building efficiency jobs, all
16 with the mandate to prioritize equity, racial
17 justice and fair labor practices.

18 We think this budget should take
19 Liz Krueger's lead in eliminating state tax
20 exemptions and subsidies to the fossil fuel
21 industry. That's hundreds of millions of
22 dollars the state is bleeding away every
23 year, to the benefit of those that endanger
24 public health and thwart our climate goals.

1 We need the Legislature to put a
2 moratorium on new gas-fired power plants.
3 The state is wasting too many staff hours and
4 resources reviewing the permits for fossil
5 fuel generators in Queens, Brooklyn and
6 Newburgh. These are new plants that can
7 never legitimately comply with our climate
8 laws. The Legislature needs to give DEC the
9 authority to deny them now, and focus on
10 building the renewable energy grid of
11 tomorrow.

12 We say legalize marijuana and make
13 restitution for decades of racist drug laws.
14 But let's also make sure we set strong
15 standards for the cannabis industry's energy
16 and water consumption, chemical pesticide and
17 fertilizer use, and significant plastic waste
18 use from production to distribution.

19 We urge you to complete last year's
20 budget efforts to reform how New York
21 protects wetlands in a way that prioritizes
22 the ones that are most important to clean
23 water and flood control, without relying upon
24 significant new staffing resources.

1 And we also say thank you. Even
2 though these are incredibly dark times, we
3 are blessed with leaders who are approaching
4 this crisis with hope, equity and innovation,
5 not austerity.

6 Appreciate your time.

7 CHAIRWOMAN KRUEGER: Thank you, Roger.

8 Next, Interstate Environmental
9 Commission, Philip DeGaetano, commissioner.

10 Can't hear you.

11 UNIDENTIFIED SPEAKER: You're on mute,
12 Phil.

13 CHAIRWOMAN KRUEGER: Unmute. There
14 you go.

15 MR. DeGAETANO: Thank you,
16 Senator Krueger and Assemblywoman Weinstein,
17 for the ability to testify on behalf of the
18 Interstate Environmental Commission this
19 evening.

20 I'm a New York commissioner of the
21 Interstate Environmental Commission, and I'm
22 currently serving as chair of the commission.

23 We support the Governor's proposal in
24 the budget for \$300 million for the

1 Environmental Protection Fund and all the
2 efforts that are ongoing.

3 The Interstate Environmental
4 Commission is a tristate water pollution
5 control agency. Our written testimony
6 details the commission's diverse array of
7 water quality monitoring, sampling and
8 analytical projects throughout the Interstate
9 environmental district, which is centered in
10 Western Long Island Sound, New York Harbor,
11 South Shore Estuary, and the Hudson River.

12 These projects highlight the
13 capability of the commission, which include
14 expanding monitoring and analytical
15 laboratory analysis for nutrients and
16 cytotoxins associated with harmful algal
17 blooms, continuous monitoring for dissolved
18 oxygen in New York Harbor and Long Island
19 Sound, and pathogen monitoring with citizen
20 science groups.

21 These priorities were developed in
22 conjunction with EPA and DEC, with the
23 involvement of multiple regional and local
24 partners, including citizen science groups.

1 While most of our funding comes from
2 the federal government, in order to implement
3 the work plans that are in the grants that we
4 receive, state funding is critical. The
5 commission received, in 2020, almost a
6 million dollars in federal funds, but we can
7 only continue to receive and apply for these
8 funds if we can demonstrate a non-federal
9 match to support it. And that amount is
10 \$214,051.

11 New York State's share of that, as
12 identified in the tristate compact, is
13 45 percent. So we are asking the Legislature
14 to support an increase in what the Governor
15 has proposed. He has proposed \$41,600.
16 We're asking the Legislature to increase the
17 appropriation to \$96,323, which is required
18 so we can continue to meet our federal match
19 requirements.

20 On behalf of the commission, I'd like
21 to thank you for the opportunity, and I
22 commend you for all your leadership and
23 diligent oversight of the state's
24 environmental policy.

1 Thank you.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much.

4 Assemblywoman, I see you have one hand
5 up there from the Assembly.

6 MS. KURERA: Senator Krueger, are you
7 going to skip my testimony?

8 CHAIRWOMAN KRUEGER: I apologize. Oh,
9 I'm sorry, I did skip you. How very rude of
10 me.

11 MS. KURERA: No, that's okay.

12 CHAIRWOMAN KRUEGER: I apologize. You
13 know, it's the hour. I'm sorry, Kate. From
14 the Environmental Advocates of New York.
15 Please.

16 MS. KURERA: All right, thanks. I
17 appreciate it.

18 Good evening, everyone. Chairs
19 Krueger and Weinstein, Chair Englebright,
20 other distinguished members of the Senate and
21 Assembly, my name is Kate Kurera. I'm the
22 deputy director at Environmental Advocates
23 NY, and it's really a pleasure to deliver our
24 testimony this evening. And I do it with a

1 debt of gratitude for all that you do for
2 New York, its communities and the
3 environment.

4 I'll start just by saying, you know,
5 we're fairly pleased to be at this point in
6 time with the budget on the environment. I'm
7 not up here pushing back against cuts to the
8 EPF or commitments to water infrastructure
9 funding. So that's great.

10 But we're advocates, and our job is to
11 arm you, the Legislature, with a vision to
12 drive New York to a place of holistic and
13 systemic, not incremental, change. The
14 nation is looking at New York's climate law
15 right now as the model, as the model of how
16 we'll transition the economy in a just and
17 equitable manner off of fossil fuels, and how
18 to pay for it.

19 I also didn't want to leave this
20 evening without drawing members' attention to
21 Section 7 of the Climate Leadership and
22 Community Protection Act, which requires all
23 levels of government decision-making,
24 including that of this budgetary process, to

1 be in alignment with its goals and the
2 mandates of the law.

3 Our recommendations for this year's
4 budget are:

5 Fund implementation of the state
6 climate law through the Climate and Community
7 Investment Act. This polluter penalty will
8 provide the investments needed to truly match
9 the urgency of the climate crisis, help build
10 infrastructure, as well as immediately start
11 delivering resources to communities and the
12 state workforce with the just transition off
13 of fossil fuels.

14 Reject the Executive's perennial
15 proposal to transfer \$23 million of RGGI
16 funds to the state general revenue, and
17 redirect 35 percent of those clean energy
18 funds to disadvantaged communities. Just to
19 confirm, that rate is in the Executive
20 Budget, Part QQ, I believe, and I know that
21 Commissioner Seggos was asked about it
22 earlier today.

23 We urge you to support the commitments
24 of -- the Governor's commitments to

1 electrified public transport fleets.

2 We urge you to reauthorize an
3 environmental bond act to provide funding to
4 protect water resources, build our climate
5 resiliency, as well as provide necessary
6 funding to disadvantaged and front-line
7 communities.

8 We support the continued annual
9 commitments to water infrastructure funding.

10 We urge you to support the Governor's
11 utility shutoff legislation, but work to make
12 it stronger and more protective.

13 We also urge you to put the issue of
14 plastic bags to bed. Any amendments should
15 be clear, enforceable, and achieve the
16 original intent of the law, which was to ban
17 plastic carryout bags.

18 And lastly, to echo some others this
19 evening, we urge you to include proposals for
20 carpet, paper and packaging extended producer
21 responsibility in your one-house budgets. As
22 others have said, this is a great way to
23 tackle some of our solid-waste problems as
24 well as bring jobs to New York.

1 Thank you for your time this evening.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much.

4 Now I'll hand it to
5 Assemblymember Weinstein to call on people.

6 CHAIRWOMAN WEINSTEIN: Yes, so we have
7 first Assemblyman Ra and then Assemblywoman
8 Fahy.

9 Assemblyman Ra.

10 ASSEMBLYMAN RA: Thank you.

11 Thank you, witnesses, for your
12 patience. Good evening, Adrienne, good to
13 see you.

14 MS. ESPOSITO: Good evening. Good to
15 see you too.

16 ASSEMBLYMAN RA: Just had a quick
17 question for you. I know you know very well
18 and you're very knowledgeable about the
19 efforts with emerging contaminants and the
20 types of infrastructure that is being built
21 by water districts all over Long Island, and
22 certainly the continued availability of funds
23 is crucial to that. But I know we've been at
24 different types of forums in the past, and

1 I'm just wondering what you know in terms of
2 the advancement of this technology.

3 You know, are there new things that
4 are advancing with regard to how to mitigate
5 something like that, and is it getting any
6 more cost-effective? Are the pilot-type
7 things working and producing results that can
8 be replicated in other districts? Just if
9 you have a couple of thoughts on that.

10 MS. ESPOSITO: Well, the good news is
11 the answer -- the overall answer to your
12 question is yes. The 1,4-dioxane is the most
13 challenging to filter out. They have been
14 doing it with what's called the advanced
15 oxidation, which then also needs carbon
16 filtration, granulated carbon filtration as
17 an add-on to filter out the byproducts.

18 The cost is still high. That's one of
19 the reasons I said we have to spend the
20 money. But I do really think, and others
21 think, that as we produce these more, the
22 technology cost will come down, as is pretty
23 traditional with any technology.

24 It's still a little tricky. And just

1 to be brief, the -- they have to sometimes
2 work the system a little bit, depending on
3 the constituency in the groundwater. So
4 sometimes each AO, as it's called, advanced
5 oxidation system, needs to be adjusted based
6 on the water chemistry of the area.

7 But yes, it works. Yes, it can be
8 done. Yes, it is being done. And many of
9 the water districts in Nassau County have
10 ordered these AO systems as well.

11 ASSEMBLYMAN RA: Okay. And then just
12 one last little piece with regard to that. I
13 know one of the other things, when we were
14 talking about the time frame of these
15 standards, was really just -- you know, the
16 money was obviously a major obstacle, but
17 also just the availability of, you know,
18 contractors and people who could actually put
19 these types of things in.

20 Has that situation improved?

21 MS. ESPOSITO: Well, I think it's
22 improving. It still has a way to go. I
23 think that's why the Health Department put in
24 the waivers that a water district or a water

1 supplier, I should say, can apply for a time
2 waiver. And I think, honestly, with
3 1,4-dioxane, we actually thought that was a
4 reasonable thing for the Health Department to
5 include.

6 ASSEMBLYMAN RA: Thank you very much.
7 Thank you all for your advocacy.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 Now Assemblywoman Fahy. Do you still
10 want to ask a question? I don't see your
11 hand raised anymore. Going once, twice,
12 three times.

13 Okay, we're on to the next panel.

14 CHAIRWOMAN KRUEGER: Thank you.

15 MS. ESPOSITO: Thank you. Have a good
16 night.

17 CHAIRWOMAN KRUEGER: We gave her a
18 fair shot, you know? Thank you.

19 Thank you all very much from this
20 panel. Appreciate your time and your
21 efforts.

22 Okay, we're now up to Panel E,
23 starting with the New York State Animal
24 Protection Federation, the Green Education

1 and Legal Fund, and the New York Public
2 Interest Research Group.

3 Libby, are you there?

4 MS. POST: Yes, I am.

5 CHAIRWOMAN KRUEGER: Okay, good.

6 MS. POST: Hi, how are you all?

7 CHAIRWOMAN KRUEGER: Very good, thank
8 you.

9 MS. POST: Thank you. Thank you for
10 the opportunity, both Senator Krueger and
11 Assemblywoman Weinstein, for us to be here
12 tonight.

13 And real quick, Senator Krueger, a
14 little yasher koach, shout-out, for a very
15 short talmudic lesson on Tu BiShvat --

16 (Laughter.)

