

1 BEFORE THE NEW YORK STATE SENATE FINANCE
2 AND ASSEMBLY WAYS AND MEANS COMMITTEES
3 -----

4 JOINT LEGISLATIVE HEARING
5 In the Matter of the
6 2024-2025 EXECUTIVE BUDGET ON
7 AGRICULTURE/ENVIRONMENTAL CONSERVATION/
8 ENERGY
9 -----

10 Hearing Room B
11 Legislative Office Building
12 Albany, New York

13 February 7, 2024
14 9:40 a.m.

15 PRESIDING:

16 Senator Liz Krueger
17 Chair, Senate Finance Committee

18 Assemblywoman Helene E. Weinstein
19 Chair, Assembly Ways & Means Committee

20 PRESENT:

21 Senator Thomas F. O'Mara
22 Senate Finance Committee (RM)

23 Assemblyman Edward P. Ra
24 Assembly Ways & Means Committee (RM)

Senator Pete Harckham
Chair, Senate Committee on
Environmental Conservation

Assemblywoman Deborah J. Glick
Chair, Assembly Committee on
Environmental Conservation

Senator Michelle Hinchey
Chair, Senate Committee on Agriculture

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3 PRESENT: (Continued)

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

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

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

10 Assemblywoman Didi Barrett
Chair, Assembly Committee on Energy

11 Assemblyman Harvey Epstein

12 Assemblywoman Patricia Fahy

13 Assemblyman Robert Carroll

14 Senator Dan Stec

15 Assemblyman Steven Otis

16 Assemblyman Patrick Burke

17 Senator Peter Oberacker

18 Assemblyman Scott Gray

19 Senator Mario R. Mattera

20 Assemblywoman Jodi Giglio

21 Assemblyman Tony Simone

22 Senator Rachel May

23 Assemblyman Brian D. Miller
24

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3 PRESENT: (Continued)

4 Senator Cordell Cleare

5 Assemblywoman Carrie Woerner

6 Senator John Liu

7 Assemblyman Billy Jones

8 Assemblywoman Marianne Buttenschon

9 Senator George M. Borrello

10 Assemblyman Chris Tague

11 Assemblyman Steve Stern

12 Assemblyman Chris Burdick

13 Senator Lea Webb

14 Assemblyman John Lemondes

15 Assemblyman Matthew Simpson

16 Senator Patricia Canzoneri-Fitzpatrick

17 Assemblyman Zohran K. Mamdani

18 Assemblyman Keith P. Brown

19 Senator Pamela Helming

20 Assemblyman Khaleel M. Anderson

21 Assemblywoman Dr. Anna R. Kelles

22 Senator Brad Hoylman-Sigal

23 Assemblyman Ed Flood

24 Assemblywoman Linda B. Rosenthal

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3 PRESENT: (Continued)

4 Assemblyman Philip A. Palmesano

5 Senator Kristen Gonzalez

6 Assemblywoman Sarahana Shrestha

7 Senator Anthony H. Palumbo

8 Assemblywoman Dana Levenberg

9 Senator Julia Salazar

10 Assemblywoman Grace Lee

11 Assemblyman John T. McDonald III

12 Senator Jessica Ramos

13 Assemblywoman Stefani Zinerman

14 Assemblywoman Jo Anne Simon

15 Assemblywoman Karen McMahon

16 Assemblywoman Alicia Hyndman

17 Assemblyman Kenneth Zebrowski

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15	Policy Coordinator		
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18	(NOFA-NY)		
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20	Mikaela Perry		
21	New York Policy Manager		
22	American Farmland Trust		
23	-and-		
24	Libby Post		
	Executive Director		
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14	CEO		
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32	Heidi Reiss		
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14	Daniel Kelting		
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16	Arthur Perryman		
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19	Matthew Krug		
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1 CHAIRWOMAN KRUEGER: Good morning,
2 everyone. Hi. This is the Environmental
3 Conservation budget hearing. So if you
4 weren't interested in these topics, move
5 along. But otherwise, that's what we're
6 going to be talking about for the next many
7 hours.

8 I'm Liz Krueger, the State Senator who
9 chairs the Finance Committee. I'm joined by
10 many legislators, but perhaps most
11 importantly for budget hearings, my colleague
12 Helene Weinstein and the chairs of the
13 environmental committees, Pete Harckham in
14 the Senate and Deborah Glick in the Assembly.

15 The Assembly and the Senate take turns
16 for these budget hearings. Today's hearing
17 is the eighth of 11 hearings.

18 I just want to quickly go over a
19 couple of the rules of the road for the
20 hearing.

21 First, if you're not speaking, please
22 remain quiet.

23 Second, the government representatives
24 will get 10 minutes to testify, and then the

1 legislators will be able to ask questions.
2 The chairs of the relevant committees also
3 get 10 minutes to ask questions. Ranking
4 members get five minutes. All other
5 legislators get three minutes.

6 And we go back and forth between the
7 Senate and the Assembly until we have
8 completed the questions for a particular
9 testifier.

10 Note the clocks. That 10 minutes or
11 five minutes or three minutes is both time
12 for the questioning by the legislator and the
13 answers. So some legislators like to use all
14 their time to ask the question -- which is an
15 interesting approach, but they don't get time
16 to get the answers.

17 However, when we do end up not having
18 enough time to have the questions answered,
19 we will ask the speakers to please follow up
20 in writing to both Helene and myself, and we
21 will make sure all legislators get the
22 answers to the questions.

23 I just want to point out a few other
24 things. Technically, I have to say that this

1 is an official budget hearing under the
2 Constitution and the Legislative Law on
3 Governor Hochul's Executive Budget for fiscal
4 year '24-'25.

5 I also want to remind everyone we have
6 a new system here. It's actually much
7 improved. We have better air, we have better
8 WiFi, we have better lighting, we have better
9 screens, although only two of the four are
10 working now but I'm sure the other two will
11 pop up.

12 And we also have microphones that
13 actually do work better, but for all of us
14 who may need to use them, testifiers or
15 legislators, you have to push the button very
16 hard to make it go from red to green. And
17 sometimes you'll think it's a plot against
18 you, but you just press extra hard on the
19 push button. They all have a sweet spot.
20 And make sure it's green when you're
21 speaking.

22 And, by the way, make sure it's red
23 when you're not speaking. Otherwise,
24 everyone in the world is listening to the

1 conversation you're having, which you perhaps
2 didn't intend to have livestreamed from the
3 hearing room today.

4 So again, I want to welcome everyone
5 here. And I'm going to read off the list of
6 Senators who have shown up, and then after I
7 introduce the Senators and my colleague
8 Tom O'Mara, the ranker for Finance,
9 introduces his members, then we'll turn it
10 over to the Assembly to do the same.

11 And I just have to call up my texts to
12 see what we have already. Okay. We have
13 Senator May, Senator Serrano, Senator
14 Harckham, Senator Hinchey, Senator Liu,
15 Senator Hoylman-Sigal, Senator Serrano --
16 that's it for us right now. And -- okay, I
17 think I got, right, everyone.

18 And I'm going to hand it over to
19 Tom O'Mara, and we'll introduce others as
20 they show up.

21 SENATOR O'MARA: Thank you. Good
22 morning, Chair Krueger. Good morning,
23 witnesses. We're joined by our side here by
24 our Energy ranking member, Senator Mario

1 Mattera; Senator Pam Helming; and
2 Senator George Borrello.

3 CHAIRWOMAN KRUEGER: Great. Okay, I
4 would like to now turn it over to my
5 colleague Helene Weinstein, who people may
6 have noticed was not here for the first set
7 of hearings, but we're delighted that she's
8 back from her medical leave and with us
9 today. Helene.

10 CHAIRWOMAN WEINSTEIN: Thank you,
11 Senator Krueger.

12 We have, joining on the Assembly side,
13 chair of our EnCon Committee, Deborah Glick;
14 chair of our Agricultural Committee,
15 Donna Lupardo; chair of Tourism,
16 Danny O'Donnell; chair of Energy,
17 Didi Barrett.

18 We also have Assemblymembers Anderson,
19 Burdick, Burke, Buttenschon, Kelles, Otis,
20 Simone, Stern and Woerner.

21 I'm sure we'll be having some other
22 members join us as we continue.

23 Now I'd like to ask the ranker on Ways
24 and Means, Assemblyman Ra, to introduce his

1 colleagues.

2 ASSEMBLYMAN RA: Thank you.

3 Good morning. We are joined by
4 Assemblyman Simpson, our ranker on EnCon. We
5 have Mr. Flood, Mr. Brown, Ms. Giglio,
6 Mr. Palmesano, our ranker on Energy, and
7 Mr. Tague, our ranker on Agriculture.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 And before the Senate goes, also
10 Assemblymember Fahy has joined us.

11 And now for the start of the hearing.

12 CHAIRWOMAN KRUEGER: Thank you so
13 much.

14 And we do have a very full hearing
15 list today. I'll just note we're starting
16 with the New York State Office of --
17 whoever's phone is doing that, perhaps turn
18 it off.

19 Yes, all phones should be silenced
20 when you're here in the hearing room. Okay,
21 mission accomplished? Thank you.

22 So we'll be starting with the New York
23 State Office of Parks, Recreation and
24 Historic Preservation, followed by the

1 New York State Department of Agriculture and
2 Markets. And then as a little bit of an
3 unusual model, but it worked very well last
4 year, we're having the Panel B be
5 representatives of organizations specific to
6 parks, recreation and agriculture. And then
7 we will go back to additional government
8 representatives for several panels.

9 So don't be confused. So we will do
10 our 10 minutes for each of these
11 commissioners and then follow that, and then
12 there will be a panel of nongovernment
13 three-minute only, then we will go back to
14 government. I won't even explain why we're
15 doing it this way, but trust me, it worked
16 better last year.

17 With that, gentlemen -- Erik, would
18 you like to start, as Parks commissioner?
19 Thank you.

20 PARKS COMMISSIONER KULLESEID: Thank
21 you. And I pressed hard. You can hear me,
22 right, it's working?

23 Good morning, Chairperson Krueger,
24 Chairperson Weinstein, Senator Serrano,

1 Assemblymember O'Donnell, Senator Harckham
2 and Assemblywoman Glick.

3 Is this better? Okay, good. Thank
4 you for inviting me here today. I'm honored
5 to represent Governor Hochul on behalf of our
6 State Parks system, which includes -- our
7 sprawling State Parks system, which includes
8 250 state parks, historic sites, golf
9 courses, boat launches and recreational
10 trails. This system is a result of a vision
11 100 years ago brought to life and sustained
12 through continued investment by the state and
13 commitment by our workforce. Its strength
14 today reflects longstanding support from the
15 people of New York State and the
16 representatives they elect.