17 MS. POST: -- our Holiday for the
18 Trees, and Yom HaShoah, our Holocaust
19 Memorial Day. We all know "short" and
20 "talmudic" are, you know, contradictions in
21 terms.

22 (Laughter.)

23 CHAIRWOMAN KRUEGER: Exactly.

24 MS. POST: But anyway, I know it's

1 late, and I only have two and a half minutes,
2 so I'm going to keep it short.

3 The bottom line is the New York State
4 Animal Protection Federation, we represent
5 all the animal shelters in the state, and we
6 hope that you include the \$5 million
7 Companion Animal Capital Fund in this year's
8 budget. COVID axed it last year, as it axed
9 many things, and we just hope it's not
10 permanent.

11 I want to thank Assemblywoman Deborah
12 Glick for continuing to champion the effort,
13 and we wouldn't be here today if it weren't
14 for her commitment to the fund.

15 And also I want to recognize
16 Ag Commissioner Ball and his staff, who have
17 been so supportive in making the fund a
18 reality once it became a reality. And I look
19 forward to working with Senator Hinchey and
20 Assemblywoman Lupardo, the chairs of their
21 respective Ag Committees in their houses, to
22 move this forward.

23 So to date, the fund has invested
24 close to \$15 million in 38 animal shelters

1 across the state, from Long Island to
2 Cattaraugus to Potsdam, and we're seeing
3 incredible improvements. Our 2021 Capital
4 Needs Survey found 26 shelters needed 57 --
5 almost 57 million in funding needs, capital
6 funding needs. And let me just say this fund
7 does not pay for the entire project, but it
8 does help jump-start fundraising. After
9 Susquehanna received half a million dollars,
10 a story appeared in their local paper; donors
11 literally started calling out of nowhere to
12 say they wanted to help. And ultimately the
13 Susquehanna SPCA will open its new \$5 million
14 shelter in Cooperstown this May. And it's
15 because of the fund.

16 So COVID didn't just impact the
17 funding, our companion animals were also
18 affected. We worked to get shelters
19 designated as essential services, and we
20 developed innovative ways to facilitate
21 adoptions while keeping people and animals
22 safe. We worked with the Animal Care Center
23 of New York City to create a Care Caravan
24 that brought dogs and cats who had lost their

1 owners to COVID in New York City to shelters
2 on Long Island and upstate to be adopted into
3 loving families.

4 So we all know animal shelters make a
5 difference. And if there was ever a funding
6 program that is needed to enhance the lives
7 of both people and animals, it's the
8 Companion Animal Capital Fund.

9 And I thank you for your time tonight.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Next we have Mark Dunlea.

12 MR. DUNLEA: Well, thank you,
13 Senator Krueger. And I wanted to thank you
14 for your leadership on getting the
15 divestment, with Tom DiNapoli, out of fossil
16 fuels.

17 I know at the same time you had
18 written a law to look at the fossil fuel
19 subsidies, and I think we thought that would
20 go a whole lot faster. That's still on the
21 table. The Senate passed it last year, I
22 hope the Assembly will do it. I think
23 there's about \$550 million we think we can
24 get rid of.

1 This hearing has gone on so long that
2 the world has significantly changed on
3 climate since this morning. And I would urge
4 you to catch up with the federal government;
5 President Biden this morning moved to
6 100 percent electricity by renewable energy
7 by 2035, five years faster than the CLCPA.
8 And he also increased the target for funding
9 for disadvantaged communities to 40 percent
10 rather than 35 percent.

11 We support the Green New Deal,
12 something I actually helped write back in
13 2010. I'm glad it's gone so mainstream. I
14 support the proposal about the \$10 billion
15 for a Green New Deal in this year's budget.

16 When I first started talking about the
17 need for a state carbon tax, I was testifying
18 to Senator Owen Johnson. He's been replaced.
19 It's still a very vital issue. I helped
20 write the bill that Senator Parker and
21 Assemblymember Cahill have on a carbon tax,
22 but also very much support the CCIA bill that
23 New York Renews has done. It's time to do a
24 carbon pricing. I was on the board of

1 Environmental Advocates when we did RGGI. I
2 opposed RGGI because it was not adequate to
3 deal with the situation. And it's time to
4 make polluters pay.

5 I do want to thank you, the last
6 couple of years you've been supportive of the
7 effort to stop putting in new fracked gas
8 into the Sheridan Avenue situation, and you
9 support 100 percent renewables. That
10 situation is not yet resolved, however;
11 there's still gas turbines. And we really
12 believe that after enduring over a century of
13 pollution to heat the State Capitol, that
14 this should become a model environmental
15 justice community.

16 One of the other things I started
17 working on eight years ago was to ban the
18 plastic bag, held the first big meeting in
19 New York City with Brad Lander. Boy, has
20 this been a long trip to try to get this
21 relatively simple thing done. Now the
22 Governor is trying to amend the bill to
23 weaken it once again. Please do not allow
24 that to occur; put the five-cents fee on

1 paper bags.

2 Something I started in 1975, I helped
3 start before my wife got involved with this
4 issue, was the returnable bottle bill. I'm
5 glad that's done. We need to expand it, go
6 up to a 10-cents fee, and also wine and
7 liquor bottles.

8 And do not weaken the already weak
9 bill in New York City on retrofitting energy
10 buildings to provide these -- allowing these
11 buildings to buy RECs to evade the law. And
12 that is actually hurting CCAs upstate, which
13 I saw that Ms. Harris promoted from NYSERDA.

14 CHAIRWOMAN KRUEGER: That's it?

15 MR. DUNLEA: Time's up, I'm told.

16 CHAIRWOMAN KRUEGER: You had the best
17 line of the hearing: It's gone on so long
18 that the world outside changed already. So
19 thank you for that.

20 Our next testifier is from the
21 New York Public Interest Research Group,
22 Liz Moran, Elizabeth Moran.

23 MS. MORAN: Hi. Thank you so much for
24 the opportunity to testify this evening. My

1 name is Liz Moran. I'm the environmental
2 policy director for NYPIRG.

3 Our written testimony includes far
4 more details on a number of issues, so I'm
5 going to go as rapidly as possible through
6 the highlights.

7 It's been rightfully noted by many
8 today that fighting the climate crisis must
9 be New York's top priority. To that end,
10 there are areas of the state budget where
11 action is lacking or outright harmful. To
12 have a climate-leading budget, New York
13 should, number one, end nonessential fossil
14 fuel subsidies. Just today President Biden
15 announced he'd be pursuing this through
16 Congress, and New York State should lead the
17 charge. By ending nonessential fossil fuel
18 subsidies, New York State could save half a
19 billion dollars annually.

20 New York should also move forward with
21 polluter penalties like those proposed in the
22 Climate and Community Investment Act. With
23 New York's significant fiscal hole, making
24 polluters pay is not only common sense, but

1 not doing so is negligent, given the state's
2 climate goals.

3 And speaking of the CLCPA goals, the
4 Governor and the Legislature should require
5 the creation of a public scorecard which
6 would regularly update the public and the
7 Legislature regarding the status of where
8 New York stands in respect to the CLCPA
9 goals.

10 NYPIRG also urges that you strike
11 Part R of the TED budget, which would
12 undermine New York City's climate law,
13 Local Law 97, by expanding the pool of
14 renewable energy credits.

15 The budget also needs to exclude the
16 RGGI raids. As partners have already stated,
17 this isn't climate leadership. Raiding RGGI
18 and putting it into EPF ends up shortchanging
19 both programs.

20 We'd also like to echo the sentiments
21 of our partners with the SHARE coalition in
22 advocating for more funding to convert the
23 Empire State Plaza to renewable energy and to
24 ensure Sheridan Hollow and Arbor Hill can be

1 100 percent renewable energy communities.

2 Next, New York State's plastic bag ban
3 must remain as strong as possible. Plastics
4 are a major contributor to the climate
5 crisis. Stores are continuing to illegally
6 give out thicker plastic bags, and DEC seems
7 unclear of how extensive the problem is.
8 This law should be strengthened to ban
9 plastic food takeout and delivery bags and
10 implement a statewide paper bag fee.

11 On the topic of plastics, as others
12 have said, we should expand the New York
13 State Bottle Bill.

14 And lastly, of course, we have to
15 commend the areas of the budget where we're
16 happy to see funding. The 500 million for
17 the Clean Water Infrastructure Act,
18 300 million for EPF, extending the Brownfield
19 Tax Credit Program, and prohibiting utility
20 shutoffs during states of emergency are all
21 very important programs. We'd like to see
22 some tweaks to some, but these are very good
23 starts.

24 So in conclusion, this budget is an

1 opportunity to lift New Yorkers up following
2 the horrors of the COVID-19 pandemic. Thank
3 you for the opportunity to testify today, and
4 NYPIRG is looking forward to working with you
5 to create a nation-leading environmental
6 budget and legislative session.

7 CHAIRWOMAN KRUEGER: Thank you.

8 And, Assemblywoman, I don't see any
9 hands up, so -- do you have any hands?

10 CHAIRWOMAN WEINSTEIN: No, we can -- I
11 have two, but let's move on to the next
12 panel.

13 (Laughter.)

14 CHAIRWOMAN KRUEGER: Okay. Well, then
15 we thank you all very much for your testimony
16 and for sticking it out with us. Thank you.

17 MR. DUNLEA: Thank you.

18 CHAIRWOMAN KRUEGER: All right, our
19 next panel: The Western New York Law Center,
20 the New York State Conservation Fund Advisory
21 Board -- and I believe that No. 24 said that
22 they cannot be here now, but their testimony
23 we have, the Forest Rangers. And then the
24 Real Estate Board of New York.

1 So, Western New York Law Center.

2 MR. HALPERN: Good evening.

3 CHAIRWOMAN KRUEGER: Evening.

4 MR. HALPERN: I'm Stephen Halpern, a
5 staff attorney at the Western New York
6 Law Center.

7 I am here to talk about water. Water
8 is essential to life. People need water to
9 stay safe and healthy. They need water to be
10 affordable. Yet many New Yorkers can't
11 afford their water bills. That dilemma, of
12 course, has only worsened with COVID.
13 Fortunately, in the Parker/Mosley law passed
14 last year, this Legislature enacted historic
15 consumer rights for people whose economic
16 circumstances were affected by COVID and who
17 consequently found it hard to pay their water
18 bills.

19 The rights it conferred were as
20 follows. If people owed money on past-due
21 bills, as thousands of New Yorkers did before
22 COVID, the law gave them the right to
23 negotiate deferred payment agreements, what
24 we call DPAs, to pay off that debt on terms

1 that the consumer could afford.

2 Next, because consumers had the right
3 to these affordable DPAs, under that law
4 utilities could not dictate the time frame
5 within which past-due amounts had to be
6 repaid by consumers.

7 And thirdly, if consumers could
8 document their financial need, the deferred
9 payment agreements that they negotiated could
10 be as low as \$10 a month -- again, depending
11 upon the documentation they could provide.

12 These were enormously important
13 consumer rights. But legal rights are only
14 useful to people if they know they have them.
15 Notice of rights is a prerequisite to being
16 able to exercise those rights. That is
17 especially true of our most vulnerable
18 New Yorkers. They are not inclined to think
19 of themselves as possessing rights, so when
20 historic legislation like Parker/Mosley is
21 enacted, it is imperative to notify them of
22 their rights. Indeed, the law required that.

23 Sadly, that is not what happened. I
24 will not repeat the data in my written

1 comments that document the inadequate notices
2 and inaccurate notices sent to consumers by
3 many public utilities, as well as the failure
4 of over 90 percent of utilities to forward to
5 the PSC notices the commission required them
6 to send over five months ago.

7 Based on our experience to date, we
8 need an amended statute that specifies the
9 requirements of the notice that utilities
10 must give to consumers -- again, notice of
11 the right to negotiate deferred payment
12 agreements that consumers can in fact afford;
13 second, where economically justified, notice
14 of the right to DPAs as low as \$10 a month;
15 and finally, notice that utilities may not
16 unilaterally impose deadlines in DPAs.

17 Absent a statute that mandates notices
18 with these specifics, the intended
19 beneficiaries of this law will have rights in
20 name only -- rights that will have little
21 impact on their lives.

22 Thank you very much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 And I do want to correct myself, we do

1 have the fourth panelist from this panel who
2 is also with us, Peter Morehouse. So not to
3 worry.

4 But next, Jason Kemper, New York
5 Conservation Fund.

6 MR. KEMPER: Thank you for the
7 opportunity to speak this evening.

8 My name is Jason Kemper. I'm the
9 current chairman of the New York State
10 Conservation Fund advisory board.

11 You have my written testimony, so in
12 the interests of time, I will just highlight
13 a few points.

14 The economic impacts associated with
15 sporting community activities are well
16 documented, and the monetary support provided
17 to the New York State DEC is crucial to the
18 operation of the department. As previously
19 stated during Commissioner Seggos's
20 testimony, this has been an unprecedented
21 year for participation in all outdoor
22 activities. The online hunter education
23 course was briefly mentioned, but I would
24 like to provide additional details as to the

1 tremendous interest in this program and the
2 potential to take full advantage of this
3 interest, as outlined in the Executive Budget
4 proposal.

5 In a typical year, 25,000 individuals
6 participate in the Hunter Education Program.
7 In 2020, there were over 69,000 individuals
8 who completed the Hunter Education
9 Certificate Program. Another 50,000
10 individuals have signed up for the course and
11 are in the process of completing those
12 requirements.

13 The percentage of increase in this
14 course cannot be underestimated. There was
15 about a 177 percent increase in participation
16 of everyone that completed the course, and
17 those who have signed up equates to over a
18 375 percent increase in the program in one
19 year. This clearly illustrates the desire
20 for individuals to participate in outdoor
21 sporting-related activities.

22 The universal hunting age of 12 has
23 been a number-one priority of the sporting
24 community for a number of years. We are

1 hopeful for progress on this issue and its
2 enactment in this year's budget. The average
3 age of the sportsmen and women in New York
4 State continues to increase, and continued
5 recruitment is crucial to the proper
6 management of the state's natural resources.

7 We urge the Legislature to support the
8 Executive Budget proposal and allow New York
9 hunting-age regulations to be comparable with
10 surrounding states and the rest of the
11 country.

12 Since the inclusion of crossbows
13 during the 2014-2015 budget cycle, crossbow
14 use continues to gain interest and support in
15 New York State. The full inclusion of
16 crossbows during all big-game seasons will
17 greatly increase hunter participation. The
18 continued expansion of crossbow use is an
19 important deer management tool, especially in
20 urban areas.

21 In addition, the full inclusion of
22 crossbows will increase license sales as well
23 as provide additional opportunities to all
24 ability levels of sportsmen and women.

1 Both the universal hunting age of 12
2 and the full inclusion of crossbows are
3 supported in the New York State Deer
4 Management Plan.

5 Aside from the items outlined above,
6 the Conservation Fund Advisory Board fully
7 supports the additional items outlined in the
8 Executive Budget proposal. This support
9 includes increased investment opportunities
10 for the lifetime trust account and the
11 proposed investments in infrastructure being
12 proposed in the NY Works program.

13 Thank you for your time.

14 CHAIRWOMAN KRUEGER: Thank you very
15 much.

16 And now Peter Morehouse, Forest
17 Rangers director, PBA of New York State.

18 MR. MOREHOUSE: Good evening. And
19 thank you to the distinguished members of
20 this joint committee for allowing me to
21 testify before you.

22 My name is Peter Morehouse, and I am a
23 New York State Forest Ranger in St. Lawrence
24 County. I currently serve on the board of

1 directors for the Police Benevolent
2 Association of New York State.

3 As Forest Rangers, our primary mission
4 is protect New York's nearly 5 million acres
5 of public land and provide public safety
6 through expertise in search and rescue,
7 wildland firefighting, public outreach and
8 law enforcement. At just 138 members across
9 all ranks, we are a tight-knit force and we
10 pride ourselves on being able to accomplish
11 any task in any condition, whether it be a
12 swift-water rescue, a 13-mile High Peaks
13 carry-out in the dead of winter, rappelling
14 during high-angle body recovery, effecting a
15 prescribed fire or, most recently, breaking
16 ice with an airbow to help locate missing
17 snowmobilers.

18 These are just a few of the
19 experiences that I personally have had during
20 my short five years as a Ranger. And if you
21 were to poll the rest of my fellow Rangers,
22 our stories would surely astonish you. For
23 nearly a year, Rangers have been working in
24 leadership positions on the front lines of

1 COVID-19 pandemic response because of our
2 expertise in emergency management and our
3 intimate knowledge of the Incident Command
4 System.

5 I personally was assigned to a test
6 site on Staten Island and worked for nearly
7 two months as the operations section chief.
8 Our primary responsibilities were to
9 coordinate over 100 clinical and nonclinical
10 staff, Department of Marine and Naval Affairs
11 staff, and New York State Police, among
12 others.

13 Since last March, 96 of my coworkers
14 have filled similar roles at sites on
15 Long Island, throughout the five boroughs, in
16 Rockland County, the Capital Region, Central
17 New York and Western New York. Collectively,
18 these 96 Rangers have dedicated over 60,000
19 manhours away from home on COVID-19 test
20 sites, while the remaining Rangers worked
21 tirelessly to coordinate our efforts,
22 maintain state land, and protect the public
23 recreating there.

24 In addition to these challenges, we

1 faced unprecedented levels of use on state
2 land, and periods of regional drought. The
3 number of search-and-rescue incidents
4 increased from 337 in 2019 to 489 in 2020, a
5 net increase of 152, while the number of
6 wildland fires increased by 97, from 103 to
7 200.

8 Our exhausted force carried out these
9 missions in inclement weather and technical
10 terrain, and continued to do so on 2014
11 salary levels. We have been on the front
12 lines of the pandemic while proudly
13 maintaining our traditional job
14 responsibilities during record use. Prior to
15 2020, the Forest Rangers were already spread
16 thin, low in numbers and undercompensated.

17 We ask this Legislature to treat us
18 with the same dignity that we serve with, to
19 support us as a highly trained and
20 specialized standalone division, and we
21 respectfully ask that you immediately pass
22 Governor Program Bill No. 1 for 2021 to bring
23 the PBA of New York State compensation up to
24 2018 levels, which is still three years

1 behind other public employee unions.

2 The Forest Rangers are incredibly
3 proud of our history, and we look forward to
4 serving the State of New York as a
5 strengthened, stand-alone division for many
6 years to come.

7 Thank you for staying late and
8 allowing me to testify before you.

9 CHAIRWOMAN KRUEGER: Thank you for
10 staying late and testifying before us.

11 And next, Zachary Steinberg, VP of
12 policy for REBNY.

13 MR. STEINBERG: Thank you very much
14 for the opportunity to testify.

15 I'd like to focus my comments on
16 Part R of the bill, but my written testimony
17 covers a number of other items as well.

18 REBNY strongly supports this
19 thoughtful provision. Today building owners
20 in New York City are increasingly looking to
21 obtain New York-generated renewable power.
22 This is the case for several reasons,
23 including demand from their tenants, to
24 fulfill the owner's own environmental

1 commitments, and to comply with local-law
2 mandates.

3 However, today, there is no source of
4 renewable energy credits for city building
5 owners to buy that meet all of these needs.
6 This is the case because city building owners
7 are currently discouraged from investing in
8 RECs associated with power outside of the
9 five boroughs because local law prohibits a
10 building owner from using those credits to
11 comply with the local mandate.

12 In other words, even if a building
13 owner in New York City purchased a renewable
14 energy credit from an existing generator in
15 New York State, the City of New York would
16 not consider those RECs to be proof that the
17 building was using renewable power.

18 This unfortunate reality results in
19 some building owners, particularly those who
20 have already done the right thing by
21 prioritizing energy efficiency, being unable
22 to comply with these local mandates because
23 there is simply no source of
24 local-law-compliant RECs available and no

1 other compliance options.

2 Unfortunately, there's not likely to
3 be a meaningful supply of RECs in 2024
4 either, which is when these local mandates
5 begin. As a result, some of these building
6 owners will have no meaningful path to
7 compliance and will very likely have to pay
8 significant fines to the City of New York
9 General Fund. If this happens, the city is
10 under no obligation to use that penalty
11 revenue, which could be many millions of
12 dollars as soon as 2025, to further
13 environmental aims.

14 This is an outcome we all want to
15 avoid, and that's why we support Part R.
16 Part R addresses this problem directly by
17 providing New York City's building owners
18 with the temporary ability to use Tier 2
19 renewable energy credits to help comply with
20 their local obligation until such a time that
21 there is more renewable power directly
22 reaching New York City. Once there is a more
23 robust supply of New York City-associated
24 RECs, the provision ensures that city

1 building owners invest in those prior to
2 utilizing Tier 2.

3 In other words, it fills the gap
4 between when New York City's mandates go into
5 effect and when the transmission and offshore
6 wind projects that we strongly support start
7 bringing power into New York City.

8 This modest practical change provides
9 multiple benefits, two of which I want to
10 emphasize. First, it protects ratepayers.
11 Currently the costs of procuring RECs are
12 socialized across all ratepayers in New York.
13 By allowing city building owners to procure
14 those RECs, however, those costs become borne
15 by the private business, not the ratepayer.
16 As a result, this shifts the cost onto those
17 more able to pay and frees up resources for
18 ratepayers to invest in new renewable
19 generation.

20 Second, it incentivizes city building
21 owners to invest in New York renewables more
22 aggressively. Part R provides a way for city
23 building owners to do so and avoid penalties,
24 and in doing so it will help ensure that

1 existing renewables, which are at risk of
2 being sold into markets outside of New York,
3 remain in New York State.

4 Each of these benefits will help to
5 further the goals of the CLCPA. For these
6 reasons, REBNY strongly supports the adoption
7 of this proposal.

8 Thank you for your time.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Okay, Assemblywoman, would you like to
11 call on an Assemblymember? You need to take
12 off your mute.

13 CHAIRWOMAN WEINSTEIN: Yes, thank you.

14 We first have Assemblywoman Woerner.

15 ASSEMBLYWOMAN WOERNER: Thank you so
16 much.

17 I'd like to just briefly say to
18 Mr. Morehouse I'm totally supportive of the
19 need to bring the PBA up to current salary
20 levels. So thank you for your testimony
21 today, and count me in the "yes" column on
22 that.

23 My question is for Mr. Kemper. Can
24 you tell us, what is the impact of lowering

1 the universal hunting age and expanding the
2 crossbow season? What impact will that have
3 on the Conservation Fund, and why is that
4 important?

5 MR. KEMPER: Thank you, Assemblywoman.

6 Currently the Conservation Fund funds
7 a little over 300 individuals at the
8 Department of Conservation. Coupled with
9 that is the fact that our average age of the
10 sportsman and woman in New York State is a
11 little over 50 years old. So as those folks
12 age out and go down to a reduced license and
13 then ultimately to no license at all, we're
14 seriously lacking on the recruitment.

15 So the lowering of this -- the
16 lowering of age and the inclusion of
17 crossbows not only brings more people into
18 the field, but obviously the increased
19 revenue to the Conservation Fund, thus a
20 decrease in reliance on the General Fund
21 moving forward.