17 At the start of our second century,
18 our park system is revitalizing, and momentum
19 is strong. It's been my privilege these past
20 five years to steward this agency through one
21 of its greatest periods of growth and
22 improvement. New Yorkers are responding to
23 the reinvigoration of our system. Last year,
24 a record 84 million visitors came to our

1 parks and sites, a 6 percent increase from
2 2022. Our parks are doing what they
3 should -- serving as affordable destinations
4 for all New Yorkers and our out-of-state
5 visitors.

6 The Governor's proposed budget for the
7 agency will enable us to celebrate this
8 year's State Parks Centennial and capitalize
9 on the opportunity it presents to shape the
10 next 100 years. While maintaining our strong
11 baseline of \$200 million in capital a year to
12 continue the ongoing transformation of our
13 system, the budget proposal would, in
14 addition, advance the Governor's NY SWIMS
15 program to address swimming equity by
16 launching new grants programs, expanding the
17 learn-to-swim program and providing free
18 sunscreen at our pools.

19 The proposed budget also allocates an
20 additional \$100 million in funding in honor
21 of the New York State Parks Centennial. Major
22 proposed projects this year include
23 reimagining and reopening the historic
24 East Bathhouse at Jones Beach to include a

1 destination spray park and unique
2 learn-to-swim feature, building out and
3 creating a swimming area at Sojourner Truth
4 State Park, and reopening Lake Sebago Beach
5 at Harriman, which has been closed since
6 2011.

7 The proposed budget also includes up
8 to \$53 million in funding for security
9 infrastructure, including cameras and
10 improved fencing that will help address
11 concerns for the safety of our overnight
12 visitors.

13 These funds will empower the agency to
14 advance its record of achievement in
15 stewardship and visitor service and build on
16 the landmark moments of the past year, which
17 included:

18 Launching our Centennial celebration
19 with my 10-stop tour of our parks and sites
20 to showcase the breadth of our system, and
21 inviting the public to engage in our
22 Centennial Challenge.

23 Improving access to outdoor recreation
24 by expanding our Ladders to the Outdoors

1 program at Green Lakes to better reach
2 underserved youth; modernizing the track and
3 field at Harlem's Denny Farrell Riverbank
4 State Park; and creating new trails at
5 Sojourner Truth and Allegany State Parks.

6 We invested in tourism destinations
7 with a new visitors center at Niagara Falls;
8 a new artistic gateway at Marsha P. Johnson;
9 and a reimagined Roosevelt Drive at Saratoga
10 Spa.

11 We preserved historic landmarks at
12 Old Fort Niagara, Grant Cottage, Montauk
13 Point Lighthouse, and Schoharie Crossing.

14 We improved resiliency with a new
15 solar array at Hither Hills and completing
16 our largest-ever wetlands restoration at
17 Hempstead Lake State Park in Nassau County.

18 However, in the midst of celebration,
19 our park system continues to cope with the
20 realities of climate change. Last year
21 wildfire smoke cancelled many outdoor plans
22 and flood damage closed Bear Mountain for
23 nearly two months -- and cleanup is still
24 ongoing.

1 Our agency's Climate Action Plan has
2 provided a roadmap for improving our
3 resiliency while reducing our own
4 contributions to climate change. We continue
5 to progress towards our goal of
6 all-renewable-energy by 2030. And as the
7 largest owner of shoreline in the State of
8 New York, we are focused on coastal
9 resiliency, seeking nature-based solutions
10 for shoreline stabilization, and protecting
11 both coastal habitat and agency
12 infrastructure.

13 Our achievements were possible because
14 of the agency's talented, dedicated and
15 committed staff. I am grateful that the
16 proposed budget enhances staffing so we can
17 reach our ambitious goals. The agency will
18 be able to hire more Park Police, fill
19 skilled trades positions, improve safety, and
20 enhance our stewardship unit.

21 The proposed budget will also protect
22 and preserve our heritage. In 2023, our
23 Division for Historic Preservation approved
24 nearly \$50 million in investments in historic

1 homes, and a nation-leading \$1.2 billion in
2 tax credits for historic commercial
3 properties, incentivizing the redevelopment
4 of 116 sites.

5 More than 138 businesses are now
6 listed on the Historic Business Preservation
7 Registry, which recognizes New York State
8 businesses that have operated for 50 or more
9 years.

10 We continue to prepare for major
11 commemorations such as the 250th anniversary
12 of the American Revolution and the 200th
13 anniversary of emancipation in New York.

14 The coming year will be a memorable
15 one, as we open new visitor centers at Bayard
16 Cutting Arboretum and Olana, welcome visitors
17 for a Total Solar Eclipse on April 8th, and
18 establish a new park on Cayuga Lake in
19 partnership with local municipalities.

20 As I prepare to leave this agency in
21 the hands of my remarkable team, I see the
22 hard work and investments of the past
23 five years coming to fruition. This system
24 is among New York's greatest environmental,

1 recreational, and cultural legacies. I am
2 proud to have worked with you to author a
3 crucial chapter of its story.

4 In 2124, when our successors celebrate
5 the bicentennial of Parks, I believe they
6 will look back on the present day as its
7 Second Golden Age: an era in which
8 New Yorkers came together to reinvest in our
9 system, face the challenges of climate
10 change, ensure true equity in access to
11 nature, recreation, and history, and make New
12 York State a recreation destination for
13 generations to come. With your support, this
14 vision will become a reality.

15 I invite you to visit us and to
16 celebrate the Parks Centennial in 2024. And
17 just one final personal note, it has been
18 really a great privilege and honor of my life
19 to serve in this position for the past five
20 years, and I appreciate the confidence of
21 Governor Hochul and I appreciate the
22 partnership that we've gotten from so many
23 members of this Legislature. There's so many
24 of you I have developed personal

1 relationships with, and I am sorely going to
2 miss you.

3 And thank you for a great five years.

4 CHAIRWOMAN KRUEGER: Thank you.

5 AG & MARKETS COMMISSIONER BALL: Good
6 morning, Chair Krueger, Chair Weinstein,
7 Senator Hinchey, Assemblymember Lupardo,
8 members of the agricultural committees and
9 elected officials. I am honored to present
10 my testimony on the fiscal year 2024-2025
11 Executive Budget for the Department of
12 Agriculture and Markets.

13 Agriculture is a major driver of the
14 economy in New York State, home to nearly
15 33,500 farms that are among the nation's top
16 producers of more than 30 different
17 commodities, from fruits and vegetables to
18 dairy and maple and more. Under the
19 leadership of the Governor, and with support
20 from the Legislature, the department is proud
21 to not only promote the industry to our
22 consumers, but also to provide critical
23 assistance to our farmers and food and
24 beverage businesses that feed our families.

1 One of the department's top priorities
2 is to create a stronger, more resilient food
3 supply chain that provides a boost to our
4 farmers and increases food access for all New
5 Yorkers. Last fiscal year, the Governor
6 announced significant initiatives to further
7 grow New York agriculture and strengthen the
8 food system. This includes making the 20
9 percent investment tax credit refundable for
10 five years and issuing an executive order
11 directing New York State agencies to source
12 30 percent of their food purchases from
13 New York producers.

14 The state continues to support key
15 programs such as Nourish New York,
16 Farm-to-School, and the 30 percent initiative
17 to bring more New York food to our New York
18 communities.

19 We are well aligned with our federal
20 partners in our priorities, from the food
21 system to diversity in agriculture and to
22 climate change. In the last year, the
23 United States Department of Agriculture has
24 targeted upwards of \$100 million to our

1 farmers and food businesses and to increase
2 the capacity of regional supply chains. This
3 includes a \$40 million investment in the
4 New York Food for New York Families program,
5 which we are proud was modeled after our
6 Nourish New York program; the Regional Food
7 Business Center Program; and more.
8 Approximately \$60 million has been committed
9 to programs that will help us mitigate
10 climate change.

11 This year's Executive Budget builds on
12 this work and recommends nearly \$324 million
13 for the department, including over
14 \$100 million in federal funds and nearly
15 \$48 million in local assistance for key
16 programs focused on research, education, and
17 marketing. It also includes significant
18 funding that will allow us to not only
19 continue to work towards our core mission,
20 but also implement new programs that
21 reinforce the state's agricultural goals.

22 To assist New York's dairy industry,
23 the Governor has proposed \$34 million over
24 two years to support dairy farm modernization

1 and infrastructure that will help improve
2 dairy supply chain efficiency.

3 Statewide, the Governor is maintaining
4 her pledge to aggressively tackle climate
5 change. With her proposal of a \$400 million
6 Environmental Protection Fund, we will see
7 the continued funding of several of our
8 programs that are key to protecting the
9 environment, including Cornell Soil Health;
10 the Soil and Water Conservation Districts,
11 which are seeing an increase of \$2 million
12 this year; and the Climate Resilient Farming
13 program.

14 To further build the state's
15 agricultural workforce and advance its
16 agricultural education programs, this year's
17 Executive Budget includes \$1.25 million to
18 the FFA -- that's a \$250,000 increase from
19 last year. It also provides for the renewal
20 of annual funding to other critical programs
21 that will complement the Governor's proposed
22 first-ever Collaborative Youth Agricultural
23 Leadership Conference.

24 In addition, \$500,000 will create the

1 Agricultural Workforce One-Stop Shop, which
2 will be managed by Cornell University's
3 Agricultural Workforce Development Program.

4 Shaping tomorrow's agricultural
5 workforce also means providing opportunities
6 for all our farmers and ensuring a diverse
7 and equitable industry. I recently had the
8 honor of attending the first ever Conferencia
9 de la Comunidad Agrícola Latina del Noreste,
10 coordinated by the Cornell Small Farms
11 Program, which receives \$500,000 in state
12 assistance. The conference, conducted
13 entirely in Spanish, connected Latino farm
14 families with service providers, providing
15 them critical resources. These are the first
16 of many steps we must take to make sure that
17 our industry is accessible to everyone.