22 What we're seeing is there is an
23 uptick in license sales this year as a result
24 of the pandemic, but unless we start some

1 serious recruiting efforts, you know, I see
2 an increased demand on the General Fund to
3 maintain those 300-and-something individuals
4 at the Department of Environmental
5 Conservation that help preserve the natural
6 resources of the state.

7 ASSEMBLYWOMAN WOERNER: Thank you very
8 much. That's all I have.

9 CHAIRWOMAN WEINSTEIN: Thank you.
10 Next we have Assemblyman Smullen.

11 ASSEMBLYMAN SMULLEN: Great. Thank
12 you very much. Assemblymember Woerner, thank
13 you very much for asking the question that I
14 was going to ask the gentleman from the
15 Conservation Fund Advisory Board.

16 Mr. Kemper, thank you for all your
17 work that you've done over the years on the
18 fund, and keep it up. And we really
19 appreciate all that you do. And I look
20 forward to attending one of your meetings
21 again.

22 MR. KEMPER: Thank you, Assemblyman.

23 ASSEMBLYMAN SMULLEN: I've got a
24 couple of quick questions for Peter, for the

1 Forest Rangers. You know, I'm very proud to
2 represent Wanakena area where The Ranger
3 School is. I know you've got a great
4 facility there and, you know, I know we need
5 to get more Rangers into the field.

6 But a couple of the issues that have
7 come up -- and I echo my colleague's comments
8 about supporting what I would consider
9 parity. I used to be in the Marines. This
10 is a, you know, military occupational
11 specialty issue. You guys are very well
12 trained and highly specialized and your
13 identity is very important to be able to keep
14 that expertise in the force that you've got,
15 to keep the Rangers as they are.

16 But of course technology changes
17 things a little bit, and what's coming is
18 obviously universal cellphone coverage for
19 the area. Do you think that would be
20 beneficial to have cellphone coverage
21 throughout the Adirondacks?

22 MR. MOREHOUSE: It certainly changes
23 our ability to communicate, and potentially
24 for the better. We do have good radio

1 coverage which has been years and years in
2 the making. But yes, cellphone coverage
3 could help us communicate a little easier
4 with our dispatch.

5 ASSEMBLYMAN SMULLEN: I'd also talked
6 to the commissioner, keeping this brief, a
7 bit earlier about whether or not body cams --
8 you know, we've mandated those for the
9 State Police and we're in the process of
10 figuring out the funding and getting that
11 capability to keep not only the officers safe
12 but the citizenry safe.

13 Would that be a practical device for
14 you to have in your -- for your Rangers?

15 MR. MOREHOUSE: I would echo the
16 commissioner's sentiments earlier that it
17 would be difficult in our back-country
18 settings to be able to roll that out. But we
19 recognize that may be coming in the future.

20 ASSEMBLYMAN SMULLEN: I really
21 appreciate those comments. Thank you very
22 much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 We made a mistake on the clock, but we

1 gave you extra time on the end, so sorry
2 about that. It's supposed to be three
3 minutes. Everyone whoseever still on clock
4 duty, watch when the people change. Thank
5 you.

6 CHAIRWOMAN WEINSTEIN: Okay. We have
7 one last -- no, we ended up with a few more.

8 CHAIRWOMAN KRUEGER: I see several.

9 CHAIRWOMAN WEINSTEIN: Yes, I see
10 more.

11 CHAIRWOMAN KRUEGER: They snuck in on
12 us.

13 CHAIRWOMAN WEINSTEIN: Senator
14 Krueger, do you want to go to your -- I see
15 you have a Senator. Do you want to go to
16 your Senator, Dan Stec?

17 CHAIRWOMAN KRUEGER: Oh, I'm sorry.
18 Hello. Yes, I will go to our EnCon ranker
19 who snuck in on us. Hello.

20 SENATOR STEC: I did, Senator. Thanks
21 for calling on me.

22 Good evening, everyone.

23 CHAIRWOMAN KRUEGER: Good evening.

24 SENATOR STEC: I appreciate the hours

1 that everyone's putting in, not only my
2 colleagues but certainly the people that have
3 been waiting to testify.

4 I'd like to, if I could, circle to the
5 PBA of New York State. Peter, thanks for
6 your testimony today. Did you have a chance
7 to catch all of Commissioner Seggos's
8 testimony this morning?

9 MR. MOREHOUSE: Yeah, I came in a few
10 minutes late but I heard the majority of it.

11 SENATOR STEC: Okay, great. You know,
12 as you probably know, Peter, I'm the son of a
13 Forest Ranger, so I'm familiar with your
14 mission and the work that you guys do, and I
15 thank you for it.

16 And as a hiker and somebody that
17 frequents the mountains all 12 months of the
18 year, I always tell everyone I run into at
19 DEC that my number-one goal is to never have
20 to encounter one of you guys professionally
21 in the woods. But it's comforting to know
22 that you're there. And you definitely don't
23 want to haul me out on a 13-mile -- believe
24 me, that is goal number one.

1 But I want -- so you did hear there
2 was some discussion -- I know over the years
3 there's been some concerns for a Ranger/ECO
4 title merger. And today I asked Commissioner
5 Seggos about it, and he indicated that he
6 didn't think that it was something that would
7 be pursued anytime soon. But if you could
8 elaborate a little bit on the Ranger concerns
9 about that.

10 And then my second question would also
11 be the count on Rangers. I know that your
12 head count is about the same as it was when
13 my father was a Ranger, and yet we own a lot
14 more state land all over the state, but
15 particularly in the Adirondacks, than we used
16 to. And there's obviously a lot more people
17 recreating. So the workload has spiked, but
18 the head count of the people doing the work
19 has remained flat.

20 I mean, we're in tough budget times,
21 but if you could just talk a little bit about
22 Ranger head count and the Ranger/ECO title
23 issue. Thank you.

24 MR. MOREHOUSE: Yeah. Thank you,

1 Senator. Our head count I believe at max
2 numbers was 138. And that has remained
3 steady. I know that we've had academies in
4 recent years, but that's maintaining our
5 numbers, that's not adding additional
6 Rangers.

7 With that, we're also going to be
8 seeing some retirements in the next couple of
9 years and we want to preemptively plan for
10 those vacancies.

11 In terms of the consolidation, from
12 the Forest Rangers' standpoint our training
13 is extremely unique, as is DLE's. And we
14 believe that a merger would water down both
15 of our functions. It would be extremely
16 difficult to maintain those trainings and to
17 be able to reach those levels of professional
18 standards that both divisions maintain.

19 I also come from a DEC family,
20 Senator. My grandfather was a Conservation
21 Officer who did 37 years with the DEC. And
22 with that, I would say it was the differences
23 between our divisions that drew me to the
24 Forest Rangers, not the similarities. I

1 gravitate towards search-and-rescue and
2 toward wildland fire. I like the proactive
3 side of our work. And I believe it's
4 incredibly important for us to maintain that
5 and to be able to train to the level that we
6 train to perform these search-and-rescues and
7 dynamic situations.

8 And for them to maintain the training
9 that they have in environmental conservation
10 law, investigations, their marine unit -- we
11 could go on for days. The challenges that we
12 present in land management and public
13 protection are vast, and it's important to
14 maintain two different divisions that have
15 their specialties.

16 SENATOR STEC: Thank you. Thanks,
17 Madam Chair.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 We now go to Assemblyman Tague.

20 ASSEMBLYMAN TAGUE: Thank you,
21 Chairwoman.

22 First I want to say, Senator Stec,
23 nice tie.

24 But Mr. Morehouse, I'm kind of

1 following up on what Senator Stec just asked
2 you. This morning at two different
3 testimonials the same questions were asked; I
4 think we got a little bit different answer
5 from them. I had broached one of the
6 individuals on possibly research into this,
7 because -- so I guess I'm just going to come
8 out and ask you, do you feel that we have
9 enough Rangers out there right now?

10 Just a moment ago we heard from folks
11 advocating that over 12 million people this
12 last year have went to the Adirondacks and
13 the Catskills. So my question, was there no
14 public safety or policing available because
15 there's a shortage of Rangers? I'm just
16 wondering what your thoughts are. Do you
17 feel that we have enough Rangers to protect
18 the forests and green space that we have
19 right now?

20 MR. MOREHOUSE: I think with the
21 general trend over the past few years of
22 increased use of state land, we're
23 transitioning from our proactive role and
24 we're quickly becoming reactive, or

1 maintaining a certain level of control of
2 state land.

3 Certainly 2020 was unique in that we
4 were drawn to the COVID sites. But over the
5 past five or 10 years we have seen an
6 exponential increase in state land use. And
7 like I said earlier, if we're looking at the
8 next few years and the retirements that are
9 coming up, and a projected increase in state
10 land use again, then I would say we need --
11 we need to adjust and prepare by adding more
12 Forest Rangers.

13 ASSEMBLYMAN TAGUE: Okay, thank you.
14 And I want to echo the same sentiments as
15 Assemblywoman Woerner and Senator Stec.

16 I also support your folks' initiative,
17 and I want to say thank you. We had three or
18 four rescues in my Assembly district last
19 year, one in Schoharie County and I believe
20 three in Green County -- Prattsville,
21 Kaaterskill Falls, and Platte Clove -- during
22 the COVID crisis. And I actually commended
23 Commissioner Seggos this afternoon: Because
24 of the staff and our Rangers, their

1 communication and their hard work, every
2 single one of those individuals that were
3 lost and had to be rescued were brought back
4 safely.

5 So thank you, thank you very much.
6 Appreciate your testimony here today and
7 looking forward to moving forward from here.

8 Thank you.

9 MR. MOREHOUSE: Thank you,
10 Assemblyman.

11 CHAIRWOMAN WEINSTEIN: So we have
12 Assemblyman Epstein next.

13 Harvey Epstein, are you there? Or
14 maybe --

15 THE MODERATOR: We're having a problem
16 with his microphone.

17 CHAIRWOMAN WEINSTEIN: Okay.

18 ASSEMBLYMAN EPSTEIN: Can you hear me
19 now?

20 CHAIRWOMAN WEINSTEIN: Yes, we can.

21 ASSEMBLYMAN EPSTEIN: Okay, great.

22 Sorry about that.

23 And so I thank you all for being so
24 late on this Zoom. I just have a couple of

1 quick questions for Mr. Halpern.

2 I just -- what is the volume of people
3 do you see who are having these issues with
4 utility companies and feel like they're
5 either not getting the information that they
6 need or feel like there's some kind of fraud?

7 MR. HALPERN: Well, the data that we
8 have really precedes the COVID crisis. And
9 let me just give you a sense for the gravity
10 of the problem, at least in the Buffalo area,
11 which I'm most familiar with.

12 In the first five months of 2019, the
13 Buffalo Water Board shut off water to
14 individuals in over -- in 1093 instances.
15 Now again, bear in mind that's before the
16 COVID crisis.

17 Now, in light of the Governor's
18 moratorium, shutoffs have stopped. But what
19 worries me and others around the state is
20 that the bills that people are getting
21 continue to come to them and with significant
22 numbers of people unemployed or unable to
23 sustain the amounts of money they've made in
24 previous times, I worry that once the

1 moratorium ends there will be an avalanche of
2 people who have significant bills, back bills
3 they have been unable to pay, and they will
4 then be facing shutoffs and huge deferred
5 payment agreements.

6 And so the provisions in the
7 Parker/Mosley bill will become very, very
8 important during that period of time, when I
9 suspect there will be -- it's hard to -- it's
10 hard to judge, but there will likely be
11 thousands if not tens of thousands of people
12 who will have amassed these water bills that
13 they have been unable to pay, and they will
14 then be facing shutoffs or liens and the
15 like.

16 And the Parker/Mosley bill was
17 intended to ease the road ahead in the future
18 to those -- for those individuals so they can
19 manage sustainable deferred payment
20 agreements. So I think we're facing a crisis
21 in the months ahead, and in particular once
22 the moratorium ends, as it will sometime, I
23 assume, later this year or in early 2022.

24 ASSEMBLYMAN EPSTEIN: Thank you very

1 much for that answer. I appreciate your
2 trying to forestall the crisis that's before
3 us, and I think we really need to do that.

4 Just my second question, it's just
5 really around the expansion of licenses for
6 12-year-olds. And just to be honest, you
7 know, do you think it's realistic that we
8 think, especially with the increased usage of
9 our parks, having 12-year-olds with bows and
10 guns is a right approach for a state like
11 New York?

12 MR. KEMPER: Currently in -- thank
13 you, Assemblyman. Currently in New York
14 State 12- and 13-year-olds can legally pursue
15 small game --

16 CHAIRWOMAN WEINSTEIN: Can you just do
17 a yes or no answer? We're really over the
18 time.

19 MR. KEMPER: Yes.

20 CHAIRWOMAN WEINSTEIN: Okay. Sounds
21 good.

22 Next panel. We'll go back to the
23 Senate.

24 CHAIRWOMAN KRUEGER: Okay, thank you.

1 The next panel, we actually have had
2 several cancellations. So 26, Noblehurst
3 Farms, cancelled. But we do have the
4 New York Farm Bureau, No. 27.

5 So then after them -- I'll just keep
6 reading -- Food & Water Watch, Riverkeeper
7 and Scenic Hudson.

8 So is Elizabeth Wolters here?

9 MS. WOLTERS: I am. Thank you,
10 Senator. And thank you, all of you, for
11 sticking in here.

12 I'm Elizabeth Wolters, deputy director
13 of public policy for New York Farm Bureau,
14 the state's largest general farm
15 organization.

16 You have my written testimony; I am
17 not going to read it, I'm just going to
18 reference a couple of things. And I want to
19 build off some comments that were mentioned
20 in your discussion with Commissioner Ball
21 many, many hours ago now this morning.

22 I would be remiss if I didn't mention
23 the Nourish New York program. That was
24 mentioned by many of you and also by the

1 commissioner, and that is an incredibly
2 valuable program, not only for our farms but
3 also those vulnerable families in need right
4 now. And there's a great connection between
5 those two.

6 Senator Krueger, you talked a lot
7 about the connection between New York City,
8 our large market, and our upstate and
9 Long Island farms too, frankly. And it's
10 really important to have that, and we think
11 this program helps with that for those in
12 need. But I would like to expand on that
13 connection a little bit more.

14 So in New York State we have a lot of
15 great products that can be brought into the
16 city, but we also do have an emerging urban
17 agriculture, so I was excited to hear about
18 that a little bit. We think that's a great
19 opportunity, not only for businesses but also
20 for young children, middle-aged people,
21 everybody to learn about food and where their
22 food comes from.

23 So we're very supportive of that, and
24 I was excited to hear folks talk about that.

1 I know both Assemblymembers Epstein and
2 Zinerman talked about that, in urban
3 gardening. Really connecting farming,
4 gardening and soil to those urban folks and
5 especially young children is really, really
6 important.

7 On top of that, urban agriculture
8 education. Ag education is really important
9 across New York State. We strongly support
10 that development. I think some of the
11 largest Future Farmer of America chapters are
12 actually in the city, and then in various
13 boroughs as well. So that's super-exciting.
14 I think COVID has really highlighted the
15 importance of the connection between
16 agriculture and our urban areas.

17 We also, which is not in my written
18 testimony, we support the expansion of the
19 hunting to 12-year-olds and the crossbow
20 season. And we're also very supportive and
21 very hopeful that a low-carbon fuel standard
22 will also be included in the final budget.
23 This will provide an opportunity for farmers
24 to invest in biofuels on farms and reduce

1 methane technology.

2 And I also have a lot of comments on
3 cover crops and some environmental concerns
4 that were brought up earlier. Those EPF
5 funds that go to agricultural programs are
6 very, very important for farmers to adapt
7 cover crops and no-till practices. We've
8 seen a 30 percent increase since 2012 in
9 no-till, and a 21 percent increase of --
10 excuse me, 21 percent in no-till and
11 37 percent in cover crops in New York State
12 since the 2012 census.

13 CHAIRWOMAN KRUEGER: Great.

14 So let's take the questions just for
15 the Farm Bureau now, because the other panel
16 is not farm-related.

17 Helene, would you like me to call on
18 yours or --

19 CHAIRWOMAN WEINSTEIN: I have -- so
20 we're going to go to Assemblyman Tague, then
21 Chair Lupardo, then -- we'll go to
22 Assemblyman Tague, then back to the Senate.

23 CHAIRWOMAN KRUEGER: All right, we've
24 got the Senate ranker again, okay.

1 Assemblyman Tague, please.

2 ASSEMBLYMAN TAGUE: Thank you. Thank
3 you very much. And thank you, Elizabeth, for
4 joining us.

5 And I'm going to sound like a broken
6 record, but first of all I just want to say
7 thank you to Farm Bureau for advocating for
8 our farmers. As a former member of
9 Farm Bureau, a former dairy farmer and a
10 former president of Young Farmers and
11 ranchers, I appreciate the efforts that are
12 being put forth.

13 Unfortunately I haven't had a chance
14 to meet with Jeff Williams yet -- I think I'm
15 meeting with him next week -- so I'm not
16 familiar with all the initiatives that you
17 folks are putting forth.

18 But I want to ask you a couple of
19 questions that I asked Commissioner Ball
20 earlier and get Farm Bureau's take on it.

21 One of the problems that New York
22 farmers face is a lack of meat processing
23 capacity. The last commercial processor left
24 New York back in the 1990s due to our

1 regulatory environment. As a result, our
2 farmers have had to rely on out-of-state
3 processors hundreds or even thousands of
4 miles away. As COVID has shown, the ability
5 of supply chains to cross state lines is not
6 always guaranteed.

7 Does Farm Bureau -- have they
8 considered ways to streamline processing,
9 reduce regulations and minimize bureaucratic
10 overlap to encourage these processors to come
11 back to New York?

12 And secondly, New York acreage under
13 cultivation has declined by nearly
14 320,000 acres since 2012. And now we have
15 these large-scale renewable projects,
16 especially solar, and they appear to pose a
17 direct challenge to efforts to maintain and
18 improve New York's agricultural sector.

19 Since land used for renewable projects
20 cannot always be repurposed, does Farm Bureau
21 have a position on renewable project sitings
22 and the potential problem that it poses,
23 especially in rural upstate New York, on our
24 very dear and resourceful agricultural land?

1 And thank you, Elizabeth.

2 MS. WOLTERS: So on the processing
3 side, the commissioner is right, it's a trend
4 not much different than what we're seeing in
5 dairy, with the consolidation of the
6 industry.

7 We did have some huge problems during
8 COVID. They were more related to outbreaks
9 in processing plants in Pennsylvania, JBS and
10 other shutdowns, due to equipment failures at
11 those plants and less of cross-border issues.

12 On the solar stuff, so we're a private
13 property rights organization. We support
14 farmers who want to put solar on their land.
15 But yes, we're concerned too with the loss
16 of particularly lands of -- agricultural
17 lands of national significance. So we're
18 looking forward to working with the Office of
19 Renewable Energy Siting. And also we've been
20 doing a lot of work with the commissioner on
21 these issues, and NYSERDA as well.

22 CHAIRWOMAN KRUEGER: Thank you.

23 All right. Senator Stec.

24 Do you have like your name on the side

1 of a mountain, is that what I'm seeing?

2 SENATOR STEC: Yes. Yes, I do.

3 CHAIRWOMAN KRUEGER: All right, there
4 you go. Very impressive, okay.

5 SENATOR STEC: I took that picture.
6 Oh, there I am. I took that picture myself
7 in the Adirondacks. That's what I said, I
8 don't want the Rangers having to haul me off
9 of any mountains like that.

10 Thanks, Chairwoman. I'll be very
11 brief.

12 Elizabeth, nice to see you. Hope
13 you're doing well. It's been a while.

14 The Farm Labor Bill a year or two ago
15 and the new overtime rules, I know that there
16 was a lot of angst and concern about that,
17 certainly amongst my side of the aisle and I
18 think a lot of farmers. If you could just --
19 now that we've got experience with it and of
20 course we're always thinking about the
21 future, you know, what have you all seen,
22 from the Farm Bureau perspective, what the
23 impacts have been, and what concerns might
24 you have as we move forward?

1 Thanks.

2 MS. WOLTERS: So I think the biggest
3 concern is obviously this last year hasn't
4 been a normal year. So looking at the data
5 for what happened in 2020 is not going to be
6 consistent with future years. We're relieved
7 that we have a little bit of a pause, in that
8 the Wage Board has delayed a decision until
9 November/December of this year to reconvene
10 and to decide what they're doing from there.

11 We're hopeful that they'll take
12 another year to get out on farms. You know,
13 public hearings had to be done virtually,
14 which is great in many ways but it also poses
15 challenges as well. And also we would like
16 to get the members of the panel out onto
17 farms to take a look, to talk to workers,
18 because it is challenging even virtually for
19 workers to participate in that process.

20 SENATOR STEC: Thanks. That's all I
21 had. Thanks, Chair.

22 CHAIRWOMAN KRUEGER: Thank you.

23 And back to Assemblywoman Weinstein,
24 or should I introduce Donna Lupardo?

1 CHAIRWOMAN WEINSTEIN: Yeah. Well,
2 our Ag chair, Assemblywoman Lupardo, has a
3 question.

4 ASSEMBLYWOMAN LUPARDO: A question and
5 more of a comment. You know, hello,
6 Elizabeth. Thank you for sticking with us
7 today, and thanks for your commitment to
8 New York agriculture. We have already met
9 and have discussed the priorities. I just
10 want to go on record indicating your support
11 for Northern New York agricultural
12 development, for Harvest New York, to do some
13 more for our hops growers that are helping
14 develop our New York beer and our brewers.

15 And I just wanted to ask you a
16 question about FarmNet. I don't think we can
17 really underscore how important that program
18 is. And I was wondering if -- we weren't
19 able to get that earlier -- if you have any
20 data on what we're seeing out in the field in
21 terms of the amount of stress that our
22 farmers are experiencing and the number of
23 people who are trying to utilize that service
24 where, you know, they may not be able to meet

1 the demand for not only financial but also
2 for mental health assistance.

3 MS. WOLTERS: I mostly just have
4 anecdotal information on that, but I can
5 definitely connect you with the folks over at
6 FarmNet for that.

7 We saw, early on, some really high
8 stress in the industry, to the point where we
9 held virtual conferences to talk about
10 FarmNet -- and not just talk about FarmNet,
11 but actually what do you do if your neighbor
12 is in a crisis and, you know, might be having
13 thoughts or might have attempted taking their
14 own life.

15 So it was that dire of a situation
16 that we felt that we needed to fill a void
17 there and help sponsor one of their events.
18 So it definitely was, early on, a big
19 challenge. It's still -- I mean, all of us,
20 we're all stuck at home. Little
21 conversations with people that we're used to.
22 So it's a very stressful time for all of us.

23 But dealing with the weight of the
24 potential of a multigenerational business

1 failing on your watch is quite large, and it
2 really does have a huge impact on our
3 community.