18 Continuing to support the local food
19 supply, the Executive Budget proposes a
20 \$5 million investment in marine dock space,
21 processing equipment, and other vital
22 infrastructure for the growth of our
23 aquaculture businesses. It also maintains
24 funding for the Urban Farms and Community

1 Gardens Grant Program and the Farmers' Market
2 Resiliency Grant Program.

3 In addition, the \$50 million Regional
4 School Food Infrastructure Grant Program will
5 see another \$10 million in funding to help
6 encourage the use of fresh New York State
7 farm products in K-12 school meals and
8 further increase market opportunities for our
9 producers.

10 The Governor recognizes the need to
11 invest in public, animal, and plant health
12 programs as part of our efforts to bolster
13 the agricultural industry. In addition to
14 focusing on disease detection and prevention,
15 food-safety education, and veterinary care,
16 she is proposing \$2.25 million for pest
17 management solutions through Cornell
18 University's Integrated Pest Management
19 Program.

20 Also supporting animal care and
21 health, the Executive Budget has proposed
22 \$5 million again this year to continue the
23 Companion Animal Capital Fund. The program
24 provides animal shelters funding to make

1 critical upgrades that enhance care for our
2 dogs and our cats.

3 The Great New York State Fair will
4 receive a proposed \$15.7 million investment
5 under this budget. This will provide for
6 infrastructure improvement projects on the
7 fairgrounds such as vendor concession stands,
8 the Greenhouse Educational Center, and more.

9 To provide a boost to New York's
10 county fairs -- and also agricultural
11 education -- the budget includes \$2 million
12 in marketing funds, a new County Fairs
13 Passport, and funding to encourage visitor
14 growth at all our fairs.

15 We've got a lot to be proud of when it
16 comes to New York State agriculture, yet
17 there's a lot of work to be done. As we look
18 to the future, we must ensure that
19 agriculture remains an economic driver and
20 that we strengthen the connections between
21 our farmers and our consumers here and around
22 the globe. We look forward to hearing your
23 priorities and working with you to advance
24 New York's agricultural community. So thank

1 you.

2 And I would add a special thank you to
3 my colleague, who we'll miss. Thank you.

4 CHAIRWOMAN KRUEGER: Thank you both
5 very much.

6 And I just neglected to mention
7 earlier that once we start testifiers, please
8 know that we only print out the testimony of
9 the government representatives. But
10 everyone's testimony -- government, the
11 public, people who are actually testifying in
12 person, or people who just requested to file
13 their testimony -- they're all up online,
14 both at the Senate Finance Committee website
15 and the Assembly Ways and Means Committee.

16 So anything that you think you're
17 hearing, you don't have to scribble it all
18 down quickly. All of that testimony is
19 available. Thank you.

20 And our first testifier is going to be
21 Senator Hinchey, the chair of Agriculture.

22 SENATOR HINCHEY: Thank you very much.

23 Commissioner Kulleseid, thank you for
24 your service. It's been a pleasure working

1 with you, and excited to continue that in the
2 future. But thank you.

3 I'd like to start my questions with
4 Commissioner Ball. And I want to say for the
5 record we are incredibly fortunate to have
6 you as our commissioner of Agriculture. You
7 are such a great partner and really a true
8 champion for agriculture. So thank you.

9 And thank you to the Governor, because
10 this budget this year is a good place to be
11 starting for agriculture. So that's a great
12 way to begin this hearing.

13 I want to start with Nourish New York.
14 This is a program that has been a lifeline
15 for people across our state and a really
16 incredible program for farmers. However,
17 last year there was a combination between
18 Nourish and HPNAP, and I know many of us in
19 our communities have heard some challenges.
20 And I'm wondering if you've heard anything or
21 what you've heard from our farmers as it
22 pertains to the way that Nourish has rolled
23 out this year.

24 AG & MARKETS COMMISSIONER BALL: (Mic

1 off.) No, I haven't heard anything from our
2 farmers -- (inaudible) -- the way the
3 program -- am I on? Yeah, it worked.

4 As you know, COVID-19 was incredible.
5 We were able, working with the Governor,
6 working with the Department of Health and our
7 team and our producers, able to connect the
8 food supply chain that had been broken. Both
9 ends of that food supply chain were hurt:
10 Our consumers couldn't find food, and for our
11 farmers and producers, half of their market
12 went away -- just shut down, with
13 restaurants, with institutions, schools,
14 et cetera.

15 So that was just a huge victory for
16 our agricultural community to be able to find
17 new markets and new ways to market.

18 Important to note that, you know,
19 USDA, in their LFPA program, modeled that
20 federal program after our Nourish New York
21 program.

22 So from our producers around the
23 state, I heard nothing but happiness and
24 appreciation for the opportunity to connect

1 to a new market. I do recognize it was a
2 change, as Nourish became statutory. If you
3 remember, we began under an executive
4 order -- a lot of flexibility in an executive
5 order, a lot of quick pivots and suddenly
6 now, with Nourish, we need to go out to bid,
7 we need to follow protocol and be careful of
8 taxpayer money and go out to bid for the food
9 supply side.

10 So -- but no, I heard really good
11 things from our farmers.

12 SENATOR HINCHEY: Thank you.

13 Switching to -- there are many great
14 programs in the budget, but one of them is
15 New York Farm Viability Institute. And this
16 was proposed by the Governor for a million
17 dollars. Last year we were able to get it to
18 1.9 million. But prior, in 2009, Farm
19 Viability was funded at \$5 million. The
20 program, as you know, is an incredibly
21 important research program to help mitigate
22 challenges, both as we see today and also for
23 the future.

24 You know, the Farm Viability is asking

1 for an increase to 2.5. But, you know, I
2 actually think we should be restoring it back
3 to 2009 levels of 5 million, based on --
4 we've been able to increase or restore many
5 of the programs that were cut during that
6 financial downturn. That program is off the
7 table.

8 Can you talk about the importance of
9 Farm Viability?

10 AG & MARKETS COMMISSIONER BALL: Yeah,
11 I have to -- full disclosure. Before I
12 became commissioner, I was a reviewer for the
13 New York Farm Viability Institute, as a
14 vegetable grower.

15 I really came to admire the effort
16 there. Farm viability; we're talking about
17 viability of our farms in New York State.
18 And the -- kind of the base of that
19 organization is to look at what kinds of
20 research farmers really want. There's dairy
21 people there, there's vegetable people, fruit
22 people, et cetera. And, you know, because of
23 their expertise, they were able to kind of
24 look at research opportunities and fund

1 things that were important to them and that
2 they understood to be important.

3 So it was a great way to interject the
4 farm community into research opportunities
5 for our farmers. So I think that's a great
6 model. I appreciate their work. And at the
7 department we funnel an awful lot of -- we
8 funnel a lot of opportunities to the Farm
9 Viability Institute to do some work for us
10 with specialty crop, you know, funding.

11 So we believe in it. And I appreciate
12 the Legislature's commitment to look at that
13 very much.

14 SENATOR HINCHEY: Thank you.

15 We know that they're underfunded, they
16 end up leaving a lot of proposals for
17 research on the table. And so it would be
18 great for us to be able to increase the
19 dollars to really solidify our food supply
20 system here in New York.

21 We also -- one of the priorities too
22 is expanding markets for our farmers and
23 making sure that everyone across the state
24 has access to New York-grown healthy food.

1 The biggest market in our state is New York
2 City. And it can be challenging to bring
3 food from our state, from upstate into
4 New York City just because of distance. And
5 it oftentimes can be cheaper, whether it's
6 from Pennsylvania or New Jersey.

7 There has been a concerted effort to
8 expand those pipelines and make it stronger,
9 particularly GrowNYC, with cold storage that
10 the state has been a partner in. What are
11 some of the logistical challenges that we
12 should be tackling?

13 AG & MARKETS COMMISSIONER BALL: Well,
14 I think you mentioned them right there.

15 You know, our theme at the Department
16 of Agriculture and Markets for the last
17 10 years has been connecting the dots. We
18 have an amazing agricultural community. As I
19 mentioned in my opening remarks, you know, we
20 rank in the Top 10 in over 30 different
21 commodities, and we have good land, good
22 farmers, access to water -- pretty important.
23 Best land grant system for education and
24 agriculture in the country. We've got the

1 most amazing and diverse, largest marketplace
2 anywhere in the world.

3 So this has got to be a constant
4 dynamic to maintain those relationships,
5 build those relationships. So the more we do
6 with each other and the more we know about
7 each other, the better off we're going to be.
8 Things like working in the schools, getting,
9 you know, our schools using New York food.
10 That's great all around the state.

11 But New York City school food is the
12 largest buyer of food in the United States of
13 America -- other than our military, they are
14 the largest buyer of food in the country.
15 And we should be talking to them about New
16 York food, and we are. So those
17 opportunities need to be looked at very
18 closely.

19 Also, when we went through COVID-19,
20 we discovered, you know -- we discovered
21 really where food challenges were. We
22 learned a lot of lessons there; we've got to
23 follow through. And I think in the
24 Governor's budget, in our initiatives here

1 over the last few years, we're continuing to
2 build on those relationships.

3 SENATOR HINCHEY: Thank you.

4 Switching gears now, protecting our
5 farmland is incredibly important, right, for
6 the future of our food supply and our state
7 but also our country. The production of our
8 food is shifting back to the Northeast, as we
9 see the impacts of the climate crisis in
10 places like Florida, California, and the
11 Midwest facing challenges with drought, lack
12 of water, severe storms and flooding.

13 We, though, also see in our state a
14 lot of development pressures on our farmland,
15 particularly as it pertains to solar
16 proliferation. And we need to hit our
17 renewable energy goals, we need solar energy,
18 we needed it 50 years ago. But we want to
19 make sure that we are not scaling our
20 renewable energy at the expense of our
21 farmland and our food supply. We can do both
22 of these things -- we can protect our
23 farmland and build renewable energy at the
24 same time. We can do both of those things.

1 As a farmer, I know you have some
2 experience, and I wonder, both as the
3 chair -- or as the commissioner of
4 Agriculture, and your personal experience, if
5 you could talk a little bit about what you've
6 seen as it pertains to solar development,
7 including solicitation.

8 AG & MARKETS COMMISSIONER BALL: Well,
9 sure. That's a broad subject, you know. Can
10 I exceed 10 minutes?

11 Yesterday -- yesterday morning I was
12 with the Secretary of Ag in California, in
13 Washington. They're underwater right now. A
14 year ago they were on fire. So very
15 sensitive to the opportunities that are in
16 front of New York, where we're not on fire
17 and usually not underwater.