4 ASSEMBLYWOMAN LUPARDO: Well, thank
5 you very much for the support that you've
6 given.

7 And to my colleagues, we refer to it
8 as FarmNet, but in the budget documents it's
9 called the Cornell University Farm Family
10 Assistance. I know it's going to be a high
11 priority for many of us, and we're hoping
12 that maybe we can get some additional federal
13 funding in there, just on a short term if
14 need be, to get these farmers through this
15 tough time.

16 So thanks for being here tonight.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 CHAIRWOMAN WEINSTEIN: Thank you,
20 Donna.

21 Next we go to Assemblyman Palmesano.

22 ASSEMBLYMAN PALMESANO: Yes. Hi,
23 Elizabeth. First, thanks for what you do and
24 your organization does for our farmers and

1 our agricultural industry.

2 I had a couple of questions that came
3 to me I wanted to ask you for, if I could.

4 The first one is, have you been
5 getting any complaints from dairy farmers
6 about fluid milk going into New York City
7 from out of state, like New Jersey,
8 Pennsylvania, Connecticut? And if so, what
9 are your thoughts on that?

10 MS. WOLTERS: So that would be within
11 the order -- in terms of processing, there's
12 not a lot of processing capacity in New York
13 City anymore, unfortunately. So it will be
14 bottled product.

15 We are seeing, with some of the
16 federal assistance program, that
17 purchases are being made of out-of-state
18 milk, so that is concerning. Obviously milk
19 sold in some respects is milk sold, as long
20 as it's within the same border. We have not
21 been hearing a ton on that issue, no.

22 But in the school district we do know
23 that New York City Schools does sometimes bid
24 with out-of-state processors because of cost

1 constraints. So in some instances, yes.

2 ASSEMBLYMAN PALMESANO: Okay, great. I
3 know this question was asked of the
4 commissioner earlier too, but I just wondered
5 have you heard from some of your members
6 relative to the USMCA and how that's
7 benefited our farmers and our agricultural
8 community here in New York? Have you heard
9 any feedback or positive feedback or any type
10 of feedback from your members on that?

11 MS. WOLTERS: I mean, obviously the
12 whole trade thing has been a bumpy road over
13 the last couple of years.

14 USMCA has been a benefit to our
15 farmers. In particular, there has been an
16 action against Canada recently on some milk
17 provisions that we believe they are
18 violating. It's a provision that they kind
19 of created a skirt-around rule in NAFTA --
20 well, it wasn't covered under NAFTA, so they
21 kind of snuck some product down into the
22 States. And now we do have a remedy within
23 the USMCA to go after them.

24 So we're looking forward to seeing

1 what happens there. And the same with
2 vegetables as well.

3 ASSEMBLYMAN PALMESANO: Great. One
4 more question for you. Obviously we know how
5 important and how beneficial and supportive
6 everyone is of Nourish New York. From your
7 analysis, is there any money in any of the
8 programs in this budget that would be of
9 benefit to disabled farmers and farmworkers?

10 MS. WOLTERS: I don't know of any
11 direct line on that, but I can look into it
12 and get back to you.

13 ASSEMBLYMAN PALMESANO: Okay, fair
14 enough. Thank you. Thanks for all you do
15 again. Appreciate it.

16 Thank you.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 Now we go to Assemblyman Billy Jones.
19 Assemblyman Jones.

20 ASSEMBLYMAN JONES: I'm good, Chair.
21 Chairwoman Lupardo said it all. Thank you so
22 much, Farm Bureau, for all the work you do.
23 I'm good.

24 CHAIRWOMAN WEINSTEIN: Okay. Thank

1 you.

2 So now Assemblywoman Buttenschon.

3 ASSEMBLYWOMAN BUTTENSCHON: Again, I
4 just want to echo the thoughts of our chair.
5 Thank you for all you're doing. Nourish
6 New York is just one of the best, best
7 programs.

8 So stay safe, stay healthy, and thank
9 you for all you're doing.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 So now back to the Senate for the next
12 panel.

13 (No response.)

14 CHAIRWOMAN WEINSTEIN: Just -- so the
15 next panel is going to be Food & Water
16 Watch --

17 CHAIRWOMAN KRUEGER: Yes. No, I'm
18 sorry, I couldn't get my mute off again.

19 Food & Water Watch has had to leave,
20 No. 28. But we have Riverkeeper,
21 Jeremy Cherson, and Scenic Hudson,
22 Andy Bicking.

23 Are you here, Jeremy?

24 MR. CHERSON: Hi, I'm here.

1 CHAIRWOMAN KRUEGER: Great. Start
2 whenever you wish.

3 MR. CHERSON: Great. Well, thank you
4 so much for sticking with us tonight. We
5 appreciate the opportunity to testify.

6 Riverkeeper protects the Hudson River
7 and has 55,000 members across the state.

8 The Clean Water Infrastructure Act is
9 obviously one of our most important issues we
10 work on. We're extremely concerned, like our
11 colleagues are, in the contract freeze that
12 paused new contracts going out for water
13 infrastructure. Usually, you know, as you
14 heard earlier, the RFPs go out in December.
15 They did not. Which means the disbursements
16 will be delayed even further, at a time when
17 we need money flowing to communities for
18 jobs.

19 And I'm hoping that we can all work
20 together to expand opportunities for the
21 communities that particularly lack the
22 ability to come up with plans to apply for
23 the grants, particularly the engineering
24 issues. And, you know, one thing that

1 advocates have talked about is that the
2 Engineering Planning Grant exists for the
3 water infrastructure, the WIIA program, but
4 the infrastructure planning grant program
5 that helps communities come up with those
6 plans does not exist for the drinking water
7 program. And so that would be a brilliant
8 addition to the program to help communities
9 that need to upgrade drinking water systems
10 but can't afford the planning to be able to
11 do so.

12 And this is such an important program.
13 I mean, just to highlight Senator Hinchey's
14 district, she has \$74 million of known water
15 infrastructure needs. And, you know, we
16 talked about the wood pipes earlier. That's
17 entirely true. And in District 46, the pipes
18 are around 85 years old, on average.

19 And so this money needs to go out the
20 door. You know, understand the challenging
21 circumstances with COVID and what it's done
22 to the state budget, but I'm hoping as soon
23 as federal aid comes that we can start
24 spending on this program again.

1 We support the Bond Act and hope to
2 see that move forward at some point for the
3 ballot in 2021 or 2022.

4 And in the remainder of my time, you
5 know, marijuana has been talked about and
6 Roger Downs made a good point about energy
7 and water management. But I really want to
8 point out that the plastic, the single-use
9 plastic use in the industry in other states
10 is absolutely out of control. You can go to
11 Colorado, you can just drive over the border
12 to Massachusetts, and you can see the
13 single-use plastic packaging everywhere.

14 I'm begging the Senate and Assembly to
15 nip this problem in the bud from the start,
16 because it's going to be a big problem once
17 the industry expands. And we want to make
18 sure we stop plastic waste from the beginning
19 of new programs.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Andy next.

22 MR. BICKING: Thank you very much.

23 And thank you all for your historic support
24 of environmental funding and inspirational

1 leadership to address the COVID crisis.

2 I'm going to send you all my written
3 testimony tomorrow and touch upon a few key
4 points today.

5 As the pandemic has demonstrated, the
6 public is really depending on having clean
7 air to breathe, clean water to drink, fresh
8 food to eat, and close to home places to
9 reconnect with nature. And while the
10 Bond Act has been proposed for now,
11 Scenic Hudson has continued to work with
12 State Parks and PIPC on the new Hudson Cliffs
13 State Park. Local conversations in Kingston
14 and the Town of Ulster on the name, design
15 and future use of the park have already
16 begun, and community interest remains
17 exceptionally high, with the public already
18 enjoying the Empire State Trail that
19 traverses the property. The Governor's
20 proposal for park capital spending is
21 critical for this.

22 I'd also like to note, separate from
23 the park, that there are many more
24 opportunities for state land acquisition in

1 the Hudson Valley, yet this category of the
2 EPF is proposed for a \$1 million cut.

3 But on the issue of local conservation
4 funding, thank you for passing the 2019
5 Ulster County Community Preservation Act.
6 The Town of New Paltz passed the first ballot
7 referendum enabled by this law in November,
8 with support from over 70 percent of its
9 voters. So we support the Legislature
10 extending authority to other communities in
11 the future.

12 Protecting farmland remains a big
13 regional priority. I know you've heard about
14 that from others. I'll just note that it's
15 critical to meet the food insecurity issues
16 we're experiencing and would note that
17 90 percent of the fresh products sold at
18 New York City green markets come from
19 Hudson Valley farms.

20 The nexus between food and
21 environmental justice is strong in mid-Hudson
22 cities, with groups working to establish
23 community farms and urban green spaces. Many
24 of them could be eligible for community

1 impact and environmental justice grants,
2 which have been proposed to receive a
3 \$1 million increase in spending.

4 Working lands as a whole must play a
5 bigger role in confronting the climate
6 crisis. However, farmers really need
7 financial incentives to transition to
8 practices, as you've heard from others, that
9 enhance soil health and sequester carbon.
10 Fortunately, the Climate Resilient Farming
11 Program within the EPF is proposed to receive
12 a \$200,000 bump, which would benefit the
13 Cornell Soil Health Program.

14 And we would also encourage the
15 Legislature to consider comprehensive soil
16 health legislation in the coming months to
17 create a framework for more work in this
18 space in the future.

19 And finally, I join with Riverkeeper
20 in support of the Clean Water Infrastructure
21 Investment Act, as well as the Hudson River
22 Estuary Program. Use of the river has
23 increased during the pandemic, and we're so
24 lucky to have the Estuary Management Program

1 there to care for it. For example, they have
2 trained over 7,000 municipal officials,
3 agency staff and conservation groups on
4 climate change, flood mitigation and other
5 issues.

6 So thank you very much.

7 CHAIRWOMAN KRUEGER: Thank you both
8 very much.

9 And seeing no hands, I'm going to move
10 to the next panel, not give anybody a chance
11 to rethink their opinion.

12 We have the New York Youth Climate
13 Leaders, Liam Smith, and the Sheridan Hollow
14 Alliance for Renewable Energy,
15 Merton Simpson.

16 Liam, are you there? Oh, you are
17 there. Hello.

18 MR. SMITH: Yes, hello.

19 Good evening. And thank you for the
20 opportunity to present testimony on the
21 proposed state budget. My name is Liam
22 Smith, and I serve as director of government
23 affairs for the New York Youth Climate
24 Leaders.

1 We are a policy-driven organization of
2 youth from across New York State working to
3 improve New Yorkers' quality of life, protect
4 front-line communities, and ensure
5 environmental and economic justice for
6 generations to come.

7 The COVID-19 pandemic has wrought
8 unprecedented hardship on New York State.
9 Tens of thousands of New Yorkers have died,
10 unemployment has skyrocketed, and people
11 continue to struggle to pay for their basic
12 needs. At the same time, New York faces a
13 massive \$15 billion budget deficit in this
14 fiscal year.

15 Everyday New Yorkers, already under
16 extreme duress, cannot afford to bear the
17 brunt of the state's fiscal shortfall. The
18 New York Youth Climate Leaders strongly
19 opposes any funding reductions to essential
20 services like healthcare and education.
21 Working-class New Yorkers rely on these
22 programs every day, and losing access to them
23 in the middle of a global pandemic would be
24 catastrophic.

1 My written testimony outlines the tax
2 expenditures that we can eliminate without
3 unduly harming consumers -- please see
4 pages 3 and 4. Eliminating nonessential
5 fossil fuel subsidies now will save the state
6 over \$500 million, align our tax code with
7 the climate law, and protect future
8 generations from the climate emergency.

9 Taxing the rich will also generate
10 tens of billions of dollars of revenue. The
11 New York Youth Climate Leaders is a member of
12 the Invest in Our New York Coalition. It
13 supports the incorporation of the Invest in
14 Our New York Act into the state budget.
15 These policies provide enough funding to not
16 only close our gaping budget hole but also to
17 fight poverty, invest in our schools, and
18 face the climate crisis head on.

19 We believe a tax on the rich is
20 imperative to addressing the climate
21 emergency and safeguarding the environment
22 for my generation.

23 Other considerations include divesting
24 the New York State Teachers Retirement

1 System, increasing spending on renewable
2 energy projects, and providing funding to
3 replace the Sheridan Avenue Steam Plant,
4 which I'm sure Merton will talk more about
5 shortly.

6 My written testimony provides explicit
7 details on all of our proposals, and I would
8 be happy to answer any questions that you may
9 have. Thank you for your time.

10 CHAIRWOMAN KRUEGER: Thank you.

11 And next, Merton Simpson.

12 MR. SIMPSON: Yes. I'd like to thank
13 Senator Krueger and Assemblywoman Weinstein
14 for this opportunity to speak.

15 As the hour is late, I'll go directly
16 to SHARE's ask.

17 But briefly, SHARE is a coalition of
18 community activists and individuals dedicated
19 to renewable energy. I live less than a mile
20 from the Sheridan Avenue Steam Plant, which
21 from 1911 till today has caused a great
22 amount of toxicity in the Sheridan Hollow and
23 Arbor Hill communities. My wife's sister
24 Ashley died from multiple myeloma, and her

1 husband before her from cancer, and a large
2 number of residents in close proximity to the
3 79 Sheridan Avenue plant have high degrees of
4 cancer.

5 Through the advocacy of SHARE, we were
6 able to get the initial proposal from NYPA to
7 put two fracked-gas generators in the
8 Sheridan Avenue facility to be repurposed, to
9 now where we have alternative energy
10 infrastructure being planned. But we still
11 don't have the very important geothermal
12 energy commitment that's needed.

13 I just want to, in the interests of
14 time, briefly state the SHARE ask. We're
15 asking for a \$600,000 study to convert the
16 Capitol and Empire State Plaza complexes to
17 renewable energy. We also request \$250,000
18 for a study on how to transition
19 Sheridan Hollow and Arbor Hill to renewable
20 energy communities.

21 We support the \$88 million
22 reappropriation in the Office of General
23 Services budget that is being used for a
24 number of renewable projects for the Plaza.

1 In addition to our proposal for
2 Sheridan Hollow, we also call for an end to
3 all nonessential fossil fuel subsidies.

4 We're not going to get to energy
5 sustainability with one step forward, three
6 steps back. I actually had the opportunity
7 to be in a webinar in 2018 sponsored by
8 NYSERDA where there was a two-hour webinar
9 with an Excel spreadsheet on how to finance
10 fracked-gas power plants. You know, we're
11 not going to get where we need to go with one
12 step forward, two steps back. And so I urge
13 us to deal with the serious existential
14 crisis that we face now.

15 Thank you again for this opportunity
16 to speak.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 All right, I see our friend Harvey
20 Weins -- Epstein with his hand up, Helene.
21 Shall I call on him?

22 CHAIRWOMAN WEINSTEIN: We have
23 Assemblyman Epstein --

24 CHAIRWOMAN KRUEGER: Yes, that's what

1 I meant. I said --

2 (Overtalk.)

3 CHAIRWOMAN WEINSTEIN: Yes. Yes.

4 Yes.

5 CHAIRWOMAN KRUEGER: -- to go. Sorry.

6 CHAIRWOMAN WEINSTEIN: Harvey?

7 ASSEMBLYMAN EPSTEIN: Weinstein,

8 Epstein, it's all the same.

9 CHAIRWOMAN KRUEGER: No, no, I fixed
10 it right away.

11 CHAIRWOMAN WEINSTEIN: No, no, no.

12 CHAIRWOMAN KRUEGER: I fixed it right
13 away.

14 ASSEMBLYMAN EPSTEIN: I know you did,
15 Liz, I know you did.

16 Thank you for both for being here, and
17 thank you for the late hour.

18 Just quickly on these fossil fuel
19 subsidies that you both mentioned. You know,
20 what is the current state of the subsidy that
21 you've talked about, and what kind of savings
22 are we talking about? And then really what
23 impact, negative environmental impact do
24 these subsidies have on the market itself,

1 and how do we -- you know, in some ways
2 propping up, you know, really poor energy
3 choices that we're currently making.

4 MR. SMITH: Sure, yeah. Thank you for
5 the question.

6 So yeah, currently we dole out
7 \$1.6 billion in annual tax expenditures, so
8 tax breaks, including exemptions to fossil
9 fuel corporations. Some of these are helpful
10 for lower-income folks, including sales tax
11 and petroleum business tax exemptions for
12 residential heating. But others, like tax
13 breaks for airline fuel and tax breaks for
14 using oil and gas in research and development
15 or in production of goods for sale, are
16 totally out of line with the Climate
17 Leadership and Community Protection Act and
18 ought to be eliminated as soon as possible.

19 There are also some expenditures
20 that -- let's see. There's a sales tax
21 exemption for gas and electricity use in
22 operating pipelines. And there's also a
23 sales and use tax exemption for certain
24 services involved in producing gas or oil

1 production.

2 We should not be giving tax breaks to
3 fossil fuel corporations so they can produce
4 fossil fuels. That just does not make sense.

5 So yeah, fossil fuels of course are
6 the contributor to global warming, the
7 climate emergency. And continuing to make
8 them cheaper for corporations to use is just
9 out of line with our climate law.

10 ASSEMBLYMAN EPSTEIN: Thank you. And
11 Merton, I don't know if you wanted to add
12 something.

13 MR. SIMPSON: Yeah, I just want to say
14 we're going in the wrong direction. What we
15 need to be doing is robust research on
16 geothermal. I'm disappointed that I didn't
17 hear anybody really mention geothermal. We
18 talk about wind and solar, but right here in
19 Skidmore College they have a robust
20 geothermal program. Cornell, Ithaca, as
21 well. And the Bloomberg Center on
22 Green Island is a net zero building.

23 Just here in New York State, there are
24 several examples of geothermal energy, which

1 is really one of the ultimate solutions.
2 It's one of the most cost benefit -- positive
3 cost benefit options. And, you know, even in
4 Manhattan, at St. Peter's Cathedral, there's
5 a geothermal option in the middle of
6 Manhattan.

7 So we're, you know, wondering why
8 there's so little attention and why the state
9 doesn't want to really embrace geothermal,
10 which is one of the strongest alternatives
11 for renewable energy.

12 ASSEMBLYMAN EPSTEIN: Thank you both.

13 And thank you, Madam Chairs.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Thank you, gentlemen. Thank you for
16 sticking with us.

17 All right, we have our last panel.

18 And we have actually lost The Nature
19 Conservancy, No. 34, so it will be
20 Audubon New York, followed by American
21 Farmland Trust.

22 ASSEMBLYMAN TAGUE: Chairwoman, I had
23 a question for Mr. Simpson.

24 MR. SIMPSON: Yes.

1 CHAIRWOMAN KRUEGER: Oh, I'm sorry, I
2 didn't see you there.

3 ASSEMBLYMAN TAGUE: No problem.

4 CHAIRWOMAN WEINSTEIN: Sorry, we
5 didn't see a hand.

6 Yes, go ahead, Assemblyman Tague.

7 ASSEMBLYMAN TAGUE: It more or less is
8 a statement, Mr. Simpson. I want to totally
9 agree with you on your last statement.

10 The company I work for in my
11 private-sector position, we did have one of
12 those programs in one of our buildings. It
13 worked great. And I too don't understand why
14 we don't use more of that in New York State.

15 I just want to throw that in, and I
16 appreciate your comments.

17 MR. SIMPSON: Right. They're still
18 pushing natural gas as a bridge fuel,
19 although, you know, it produces 86 percent
20 more greenhouse gases than coal. So there's
21 an energy industry propaganda machine that we
22 have to deal with.

23 CHAIRWOMAN KRUEGER: Thank you.

24 You know, we have some geothermal

1 buildings in Manhattan in my district, very
2 new ones. It's very interesting technology.
3 You can do it on Manhattan Island, it turns
4 out.

5 MR. SIMPSON: Exactly.

6 CHAIRWOMAN KRUEGER: With that, again,
7 going back to Erin McGrath from
8 Audubon New York, followed by Samantha Levy,
9 American Farmland Trust.

10 MS. McGRATH: Thank you, Senator.

11 Good evening, and thank you for
12 granting me the opportunity to testify and
13 for all of your hard work and commitment to
14 protecting the environment. I'm Erin
15 McGrath, and I serve as the policy manager
16 for Audubon New York, a state program of the
17 National Audubon Society with 93,000 members
18 statewide.

19 This year is unprecedented, and we
20 commend New York State for maintaining its
21 commitment to providing environmental funding
22 and to combating climate change, including
23 through 300 million for the EPF, funding for
24 clean water infrastructure, and the continued

1 implementation of the CLCPA.

2 While we hesitate to ask for more in
3 these uncertain times, we do urge you to
4 restore 3 million for the ZBGA, which funds
5 Audubon's nature centers and sanctuaries, and
6 to include reauthorization for the Restore
7 Mother Nature Bond Act in your one-house
8 budgets.

9 We also support policy proposals that
10 help birds in the places they need. New York
11 State has over 100 woodland bird species that
12 are reliant on healthy, regenerating forests.
13 These birds require structurally complex
14 habitats, including an understory of young
15 trees and shrubs. If that understory is
16 degraded, forest birds can experience
17 reproductive failure and population declines.

18 Currently our forest understory is
19 being impacted by overbrowsing caused by an
20 overabundant deer population. Research shows
21 that where deer densities are high, bird
22 populations decrease, largely due to a loss
23 of understory caused by overbrowsing.

24 For these reasons, Audubon believes

1 the state should utilize evidence-based
2 strategies to improve management of the
3 state's deer population and forest health.
4 Currently the only management strategy that
5 has proven effective is recreational hunting,
6 which is why we support the Governor's
7 proposal to expand hunting opportunities and
8 ask you to do so as well.

9 Lastly, we're excited about Parks 100
10 and the announcement of the Empire State
11 Birding Trail. Interest in birdwatching has
12 soared during the pandemic, and it's led more
13 and more New Yorkers to enjoy birds and to
14 learn about the joy of birds. And they're
15 looking for more ways to engage in
16 birdwatching. Increasing opportunities to
17 birdwatch is more than just a safe activity,
18 it's also a strong economic driver.

19 In New York State, 3.3 million people
20 watch birds, and wildlife-watchers as a whole
21 generate approximately 4.2 billion in revenue
22 each year. This means that investing in the
23 Empire State Birding Trail can deliver
24 twofold by providing additional opportunities

1 for safe recreation and needed economic
2 development.

3 Thank you all, again, for allowing me
4 to testify, and at the end please let me know
5 if you have any questions. Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Hi, Sam. You're next.

8 MS. LEVY: Thank you very much.

9 Good evening. Thank you all so much
10 for your stamina. Really appreciate it. I
11 am the capper, the final.

12 So my name is Samantha Levy. I'm
13 New York policy manager for American Farmland
14 Trust.

15 Back in March, empty shelves showed us
16 the weaknesses of a global food system and
17 the importance of having farms in our
18 backyard for a resilient food supply. Now,
19 in New York we have 9 million acres of
20 farmland, some of the best farmland in the
21 nation, and this land is a foundation for our
22 \$47 billion farm and food economy. And it's
23 also some of the most threatened farmland in
24 the country.