18 We farm 7 million acres of land in
19 New York State. Seven million acres of land,
20 which is pretty important. And 60 percent of
21 that land is leased land, it's rented land.
22 So that's a worry when you start thinking
23 about solar development. In 2014 we saw the
24 first, you know, really active interest in

1 using solar development around the state.
2 And it makes me a little nervous when that
3 land is leased land, because that's very
4 attractive land for solar development.

5 So I think we have to be very mindful
6 about where we consider putting solar in New
7 York State. We just went through a couple of
8 years of COVID-19 where we learned that we
9 better have a foodshed right here in New York
10 State that's responsive and resilient and
11 works. Let's not depend on another part of
12 the world for our food in times of an
13 emergency like that.

14 So two things are going on here. We
15 went over 100,000 acres in preserving
16 farmland in New York State last year for the
17 first time, which is a great milestone. But
18 we need to advance our energy goals in a
19 thoughtful way, not on the backs of
20 agriculture, but along with agriculture. So
21 we're seeing solar development that's
22 attractive to a nice flat farm field. We
23 need to be mindful that we avoid,
24 minimize and mitigate the impacts on our top

1 four tiers of soil where most of our
2 production occurs, that we avoid, minimize,
3 mitigate on that land that is actively
4 farmed. And we're doing just that.

5 CHAIRWOMAN KRUEGER: Thank you. I
6 have to cut off this line of questioning.

7 And before I turn it over to the
8 Assembly, I'd like to introduce a few more
9 Senators who showed up: Senator Ramos,
10 Senator Salazar, Senator Webb, and
11 Senator Cleare.

12 And on the Republican side?

13 SENATOR O'MARA: Yes, we've been
14 joined by our ranking member on the
15 Environmental Conservation Committee,
16 Senator Dan Stec, and Senator Peter
17 Oberacker. And I failed to identify
18 Senator Borrello previously; he's our ranker
19 on Agriculture.

20 CHAIRWOMAN KRUEGER: Thank you.
21 Assembly.

22 CHAIRWOMAN WEINSTEIN: On the Assembly
23 side, we've been joined by Assemblyman
24 Carroll, Assemblywoman Levenberg, Assemblyman

1 Jones.

2 And Assemblyman Ra, would you
3 introduce your colleagues who have joined us?

4 ASSEMBLYMAN RA: Yes. We've been
5 joined by Assemblyman Miller and Assemblyman
6 Gray.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 So we are going now to our first
9 questioner from the Assembly side, the chair
10 of our Agriculture Committee, Assemblywoman
11 Lupardo. Ten minutes.

12 ASSEMBLYWOMAN LUPARDO: Thank you very
13 much. Thank you, commissioner, for your
14 service. We are definitely going to miss
15 you. It was a pleasure working closely with
16 you over these years.

17 To our partner at the Department of Ag
18 & Markets, as always, it's a pleasure to see
19 you and I really want to publicly state how
20 much I appreciate the close working
21 relationship that we have. I think we've got
22 a pretty good budget here, as I think you
23 would probably agree.

24 I think some of our colleagues might

1 want to hear a little bit more about that
2 \$100 million that came to us from the USDA,
3 keeping in mind I have another three or four
4 questions for you. If you can give us a
5 quick snapshot of that 100 million,
6 40 million alone going to the New York Food
7 for New York Families. First issue, it's
8 one-time funding, I'm assuming? And what did
9 we do with it, or is it being spread out over
10 a number of years?

11 AG & MARKETS COMMISSIONER BALL: Yeah,
12 thank you so much. I appreciate the working
13 relationship we have with all of you, and you
14 especially.

15 New York Food for New York Families, a
16 total of \$49 million there; \$40 million of
17 that has gone out the door. We anticipate
18 another \$9 million this year. This is the
19 one I like to look at and point to Nourish
20 New York. We got a lot of calls from
21 Washington early on in this administration
22 asking us to explain how we did Nourish and
23 how it worked.

24 This is a really great program. We

1 call it New York Food for New York Families.
2 It reaches a little bit deeper into the small
3 farm side -- some of the farmers socially
4 disadvantaged, perhaps, who may not have seen
5 all the opportunities they need. And it also
6 reaches further on the other side into the
7 food banks and the pantries and the
8 neighborhoods that needed the food. So it's
9 been a great program. We were successful in
10 applying for this money, and we got it. And
11 as I say, it's in the works and been working
12 well.

13 Along the way came also another
14 \$19 million in the Resilient Food Systems
15 Infrastructure Program. We got this New York
16 Food for New York Families program; this is
17 kind of helping with the transportation and
18 the refrigeration and some of the needs that
19 it takes to get that working properly.

20 It very nicely dovetails with another
21 funding pot that we applied for from USDA,
22 \$30 million, Northeast Food Innovation
23 Center. This is not just for New York but
24 for the whole Northeast, to look at the

1 Northeast as a foodshed and how all the
2 states together might work together to
3 accomplish that.

4 I would be remiss if I didn't mention
5 along the way, as climate is going to come up
6 today and should come up today -- but New
7 York State applied for climate-smart
8 commodities. We were successful in that as a
9 participation project between the Department
10 of Agriculture, DEC, Cornell University, SUNY
11 ESF -- they're all partners with us.

12 We applied for \$60 million in total to
13 help do the things we need to do to expand
14 climate resilient farming and develop
15 projects for monitoring methane and doing all
16 the work that we want to do with the Climate
17 Action Council.

18 So really I -- it's unprecedented to
19 see this level of funding coming from the
20 federal government to do the kind of things
21 in New York that we need to do. So it's been
22 a really great partnership there.

23 ASSEMBLYWOMAN LUPARDO: And again,
24 that was just a one-time stabilization fund?

1 AG & MARKETS COMMISSIONER BALL:

2 Right.

3 I'm sure that we'll see continuing
4 climate work as we go forward, but this was
5 one-time funding. And over a period of time
6 -- five years, generally.

7 ASSEMBLYWOMAN LUPARDO: So there's a
8 fairly substantial amount of money going into
9 the Dairy Growth Fund, \$24 million this year.

10 AG & MARKETS COMMISSIONER BALL: Yes.

11 ASSEMBLYWOMAN LUPARDO: So how has the
12 dairy community responded to that? And can
13 you explain exactly what the use of those
14 grants, you know, will be? And short term,
15 long term.

16 AG & MARKETS COMMISSIONER BALL: Yeah.
17 We've got a couple of things going on there.
18 You know, we've got funding kind of two
19 different directions there. One is to help
20 with bulk tank storage and processing
21 facility and transportation.

22 So we've learned that, you know,
23 nationwide we've got a real shortage of
24 trucking. We don't have enough truckers, we

1 don't have enough truck drivers. We still
2 need to move a lot of milk around. So things
3 we can do to enhance that situation, things
4 we can do to help a farm individually
5 increase their storage capacity. Maybe they
6 don't need to be picked up every day, maybe
7 they could be picked up every other day, for
8 example, is going to alleviate some of that.

9 And then, once they get to a
10 processing plant, to be able to, you know,
11 unload quickly, be able to accurately measure
12 the milk. There's a number of other factors
13 in there in infrastructure on the plant side
14 and the farm side that we're seeing that are
15 going to be very helpful.

16 I think the funding on alternative
17 waste management -- and Senator Krueger, you
18 asked me about this last year, I remember.
19 But we need to make sure that we're
20 responsible in the way we manage manure on
21 our farms, expanding storage capacity there
22 so we're applying it at the right time and
23 the right methods.

24 And also looking at, along the way,

1 strikes me that it's also a huge opportunity
2 for us to do similar investments in
3 land-based fin fish aquaculture operations.
4 So I'm wondering, is that something if we
5 begin to advance that part of the aquaculture
6 industry, would that come through Ag &
7 Markets, or is that something we're going to
8 also have to coordinate with DEC?

9 AG & MARKETS COMMISSIONER BALL: I'm
10 sure DEC is going to have some opinions about
11 all that.

12 We're a great partner with DEC on the
13 aquaculture efforts on Long Island. They're
14 our partners in a very big way. We did
15 notice during COVID-19 that that industry was
16 so severely impacted because they're largely
17 a restaurant trade. So increased capacity,
18 dock space, processing.

19 There's a little piece of it that's a
20 cuisine trail, you know, for Long Island
21 around the seafood industry. That's really
22 great. But we do share space with DEC on
23 Long Island in that regard.

24 Upstate, aquaculture and the

1 production of fish products, that's mostly
2 us, with their assistance. It's just the
3 opposite; we're more involved there than
4 they. But clearly, you know, having this
5 foodshed in New York State to feed our people
6 is so critical. So this is a great effort,
7 and appreciate your input with regards to
8 upstate fish production.

9 ASSEMBLYWOMAN LUPARDO: Thanks.

10 As you know, the Governor vetoed a
11 bill of mine, along with Senator Hinchey,
12 that would have allowed the use of hemp seed
13 in pet food. There's a \$5 million
14 appropriation going to Cornell; it's for hemp
15 research, I think. Could you clarify, is
16 that in direct response to the veto? And are
17 we expecting them to do research trials? As
18 you know, recently the federal government is
19 now allowing hemp seed in I think food for
20 chickens. And I'm just curious if that's
21 what we're expecting to see out of Cornell
22 with that 5 million.

23 AG & MARKETS COMMISSIONER BALL: Yes.

24 The answer is yes.

1 So it is still illegal to add, by FDA
2 law, hemp products to animal feed. It's
3 illegal. They did take a monster step
4 forward in approving the use of hemp seed
5 cake for poultry, and that's a big step. And
6 it was trialed in Pennsylvania; I visited the
7 farm actually that was doing it, and they had
8 very positive results.

9 So we've taken a step here. But
10 still, for us and the rest of the industry,
11 to add this to animal feed is prohibited by
12 FDA. Some states are trying to do that. I
13 was just in Washington yesterday, hearing
14 those lamentations about that.

15 But -- so let's do the research here,
16 let's figure this out. Is this going to help
17 our animals? Are there any unintended
18 consequences from doing this? Let's make
19 sure before we expose our dairy industry or
20 any of our animal industry. But we're doing
21 the right things.

22 ASSEMBLYWOMAN LUPARDO: So -- but will
23 that research be able to move the dial at the
24 federal level?

1 AG & MARKETS COMMISSIONER BALL: Yes.

2 ASSEMBLYWOMAN LUPARDO: Is there a
3 collaborative there?

4 AG & MARKETS COMMISSIONER BALL: Yes,
5 absolutely.

6 ASSEMBLYWOMAN LUPARDO: Okay. And I
7 think I'll leave it go at that; I only have a
8 few seconds left.

9 Thank you.

10 AG & MARKETS COMMISSIONER BALL: Thank
11 you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Assemblymember -- oh, hello. I'm the
14 Senator, let's try the Senate side. That's
15 what happens when these hearings go on for
16 many weeks. Sorry about that.

17 Let's try Senator Serrano, our chair
18 for the Parks commissioner.

19 SENATOR SERRANO: Thank you very much,
20 Senator Krueger.

21 And thank you to the commissioners who
22 are here and for your testimony. And I would
23 like to direct my remarks and questions to
24 our Parks commissioner, Commissioner Erik

1 Kulleseid.

2 Thank you so much for being here.

3 Thank you for your testimony. And thank you
4 for your tremendous service to parks across
5 New York State as commissioner over these
6 five years and, indeed, your lifetime of work
7 and service to parks. You started out as a
8 lifeguard at Lake Welch in Harriman State
9 Park, so this is certainly -- your life has
10 been parks.

11 And it's been amazing to walk with you
12 in parks, to visit parks and to talk about,
13 on a really real and tangible level, how
14 important our parks are to our lives, to our
15 mental health, to our communities, how they
16 empower us, how they make us healthier, and
17 how they're so important to every aspect.
18 They're foundational.

19 And not long after you were appointed
20 commissioner of Parks, the pandemic happens.
21 Faced with a situation that no one had dealt
22 with before. And the keeping of our parks
23 open, looking back in retrospect, was
24 probably one of the best things that ever

1 happened during the pandemic, because the
2 parks become our refuge, our safe space, a
3 place where we can be together with our
4 families and feel safe. And indeed, it sort
5 of reawakened, I think, a lot of people's
6 understanding of what our parks mean to us
7 and why they're so critically important. And
8 how we can continue to build upon them.
9 Visitorship -- year over year, we set new
10 records with visitorship in our state parks.
11 And indeed we have some of the most amazing
12 state parks anywhere -- old-growth parks with
13 ancient trees and wonderful paths and ways to
14 really connect with nature. And one of the
15 things that I could speak to personally,
16 growing up in the South Bronx, the ability to
17 connect with nature is so important. And
18 many times we feel that, you know, in the
19 modern world we're disconnected from nature,
20 and we're not. And I think our state parks
21 system gives us the opportunity to be, in a
22 tangible way, connected to nature. And I
23 just thank you for doing that, for pushing
24 that, for being keenly aware of the

1 importance of parks for marginalized
2 communities, for communities that haven't
3 always felt that connection. You've done a
4 lot, and we've worked together on those
5 issues.

6 And, you know, I am excited because we
7 are in the centennial. I was with you at
8 Lake Welch over the summer when you were
9 kicking the whole thing off, and excitement
10 was just so great. And mentioning
11 Lake Welch, where you were a lifeguard, there
12 is a -- not only a physical connection to
13 nature, but there is a cultural significance
14 to a lot of these parks. And a place like
15 Lake Welch in Harriman State Park on any
16 given Saturday or Sunday in the summer, it's
17 everyone from the Bronx and Washington
18 Heights and Brooklyn, they drive up, they are
19 connected, Lake Welch is their home. And you
20 recognized that, and you've promoted that and
21 pushed that.

22 So with the centennial, with the
23 excitement around that and the ideas that
24 come from that, I had a couple of questions.

1 What are some of the full scope of centennial
2 and swimming capital projects that Parks is
3 looking to advance in the coming months and
4 next year?

5 PARKS COMMISSIONER KULLESEID: It's
6 sort of a combination of capital projects and
7 sort of events around swimming and the
8 centennial. Obviously the centennial will
9 have lots of events; we are hoping that
10 people will be coming out, we have our
11 friends groups geared up for celebrations and
12 festivals. We have opportunities for
13 everyone here in this room to share your
14 story, to share your personal story of state
15 parks. I think that's one of the great
16 assets of the parks, is generations of New
17 Yorkers have been going there, everyone's got
18 a story from a state park.

19 We also have our Centennial Challenge.
20 I hope everyone downloads your Centennial
21 Challenge, with a hundred activities you can
22 do this year. If you do 24 of them, you get
23 a little button and then a little sticker,
24 and then you can also enter in to win an

1 Empire Pass, a year's pass to the parks.

2 But we will be -- as part of the
3 NY Swims initiative, we will be -- obviously
4 there's some big capital projects to restore
5 swimming in our state parks. East Bathhouse
6 used to be a pool. It has been shuttered for
7 15 years. We are reopening that at Jones
8 Beach. Obviously, a great destination for
9 people who want to get out in the summer on
10 Long Island and in Queens and the five
11 boroughs. And that will include Spray Park
12 and the learn-to-swim facility.

13 Again, part of the NY SWIMS initiative
14 will be reopening Lake Sebago, a facility
15 that was closed in 2011 because of a storm,
16 Tropical Storm Lee and Irene that came
17 through and wiped out that facility, and we
18 are reopening that. Again, providing people,
19 the working-class and people who don't have a
20 lot of options, more options to be able to go
21 in the summer.

22 And then opening swimming at Sojourner
23 Truth, our newest state park, in the City of
24 Kingston.

1 But there's some other aspects as
2 well. Under NY SWIMS, there will be \$150
3 million for -- to incentivize the rebuilding
4 of pools that have been closed or that are
5 otherwise challenged. There's 60 million in
6 a competitive grant program that will go
7 towards helping municipalities to rebuild
8 pools and renovate pools that are in our
9 underserved communities around the state.
10 Sixty million in competitive grant funding to
11 create a potential new -- whole new
12 generation of pools that are actually in
13 water bodies, a little bit like Sojourner
14 Truth, where we're doing that, where you have
15 a water body that we can put a pool in and
16 actually create a safe swimming area inside
17 an existing water body.

18 And then also another \$30 million to
19 fund pop-up pools around the state.

20 We're also looking at DOS, with DOS
21 there'll be funding for more lifeguards, to
22 help communities confront the lifeguard
23 shortage. And then we have -- we'll be
24 offering free sunscreen at our state park

1 pools starting this year, and expanding our
2 own learn-to-swim activities. We offer Learn
3 to Swim in our facilities, and we want to do
4 more of that so that more and more people can
5 be swimming. As we know, the Governor's
6 identified drowning as one of the leading
7 causes of death among young, young children.
8 And so it's really time we take that on.

9 SENATOR SERRANO: Thank you,
10 Commissioner.

11 And I agree, I think the NY SWIMS
12 proposal is a great one by the Governor. I
13 think one of the most important things you
14 could teach anyone is how to swim. It's
15 often overlooked. But, you know, I think
16 about times with my kids in Bear Mountain
17 Pool or Roberto Clemente, and it's been very
18 meaningful and very important, I think, to
19 teach my kids how to swim.

20 And this -- as you mentioned here,
21 there's additional capital for local
22 municipal pools. So some colleagues have
23 asked, does that mean like, say, an old pool
24 in a high school in my neighborhood that

1 hasn't been used, will this go for that? And
2 then my question is, who would run a pool
3 like that? Would that be State Parks?

4 PARKS COMMISSIONER KULLESEID: It is
5 not intended to be a program that State Parks
6 will run. Municipalities will come, we'll be
7 providing the grant funding to help them
8 restore pools. It can be -- you know, if
9 those pools are open to the public -- it's
10 important they be open to the public, right,
11 accessible to the public. But I think when
12 we're taking in -- we're taking in feedback
13 and information from munis right now to sort
14 of determine what the parameters of the
15 program will be. We're sort of developing
16 the parameters of the program.

17 But like I said, there will be --
18 there'll be additional DOS funding for
19 helping to hire lifeguards. But no, the
20 management of these facilities will be on the
21 local governments.

22 SENATOR SERRANO: Got it. So these
23 pools don't necessarily have to be on
24 state park property --

1 PARKS COMMISSIONER KULLESEID: Not at
2 all. In fact, they will not be on state park
3 property. The grants program will go to
4 muni-owned pools.

5 SENATOR SERRANO: No, that's
6 wonderful. Because I think that will get to
7 the neighborhoods where folks need it most.

8 So in the floating pools, do they
9 exist already? Or are you going to have to
10 build them or buy them or --

11 PARKS COMMISSIONER KULLESEID: This
12 again is a grant program, so there have been
13 entities out there who have floated -- pun
14 intended -- the concept of having these -- of
15 taking advantage of these water bodies where
16 people sometimes can be intimidated to swim,
17 to create a safe and secure swimming
18 environment in a larger water body.

19 You do see some of those -- you see
20 them at camps and other places on a smaller
21 scale. You see them at Camp Junior, other
22 places, where they create a cribbed area for
23 swimming. It's sort of along -- like those
24 concepts, obviously, in certain areas closer

1 to where you have to -- or a water cleanup
2 where there will be filtration issues. But
3 there are concepts out there. So we will be
4 making grants to innovative programs to sort
5 of take this on.

6 SENATOR SERRANO: That's wonderful,
7 Commissioner. I appreciate it. I'm running
8 out of time. But thank you again for your
9 service.

10 PARKS COMMISSIONER KULLESEID: Thank
11 you, Senator.

12 SENATOR SERRANO: And I yield back to
13 Senator Krueger.

14 PARKS COMMISSIONER KULLESEID: Thank
15 you for your passion.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Assembly.

18 CHAIRWOMAN WEINSTEIN: We go to the
19 chair of our Tourism and Parks Committee,
20 Assemblyman O'Donnell, for 10 minutes.

21 ASSEMBLYMAN O'DONNELL: I pushed my
22 button. Good morning.

23 (Laughter.)

24 ASSEMBLYMAN O'DONNELL: I would be

1 remiss if I didn't thank you personally for
2 everything you have done and the courtesies
3 you've extended to me and to the members of
4 our body. When the Second Floor would let
5 you, you would always invite us, and I do
6 appreciate that a great deal.

7 (Inaudible) -- presented the budget to
8 our conference, it was rather lively, a happy
9 lively group, which our conference is rarely.
10 But they were happy because of the amount of
11 money involved. Which I certainly agree
12 with. But they were also fixated on
13 bathhouses. So my first question for you has
14 to do with priorities that you get to execute
15 as commissioner. A hundred million dollars
16 is a lot of do-re-mi. The -- everyone in the
17 state thinks that whatever their project is
18 is the one that has to be done first.