1 And just between 2001 and 2016, we
2 lost over a quarter million acres of farmland
3 in New York State, mostly on the urban
4 fringe, and we've only protected a third of
5 that amount since we started the state's
6 Farmland Protection Program.

7 Further threats from the pandemic,
8 flight from urban areas and impending
9 intergenerational transition, as has come up
10 often on this panel today, of nearly
11 2 million acres of land owned and operated by
12 senior farmers make this land more vulnerable
13 to being lost forever as it changes hands.

14 So we put forward that we must
15 continue to invest in two state programs, the
16 Farmland Protection Program and Farmland for
17 a New Generation New York, which work hand in
18 hand, help farmers permanently protect their
19 land to bring a new generation of farmers
20 onto the land.

21 For farmland protection, 250 farmers
22 statewide have expressed interest recently in
23 protecting their land -- 50,000 acres of
24 opportunity. In this year's budget the

1 Governor proposed a \$1 million reduction to
2 the farmland protection program, and we
3 encourage the Legislature to work to restore
4 funding to \$18 million for this program as
5 part of a \$300 million EPF.

6 Now, I also want to take a moment to
7 thank the Legislature for their recognition
8 of the Farmland for a New Generation New York
9 program and for funding this program in years
10 past. This nation-leading program funds a
11 resource center, a one-stop shop for farmers
12 looking for land, as well as a network of
13 27 regional navigator organizations across
14 the state that provide one-on-one support to
15 farmers to bring them onto the land. We're
16 working with those who came from farm
17 families and also those who haven't had easy
18 access to land, including BIPOC farmers,
19 immigrants and refugees.

20 And in just two years, we have
21 garnered 68 matches of farmers to land.
22 That's 2,613 acres. And we ask that the
23 Legislature please work to restore funding
24 for this program in this year's state budget

1 at \$400,000 -- and, importantly, to put it
2 onto one budget line so we only have to do
3 one state contract, minimizing delays.
4 Without these programs, we really risk
5 accelerating the loss of farmland.

6 And then finally I'll just touch on
7 our Farm to School programs, which I don't
8 think have come up yet. But we have
9 nation-leading programs incentivizing schools
10 to buy more food from local farmers. The
11 Governor proposed full funding for these
12 programs, \$10 million to the incentive and a
13 million and a half for our Farm to School
14 Grants Program, and we encourage you to work
15 with him to maintain those levels of funding.

16 And again, thank you so much for your
17 leadership, for your stamina today, and for
18 working to fund these programs at this
19 difficult moment.

20 CHAIRWOMAN KRUEGER: Thank you. Thank
21 you both.

22 Assemblymember, I see a couple of
23 hands.

24 CHAIRWOMAN WEINSTEIN: Yes, we have

1 Assemblywoman Woerner for a question. And
2 then we actually have a few, so
3 Assemblywoman Woerner first.

4 ASSEMBLYWOMAN WOERNER: Thank you so
5 much.

6 Erin, as you probably know, I have
7 grassland bird habitats in my area, and I'm
8 quite concerned, as you are, with the siting
9 of renewable energy and the impact that's
10 going to have on the grassland bird habitats.

11 In your written testimony you speak a
12 little bit about the need for additional
13 staffing. I'm wondering if you could expand
14 on that just for a couple of seconds.

15 MS. McGRATH: Sure. We asked for
16 additional staffing within the Division of
17 Fish and Wildlife to administer the state's
18 Grassland Bird Plan. They've actually
19 developed an entire plan of best management
20 practices and also a statewide cohesive
21 framework for improving the population of
22 grassland birds.

23 That hasn't been released yet, and
24 we're hoping that they will be able to if

1 there's additional staff, because I think
2 there are concerns about whether or not they
3 can implement it at this point.

4 ASSEMBLYWOMAN WOERNER: Okay. Thank
5 you very much.

6 And then, Samantha, just -- your voice
7 cut out when you were talking about the
8 number of completed matches. What was the
9 number?

10 MS. LEVY: That was 68 total complete
11 matches on 2,613 acres of farmland in
12 New York. In just two years we've
13 accomplished that.

14 ASSEMBLYWOMAN WOERNER: Thank you very
15 much.

16 MS. LEVY: Thank you, Carrie.

17 CHAIRWOMAN WEINSTEIN: We go to
18 Assemblyman Tague.

19 ASSEMBLYMAN TAGUE: Thank you for the
20 last time tonight, I hope, Chairwoman. You
21 will never say my name wrong ever again after
22 today.

23 (Laughter.)

24 CHAIRWOMAN KRUEGER: You could try.

1 ASSEMBLYMAN TAGUE: Yeah.

2 Samantha, first of all, I totally
3 appreciate what you do. As you know, farming
4 is very near and dear to my heart, and I
5 invite you to join us this year on my
6 Connecting the Dots Farm Tour. You'd be a
7 great person to have along and join us.

8 One thing that you mentioned and you
9 had said it didn't get talked about much
10 today is the Food to Schools program. I'm
11 sure that -- I'm not going to be the record
12 player and for the sixth time today talk
13 about solar on farmland, because I'm sure
14 that you and I are on the same page.

15 But I am concerned about the Food to
16 School program. I think it's a great
17 program. I would love to hear any ideas that
18 you have to make it better. I know -- now, I
19 represent seven counties. My hometown
20 school, which I attended and graduated from,
21 is in that program, and we're lucky to have
22 farms around us.

23 But I would like to see more of it in
24 New York City, because I feel that that would

1 bring people from the city into the thought
2 of wanting to get involved in agriculture.

3 You know, we also discussed today -- I
4 think Assemblymember Epstein had talked about
5 the rooftop gardens, and Assemblywoman Glick
6 did as well. And I think they are important
7 programs. And I'd like to hear your thoughts
8 on that and what we could do as legislators
9 to help make these things a reality or do a
10 better job at it. Because, you know,
11 agriculture is still the number-one thing --
12 you know, number one in New York State. And
13 listen, no farms, no food. And our people
14 have to eat.

15 MS. LEVY: That's well said. And
16 thank you so much for the question, I really
17 appreciate it. I do agree, Farm to Schools
18 is a really important pathway to get kids
19 engaged in agriculture and understanding
20 where their food comes from.

21 So we do have a few recommendations --
22 nonbudget, you'll be happy to hear. So I
23 also -- I lead the New York Grown for
24 New York Kids Coalition, a coalition of many

1 different organizations working on Farm to
2 School policy. We've done research on this
3 incentive program for the past two years.

4 So just real quickly, Assemblywoman
5 Lupardo will be introducing a bill to change
6 the language that all meals that are served
7 at lunch can be eligible for this incentive
8 program. That's important near term.

9 Longer term, it's really important to
10 put Farm to School coordinators in every
11 region across New York State. These are now
12 funded on an ad hoc basis through the grants
13 program, and we really need a program that
14 puts that service provider there for any
15 school to access, because they really connect
16 the dots and help connect schools with farms.

17 CHAIRWOMAN KRUEGER: All right, one
18 more hand up?

19 CHAIRWOMAN WEINSTEIN: We actually
20 have two more members, Assemblyman
21 Englebright and then Assemblywoman Lupardo to
22 close.

23 ASSEMBLYMAN ENGLEBRIGHT: So I just
24 have a question for Erin McGrath regarding

1 hunting, which you brought up prominently in
2 your statement. And I don't really wish to
3 draw our long day any longer, but I would
4 like you to, perhaps separately, find your
5 way to my office so that we can have a
6 conversation about duck hunting, which is
7 also very controversial, and mute swan
8 culling and Canadian geese culling practices.

9 I'd sort of like to have a chance to
10 have a conversation with you and hear what
11 your organizational perspective is.

12 So that's not really a question so
13 much as just an invitation for this evening,
14 but it does follow on your comments about
15 hunting for deer, which I thought were very
16 thoughtful.

17 And I also just want to say thank you
18 for this very long but successful hearing
19 today. Helene Weinstein, thank you so very
20 much for your leadership, and Liz Krueger as
21 well. Each of you has really persevered
22 through a very difficult process because of
23 the Zoom medium and also very patiently
24 worked your way through a very long day. So

1 thank you both.

2 CHAIRWOMAN KRUEGER: Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 I believe we are now going to
5 Assemblywoman Lupardo, our last
6 Assemblymember or Senator to speak at
7 tonight's hearing.

8 ASSEMBLYWOMAN LUPARDO: To close. I
9 thought maybe if we kept talking we could
10 keep this -- you know, round it up to
11 12 hours.

12 (Laughter.)

13 ASSEMBLYWOMAN LUPARDO: No? Okay.

14 CHAIRWOMAN WEINSTEIN: Almost there.
15 Almost there.

16 CHAIRWOMAN KRUEGER: Almost there,
17 Donna.

18 ASSEMBLYWOMAN LUPARDO: No, I just
19 wanted to thank Sam for sticking with us all
20 day. I tried to talk her out of it about six
21 hours ago, but she insisted on sticking with
22 it.

23 No, thank you very much for your
24 Farmland for a New Generation program and

1 certainly the regional navigators.

2 Just two quick questions, one Farm to
3 School. Does Farm to School cover breakfast?

4 MS. LEVY: Currently it does not.
5 Great question. We -- so in our research
6 over the past couple of years -- this
7 incentive program is focused on lunch, for
8 those who may not be familiar. For schools
9 that spend 30 percent of their lunch costs on
10 New York foods, they get four times their
11 per-meal reimbursement from the state, up to
12 25 cents.

13 Schools have consistently reported to
14 us that separating out lunch is a barrier to
15 participation in this program. And so over
16 and over we've learned that we need to expand
17 the program to breakfast. So we would love
18 to see that happen.

19 ASSEMBLYWOMAN LUPARDO: All right,
20 good. I just wanted to make sure that got on
21 everybody's radar.

22 And also we're trying to sort out a
23 glitch that occurred over the way purchases
24 for food have been qualified, given COVID.

1 Can you just share quickly what the issue is
2 with that?

3 MS. LEVY: Well, I'll do my best. At
4 9 p.m. I'm kind of tired, with a minute and
5 40 on the clock. Let's see (laughing).

6 So due to the pandemic, the USDA has
7 allowed schools to run summer meal programs
8 to feed their kids for free. A really
9 important action by the USDA. But
10 unfortunately, because the summer meals are
11 not compatible with our national school lunch
12 program, which is what is written in the
13 budget language currently for this incentive
14 program, it precludes schools that are
15 running certain summer meal programs to feed
16 their kids during lunch from participating in
17 the incentive.

18 So really want to thank you,
19 Assemblywoman, for your leadership in putting
20 legislative language forward to correct that
21 glitch and keep this program going strong.

22 ASSEMBLYWOMAN LUPARDO: Thank you very
23 much for everything you're doing.

24 MS. LEVY: Thank you.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 And just before I turn it back to
3 Senator Krueger, I just want to thank all of
4 the witnesses and members who participated in
5 today's hearing. And we're going to be
6 seeing you in just over 12 hours.

7 Senator Krueger?

8 CHAIRWOMAN KRUEGER: I was going to
9 say I'm going to invite you back for 9:30
10 tomorrow morning, when we start again with
11 our hearing for Education in the State of
12 New York. So try to sleep quickly.

13 Again, remember, stay safe, wear a
14 mask, social distancing. But go ahead and
15 get some sleep now, because if you're
16 anything like Helene and myself, you'll be
17 right back here on Zoom tomorrow starting at
18 9:30 for another interesting but long
19 hearing.

20 With that, good night, everyone.
21 Thank you for all your help.

22 (Whereupon, at 9:08 p.m., the budget
23 hearing concluded.)

24