19 So my first question for you is, how
20 do you balance that out? And how did you end
21 up throwing \$100 million to Jones Beach State
22 Park?

23 PARKS COMMISSIONER KULLESEID: So
24 thank you for that question. And thank you

1 for being a strong friend and ally these past
2 five years I've been in this job. I
3 appreciate it. Look forward to staying in
4 touch.

5 So Jones Beach, the East Bathhouse at
6 Jones Beach is obviously somewhat of a
7 misnomer. It's not a changing facility. The
8 bathhouses at Jones Beach are among its most
9 historic and vital infrastructure. And the
10 East Bathhouse in particular, as I said, had
11 a pool in it and that pool has been closed
12 now for 15 years. So we are reopening that,
13 and it has -- so there are a lot of elements.
14 There's -- and we are creating a spray park.
15 There's also creating a place for
16 learn-to-swim activities, in keeping with the
17 Governor's initiative.

18 And Jones Beach is a park that
19 deserves it. Obviously, it's one of the most
20 -- this is the most historic structure at
21 Jones Beach. It's the first bathhouse that
22 was opened there, back in 1929. And it --
23 and Jones Beach gets 8 million visitors a
24 year. The visitation is there. It draws

1 people. So it's a high-volume,
2 high-visitation -- our second-most-visited
3 park in the entire system, after
4 Niagara Falls. So there's justification
5 there.

6 We are also balancing -- we're not --
7 we're not -- you know, at the same time that
8 we're rebuilding this bathhouse, which is
9 sort of at the core of the active area there,
10 we've also recalibrated the whole West End.
11 The West End's become a park preserve.
12 Right? So it's not like we're just throwing
13 money at these resources, we're being
14 targeted and putting it in places where we
15 know people are going to benefit, where the
16 maximum number of people will benefit.

17 I mean, I think we've got a capital
18 program that will continue. We need to
19 continue, obviously, to do this statewide.
20 But Jones Beach is one of those -- it is one
21 of our two top, in order, top handful of
22 flagships, and we really wanted to get the
23 whole thing up to speed. And this is a
24 historic building.

1 So with all those kinds of elements,
2 it becomes -- it becomes more expensive than
3 other projects.

4 ASSEMBLYMAN O'DONNELL: I am familiar
5 with Jones Beach State Park. I've been there
6 before in my life. But I am curious, given
7 global warming, about decision-making about
8 where to place things. I certainly am a
9 great supporter of historic preservation, as
10 you know. But many of those places are
11 subject to being wiped away in one bad
12 weather storm.

13 So did you use any decision-making
14 about, gee, what will happen if we get one of
15 those storms and what damage will be done to
16 the hundred-million-dollar park you just
17 built?

18 PARKS COMMISSIONER KULLESEID: So we
19 look at that carefully statewide. We've been
20 doing a vulnerability analysis of our parks
21 around the state. Jones Beach, as nature and
22 human intervention would have it, is actually
23 a park that is, as the word is, accreting.
24 It is actually -- sand is gathering at Jones

1 Beach because of the way Jones Beach Inlet is
2 formulated.

3 So we are -- but we are looking very
4 carefully at places like Captree and others
5 that are more exposed to weather. But Jones
6 Beach, these investments will be -- they will
7 serve their lifetime.

8 ASSEMBLYMAN O'DONNELL: Let me talk
9 briefly about your pool program. I certainly
10 am very supportive. And the conference was
11 very supportive, with a few voices saying
12 that it should be left to other government
13 entities other than the state to do that.

14 But I just want to briefly address the
15 inherent racism that created the loss of
16 those pools. I mean, I lived for a time in
17 Greenpoint, where there was a pool, and there
18 was nothing you could do to get that pool to
19 be reopened because the people who lived most
20 closely to it did not want the communities
21 adjacent to it to have Black and brown kids
22 in their pool.

23 So my question for you is, how do you
24 plan or intend to address that problem going

1 forward?

2 PARKS COMMISSIONER KULLESEID: So this
3 grants program -- and you're right to bring
4 that up. I think it's in response to that
5 that the NY SWIMS program was developed. And
6 it will be focused on creating pools and
7 rebuilding pools in underserved communities.
8 So that is the target for where these grant
9 funds will go.

10 And these will be grant funds, so this
11 is -- you know, there's -- obviously we
12 are -- as you know, right, our parks like
13 Sebago and Jones Beach and the new park in
14 Kingston serve communities that don't have a
15 lot of access. Right? I mean, Lake Sebago
16 on a weekend, as the Senator said, is full of
17 Spanish-speaking people from the Bronx, from
18 Manhattan -- it's really a vibrant and
19 wonderful place.

20 But the point of the program, it's a
21 grant program to munis to allow them to
22 put -- to refurbish pools in underserved
23 neighborhoods.

24 ASSEMBLYMAN O'DONNELL: I'd like to

1 move away to the other parks, although born
2 in the city and raised on Long Island, my
3 husband's family is from the Adirondacks.
4 I've spent more time on the Northway than
5 I've spent on any other highway in the state.

6 But I want to address Moreau State
7 Park briefly. As you know, there was a
8 horrific crime that occurred recently there,
9 and I remember at last year's budget hearing
10 there was some discussion about the Park
11 Police in Moreau State Park. And I'm
12 concerned that decisions about policing are
13 being made primarily about dollars and not
14 about safety.

15 So I'm not suggesting you or anyone in
16 the administration is responsible for the
17 crime that occurred in Moreau State Park.
18 But it was a shock-the-conscience kind of
19 crime on the heels of a reduction in the
20 State Park Police force there. Could you
21 address that briefly?

22 PARKS COMMISSIONER KULLESEID: So
23 along with all other New Yorkers, we were
24 horrified by the events of last September at

1 Moreau Lake, and I just want to sort of make
2 sure that, you know, everyone here knows that
3 we are committed to the safety of the public
4 across our park system.

5 We are -- and I will say in that
6 moment, you know, the response there
7 obviously was -- the after-response was
8 Park Police, State Police, emergency services
9 all in tandem, working night and day to
10 search that park and find that victim and do
11 the work. So I think it was actually an
12 example of the natural partnership that our
13 police force does.

14 And we're rebuilding that police
15 force. Last year we graduated our first
16 academy in four years, and we had added
17 police force so we now have a police -- we
18 have people deployed to New York City, which
19 is great, because we really lacked that for a
20 while. We have another 20 that are coming
21 through this year, in April. So we're
22 rebuilding the force. We did -- in '22, we
23 added what we call a pay adjustment for
24 downstate police officers, because that's

1 where we were really atrophying and losing
2 people.

3 And right now we do have -- we are
4 trying to get a chief of law enforcement
5 through appointments. We're working with
6 someone to become the next chief of the State
7 Park Police, and continue to rebuild.

8 I think we and the Governor, we are
9 committed to rebuilding that force to make
10 sure that the public continues to have the
11 sort of safe experience they expect in our
12 state parks.

13 ASSEMBLYMAN O'DONNELL: Thank you.

14 I have just one other brief question,
15 or statement. Thank you for the shout-out to
16 the historic district {unintelligible}.
17 Where did that idea come from?

18 PARKS COMMISSIONER KULLESEID: I think
19 it might have been --

20 ASSEMBLYMAN O'DONNELL: Yeah, that's
21 correct. I wrote that.

22 PARKS COMMISSIONER KULLESEID: --
23 between those ears of yours.

24 ASSEMBLYMAN O'DONNELL: That's

1 correct. I stole it from Texas, just so you
2 know. I steal everything from other states.
3 Not from my colleagues, just from other
4 states.

5 But thank you for that. It's been a
6 great success.

7 PARKS COMMISSIONER KULLESEID: It has.

8 ASSEMBLYMAN O'DONNELL: And the work
9 of your department to make sure that that was
10 a success is greatly appreciated by me.
11 Thank you very much.

12 PARKS COMMISSIONER KULLESEID: Thank
13 you.

14 CHAIRWOMAN KRUEGER: Thank you.

15 CHAIRWOMAN WEINSTEIN: Before we go to
16 the Senate, we've been joined by a number of
17 colleagues in the Assembly: Linda Rosenthal,
18 Jo Anne Simon, Shrestha, and Mamdani.

19 CHAIRWOMAN KRUEGER: Thank you.

20 CHAIRWOMAN WEINSTEIN: Oh, and Grace
21 Lee. I'm sorry.

22 CHAIRWOMAN KRUEGER: No problem.

23 Next up is Senator Pete Harckham,
24 who's a chair for later panels -- it's just

1 three minutes this morning, so far.

2 SENATOR HARCKHAM: Thank you very
3 much, Madam Chair.

4 Commissioner Kulleseid, I join my
5 colleagues in thanking you for your service.
6 You truly have left your mark on this park
7 system, and your successor has very big shoes
8 to fill. So best of luck in your new role.

9 Commissioner Ball, thank you for
10 everything you and your great department do,
11 and for the partnership that we've had, the
12 conversations we've had.

13 I've got an environmental question for
14 you on the ag side. One of the things that
15 is really threatening our fragile drinking
16 water supplies are harmful algal blooms. And
17 they come from a lot of sources -- in my
18 district, a lot of old failing septic
19 systems, golf courses, runoff from fertilizer
20 on lawns. So that's a big chunk of it.

21 But agriculture contributes as well,
22 manure and runoff from excess nutrients.
23 What are we doing on the ag side to address
24 runoff of excess nutrients to protect our

1 fragile drinking water supplies from harmful
2 algal blooms?

3 AG & MARKETS COMMISSIONER BALL: Well,
4 thank you. Thank you for that question; it's
5 certainly an important one.

6 We're doing quite a lot, actually.
7 We've got decades of programs at the
8 department, working on water and air quality
9 that we're finding are very timely when it
10 comes to addressing harmful algal blooms.
11 And it's something that we need to be very
12 closely aligned with the Department of
13 Environmental Conservation, Department of
14 Health, because it's a real issue.

15 It's important to have the 30,000-foot
16 view here also, though, I think. We see
17 lakes in the Adirondacks with no homes, no
18 agriculture anywhere around them, and yet
19 we're finding harmful algal blooms showing up
20 there. Well, what's going on here? It's
21 clearly bigger than just one of those
22 agencies and one of those factors. So
23 climate has an awful lot to do with what's
24 going on here. You know, the higher

1 temperature, the higher water temperatures,
2 it's a real challenge for us.

3 I do think that, you know, providing
4 the resources to address specific issues in
5 the watershed surrounding them, together with
6 DEC, DOH and us, is going to be critical to
7 doing that.

8 We just formed recently an Eastern
9 Finger Lakes Coalition -- I should say our
10 Soil and Water Conservation Districts came
11 together with a memorandum of understanding
12 in that region of the state, which is going
13 to be really awesome. There's funding, \$1.2
14 million through the EPF for them to help do
15 that work and actually take the programs that
16 we have in place and tailor them.

17 I would add that when we come to
18 marketing our products in New York State, you
19 know, every state has got a marketing
20 program. Hooray for us -- you know, we're
21 local, and that's great. But for New York
22 our program is not just we're local, we're
23 not just New York, but we're also
24 environmental stewards. And so the way we

1 monitor nutrients and water on our farms is
2 part of this marketing program, it's embedded
3 in that program. So that's an important
4 aspect. So we're doing all those things.

5 CHAIRWOMAN KRUEGER: Thank you,
6 Commissioner.

7 SENATOR HARCKHAM: I would like to
8 follow up more offline with you. But thank
9 you for your answer.

10 Thank you.

11 AG & MARKETS COMMISSIONER BALL:
12 Thanks for the question.

13 CHAIRWOMAN KRUEGER: Assembly.

14 CHAIRWOMAN WEINSTEIN: We go to
15 Assemblywoman Glick for three minutes. Later
16 on she'll be having much more time.

17 ASSEMBLYWOMAN GLICK: Thank you very
18 much. I'm going to talk really fast. This
19 is a FedEx commercial.

20 First of all, Commissioner Kulleseid,
21 thank you so very much, and I look forward to
22 continuing to work with you in your new role.

23 And that's not to say that it isn't a
24 joy to work with Commissioner Ball, which it

1 absolutely is.

2 Commissioner Kulleseid, how much did
3 it cost to repair Sebago Beach, and how many
4 other state parks need major repair and
5 renovation because of extreme weather? And
6 if you could just hold that one second, I'm
7 going to ask Commissioner Ball's question at
8 the same time and hopefully get answers to
9 both.

10 In the EPF there are two Ag & Market
11 programs that have inexplicably, in my
12 opinion, been shifted to the EPF from Ag &
13 Markets -- the Farmers' Market Resiliency
14 Grant program and the Urban Farms and
15 Community Gardens Grant program. Why should
16 these programs be moved out of Ag & Markets
17 and shifted over to the EPF?

18 We'll go back for a moment to
19 Commissioner Kulleseid.

20 PARKS COMMISSIONER KULLESEID: So I
21 think the first question was about Lake
22 Sebago, the reopening of Lake Sebago.

23 ASSEMBLYWOMAN GLICK: How much did it
24 cost, and are there other parks that are

1 seriously --

2 PARKS COMMISSIONER KULLESEID: So
3 we're projecting right now our cost estimate
4 there is it's -- it's sort of close to the 70
5 to 80 million dollar range to reopen Lake
6 Sebago. That would be -- that involves both
7 a new wastewater treatment plant was built
8 out and new parking, sustainable parking.
9 There's a new beach redesign. You know,
10 reopening sort of a historic concession stand
11 there, things like that. So it's a -- and
12 getting it back open.

13 We have plenty of other facilities
14 that are -- that we still have abandoned
15 pools, we still have a whole psychiatric
16 hospital on Long Island that came to us,
17 Kings Park, which is now part of Nissequogue
18 State Park. So we still have facilities that
19 are -- really need this kind of investment.

20 ASSEMBLYWOMAN GLICK: Thank you very
21 much. We'll have probably an opportunity to
22 talk with staff about some other things.

23 Commissioner Ball?

24 AG & MARKETS COMMISSIONER BALL: Yes,

1 thanks for the question.

2 I think this was an effort to achieve
3 the overall fund goals of the state and
4 balance the budget here. The goals of the
5 program will not change. They will remain
6 the same. But ...

7 ASSEMBLYWOMAN GLICK: On Soil and
8 Water Conservation, they got a \$2 million
9 bump. They do a tremendous amount of work,
10 particularly in regard to the question asked
11 by Senator Harckham around HABs. So I'm just
12 wondering -- harmful algal blooms. So I'm
13 just wondering, was the 2 million enough for
14 Soil and Water Conservation?

15 AG & MARKETS COMMISSIONER BALL: They
16 will tell you no, it's not enough. But --
17 and I have to salute them. I meet with the
18 employees of that organization every year.
19 They are the most passionate, and they are
20 our boots on the ground. They're doing
21 remarkable work. We've been able, with your
22 help, to increase their budget regularly,
23 so -- thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 To the Senate?

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Borrello, five-minute ranker.

4 SENATOR BORRELLO: Thank you,
5 Madam Chair.

6 To Commissioner Kulleseid first of
7 all, briefly. Good luck, and you have a
8 great team in Western New York, they do great
9 work at our biggest parks like, you know,
10 Allegany and Letchworth. So thank you. And
11 I'll also say that the Parks Police do a
12 great job as well.

13 So with that, I'm going to turn my
14 questions to Commissioner Ball.

15 You know, it was brought up earlier by
16 Senator Hinchey, Nourish New York. The
17 Nourish New York program that you put
18 together, I know it had an amazing impact; it
19 worked really well. And then we put together
20 a great bipartisan team to make it a
21 permanent recurring program, and it worked
22 well. And then we turned it over to the
23 Department of Health. Now, not so much. And
24 that's my concern.

1 This was a great program that fed
2 people, that helped our farmers, that created
3 a more resilient food supply chain. And I
4 guess the real basic question is, what can we
5 do to get the Department of Health and that
6 bureaucratic black hole to do a better job
7 with Nourish New York?

8 AG & MARKETS COMMISSIONER BALL: Well,
9 thank you for the question. And thank you
10 for the support of Nourish.

11 You know, when we started Nourish it
12 was pretty rapid, pretty fast. We got it
13 done in a little over a week. And under
14 executive order we were able to pivot really
15 fast. But I have to tell you that, you know,
16 Department of Health was always there. They
17 were partners from day one. And that's where
18 the funding came from -- the original Nourish
19 New York funding, \$25 million in emergency
20 food feeding, came from them.

21 I have to say that we were the -- we
22 can find the food; you know the systems, you
23 know the food banks. I would add that our
24 relationship at Ag & Markets and chairing the

1 Hunger and Food Policy Council put us in very
2 close touch with the emergency feeding
3 program around the state, the 10 regional
4 food banks.

5 But really the Department of Health
6 and their HPNAP program, that was the
7 conduit. Those were the arteries and the
8 veins that got the food where it needed to
9 go.

10 That hasn't changed. And our
11 relationship with them hasn't changed at all.
12 They're doing a marvelous job, and we work
13 together with them every day. When we get
14 into statute and we become -- we codify it,
15 which is amazing. I was with the Governor in
16 Corona, Queens, when she signed that, making
17 that happen. You were there as well;
18 Assemblymember Tague, you were there. It was
19 a great moment.

20 But suddenly now this program goes out
21 to bid, and there's a bidding process that's
22 involved, and the Comptroller's going to
23 audit it, and he's going to make careful use
24 of things.

So I would say that, you know, by and large the program still works well, we still have those good relationships.

And I want to add also, you know, the federal program that the Assemblymember asked me about, you know, the LFPA, New York Food for New York Families is another option, it's another layer there. We've got another \$9 million to award through that program to basically do the same thing, to enhance what we're doing with Nourish New York.

So I think, you know, making this real and making this, you know, visible, is how we keep that and keep it viable, keep it working well.

SENATOR BORRELLLO: And it's a great testament that, you know, we have another program, a federal program, that's modeled off of that. So, you know, congratulations on that. And I know it's been a great help. And we really brought people together upstate, downstate, our rural areas, our farmers, our cities, our food banks. So we really need to preserve and protect this

1 program.

2 I want to talk a little bit also about
3 solar proliferation. You know, this is a
4 huge concern for me. In Chautauqua County
5 right now, where I am, we have 43 pending
6 solar projects -- 43, in one county. One of
7 them is going to take up 3,000 acres in the
8 Town of Ripley, much of it on good farmland.
9 What I really want to ask is I know that you
10 have kind of a personal story on the -- kind
11 of the aggressive tactics of these solar
12 companies. If you don't mind -- I don't want
13 to put you on the spot -- could you speak a
14 little bit as a farmer what it's like with
15 these solar companies.

16 AG & MARKETS COMMISSIONER BALL:
17 That's a dangerous question.

18 (Laughter.)

19 SENATOR BORRELLO: You can deny, it's
20 okay. I appreciate the relationship.

21 AG & MARKETS COMMISSIONER BALL: No.
22 You know, in 2014, that's when this happened.
23 And I had just been named commissioner. And
24 I opened up my mail in the morning before I

1 came into Albany, and I opened a
2 solicitation, one of 2,000 letters that were
3 sent to farms around New York. Nothing
4 personal, they just GPS'd "farms," "flat land
5 in New York State," I'm sure.

6 And I was a little upset because they
7 were offering me a lot of money for a lot of
8 solar acres in the Schoharie Valley.

9 I have on my wall in the office a
10 framed plaque. It was the Governor of
11 New York who came to my farm in 1992 to
12 celebrate the anniversary of Ag Districts Law
13 in New York State. I'll be quick. Schoharie
14 County is the first agricultural district in
15 the United States of America. And to put
16 solar panels on 18 feet of topsoil in the
17 Schoharie Valley is not a good idea.

18 So we're looking to protect that land
19 from that. So thank you.

20 SENATOR BORRELLO: Thank you.

21 CHAIRWOMAN KRUEGER: Assembly.

22 CHAIRWOMAN WEINSTEIN: We go to the
23 ranker on Agriculture, Assemblyman Tague.

24 ASSEMBLYMAN TAGUE: There we go.

1 Well, good morning, both
2 commissioners. Commissioner Kulleseid, I
3 just want to say good luck in your future
4 endeavors and thank you for your service and
5 dedication to the State of New York. We
6 appreciate you.

7 I don't know if I'm going to get a
8 chance to ask you the two questions I had for
9 you, so I'll throw them out there and maybe
10 somebody else will follow up with them later.

11 Two of my concerns happen to be with
12 the retirement system with regards to our
13 Park Police. And also, you know, I think
14 that it's a -- it can be used as a retention
15 and help with enlisting new members.

16 And lastly, like I said -- I do want
17 to move on to Commissioner Ball, because I am
18 the ranker on Agriculture, but I am just
19 curious about the justification on the
20 Governor's behalf of spending \$150 million of
21 New York State taxpayers' money on swimming
22 pools.

23 I have a concern with that when we
24 have middle-class blue-collar New Yorkers and

1 senior citizens suffering, struggling to buy
2 groceries and put gas in their vehicles.

3 But I do want to switch over -- and
4 again, thank you for your service. I do want
5 to switch over and speak to my good friend
6 Commissioner Ball.

7 Commissioner Ball, number one, you're
8 a friend, and a friend to our farmers and a
9 farmer yourself. Appreciate everything you
10 do. But as you mentioned in your testimony,
11 we still have a lot of work to be -- there's
12 still a lot of work to be done.

13 And one thing that my colleague and
14 the chair of our Ag Committee, Assemblywoman
15 Lupardo, had brought up is the hundred
16 million dollars. And I just want to bring up
17 one thing. All this funding is great,
18 Commissioner, but if we don't have any farms
19 left in New York State to produce, what good
20 is the money?

21 And I do want to bring up the Nourish
22 New York program, because as you had
23 mentioned, Senator Borrello and myself and
24 Senator Hinchey made the run out to Queens

1 with you when -- with Assemblywoman Cruz, who
2 was the sponsor of the bill. I think
3 everybody that was involved in that's very,
4 very proud of the accomplishment.

5 But I was wondering if you could just
6 quickly answer three quick questions: How
7 the program has performed since the
8 inception, how we might be able to improve it
9 or work together with Ag & Markets, and what
10 do you think the greatest strengths and
11 weaknesses have been within the program?

12 AG & MARKETS COMMISSIONER BALL: Well,
13 thanks for that opportunity and the kind
14 words.

15 You know, it's an incredible program
16 to consider that it came together so quickly.
17 And it was with partnerships, and it was
18 because of the willingness of the Department
19 of Health and the activity of New York State
20 government that -- more importantly, it was
21 the relationship that we had established with
22 the 10 regional food banks. And the focus on
23 nutrition instead of just supplying food --
24 it's not food security we're talking about

1 here. We're talking about nutrition
2 security.

3 So I think everything we do to
4 continue this transformation of our food
5 system is good. Again, I see an alignment
6 with USDA here, and a focus on transforming
7 the food system with a goal of having more of
8 our farms involved and more of our consumers
9 involved and connecting. So connecting the
10 dots is just a great example of how this can
11 happen. So we just need to keep this alive.
12 Keep the lessons that we learned from
13 COVID-19 alive and front of mind, you know,
14 when we consider things.

15 So that's my quick answer to the --

16 ASSEMBLYMAN TAGUE: And I appreciate
17 you for being quick, because I don't get much
18 time.

19 But I do want to also say I appreciate
20 you and your deputy commissioner, Geoff, for
21 meeting with me in my office. I really
22 appreciate the opportunity.

23 Two other quick questions, and if you
24 don't get a chance to answer them,

1 Commissioner, we can talk later.

2 I have a concern and I don't see any
3 money in the budget to help our crop farmers
4 comply with the issues with the ban on neonic
5 seeds. And this is a serious, serious
6 problem with quality and yield for our
7 farmers. I understand the logic behind the
8 legislation, but how are we going to keep
9 from putting these farmers out of business?

10 AG & MARKETS COMMISSIONER BALL: Well,
11 actually we do have funding to do that.
12 We've got some time. This was a great effort
13 in working with the makers of the bill,
14 working with our agricultural community,
15 working with the industry. And working with
16 Cornell Integrated Pest Management Program,
17 because that's where the research happens.
18 I've had too many great experiences within
19 Integrated Pest management to find
20 alternatives, and \$2.5 million is going to
21 help us do that very thing you asked. So
22 thank you.

23 ASSEMBLYMAN TAGUE: Thank you.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 Senate?

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator May.

4 SENATOR MAY: Thank you.

5 Commissioner Kulleseid, I join my
6 colleagues in thanking you for what you've
7 been doing, but I also want to thank you for
8 the next role that you're planning to take
9 on. And I have a question that relates to
10 both of them, because the state is trying to
11 meet a 30x30 ambitious goal of land
12 conservation.

13 Our land trusts have about \$150
14 million tied up in purchases that they have
15 made, but they can't get the title transfers
16 done through the Attorney General's office
17 because we have such a slow and cumbersome
18 process, more so than any other state.

19 Before you leave office, will you be
20 putting in a word with the Attorney General's
21 office to try to resolve that issue? I think
22 we can do it without losing jobs in that
23 office, and we can just make this process a
24 lot more streamlined.

1 PARKS COMMISSIONER KULLESEID:

2 Appreciate that question. Obviously land
3 conservation is where -- my roots are in land
4 conservation, in that work.

5 So we do continue -- we work closely,
6 obviously, with the AG and with our own
7 internal processes to make sure we're all
8 leaning in to make sure those processes work
9 as quickly as possible. And I guarantee you
10 when I'm at the Open Space Institute, that
11 will be one of my top priorities, is to make
12 sure that that process is as streamlined as
13 possible.

14 SENATOR MAY: Wonderful, thank you. I
15 look forward to working with you in that
16 role.

17 Commissioner Ball, first of all, as
18 the Senator representing the four easternmost
19 Finger Lakes, I am very grateful for the
20 Eastern Finger Lakes Coalition.

21 I wanted to turn, though, to the
22 Farm Viability Institute that Senator Hinchey
23 mentioned. They had a really fascinating
24 display about some of the science that they

have funded, and particularly about soil health innovations and how not only are they good for the environment, they are good for the bottom line of the farmers.

And so I'm wondering, is that message getting to the farmers? Are we able to spread that gospel to farmers all over the state and help them get to the point where they're saving money while also saving soil health?

AG & MARKETS COMMISSIONER BALL: Yes, I think so. I think we are. And it's true, the Soil and Water Conservation Districts largely -- they're the boots on the ground, and they have the technical experience and the resources to help a farmer take those steps.

I think the answer is yes. I mean, more farmers need to know more. Farming is a continuing education project if there ever was one. Most farmers get 40 chances to get it right.

SENATOR MAY: Okay.

AG & MARKETS COMMISSIONER BALL: You

1 know? So we need to maximize every one of
2 those chances every year.

3 I think our Soil and Water
4 Conservation Districts, they're in every
5 county and they have access to every farmer.
6 Our marketing programs I've talked about, you
7 know, they include this work. As I get
8 around the state -- you know, I was -- you
9 and I were together at the NOFA conference
10 here two weeks ago. And as I get around the
11 state, I go to conferences, soil health is
12 like the number-one packed room in the
13 conference.

14 SENATOR MAY: Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.
16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Assemblyman
18 Gray, Tourism ranker, five minutes.

19 ASSEMBLYMAN GRAY: Thank you very
20 much. I appreciate it.

21 Commissioners, thank you for your
22 time. Mr. Palmer, thank you for your time as
23 well.

24 You know, I'll talk offline because we

1 probably won't have time to address it, but
2 the expansion of some food pantries and
3 getting the process easier for people to get
4 involved in it.

5 Commissioner Kulleseid, thank you for
6 your service. It was a pleasure to serve
7 with you in the control room, so to speak,
8 during COVID-19. And your leadership was
9 greatly appreciated.

10 So just under your SWIM NY -- NY SWIM,
11 that program. The project list, has that
12 been built out yet, or do you have a project
13 list built out?

14 And what about communities that have
15 -- I just -- one of our communities that I
16 serve just went through a year-long process
17 of debating a pool, spending \$3.4 million on
18 a pool. Is there any funding available for
19 that? They're not in construction yet; will
20 it be available to them?

21 PARKS COMMISSIONER KULLESEID: So the
22 grant program will be a competitive grant
23 program, so there's no list of projects that
24 will get funded.

1 We are building out -- we expect to
2 obviously -- you know, the budget has to
3 pass, but then we will be building out
4 guidelines for municipalities to apply for
5 those funds to do their projects.

6 I don't know -- you know, if the
7 community is looking to secure grant funding,
8 they should just watch that space for when
9 those grant regs come out, when the grant
10 cycle opens, and then apply for grants to
11 help build that.

12 ASSEMBLYMAN GRAY: Great. Thank you
13 very much.

14 So then -- now I'm going to get to
15 your vessel contracts.

16 PARKS COMMISSIONER KULLESEID: Okay,
17 good. Looking forward to it.

18 ASSEMBLYMAN GRAY: Would you explain
19 it for -- 34 vessels that you put out to bid.
20 Right? You know the process, you know the
21 story --

22 PARKS COMMISSIONER KULLESEID: I do,
23 yup.

24 ASSEMBLYMAN GRAY: -- but for the

1 benefit of the people that are here.

2 You accepted bids back in June of
3 2023. You had four or five bidders. You had
4 a competitive bidder from New York State that
5 ended up being the exact same bid as a
6 West Coast company. The bid package
7 included -- dedicated a page to doing
8 business in New York State. They were the
9 exact same bids. And then they end up
10 disqualifying the New York company -- not
11 once, twice -- three times.

12 So the first time they disqualified
13 him they -- you know, they stated that they
14 didn't have two years experience when they're
15 currently building U.S. Coast Guards, Navy,
16 they have a U.S. Marine contract pending. So
17 they have plenty of experience building these
18 vessels.

19 That disqualification was retracted,
20 and the second -- when they got the second
21 notice of disqualification, your team came
22 up, tested one of the boats, one of the
23 vessels. Then they came back and said it was
24 an unmanned version, which is not correct,

1 they built one unmanned version as a
2 prototype for the U.S. Navy.

3 So they retracted the first
4 disqualification, they end up retracting the
5 second disqualification, and then verbally
6 told them they were disqualified a third time
7 but would not put it in writing.

8 Do you think that process has been
9 handled correctly?

10 PARKS COMMISSIONER KULLESEID: First
11 of all, let me just say, Assemblyman, thank
12 you for the time we had in the control room.
13 It was productive, we got through a lot of
14 other stuff.

15 I -- and I also appreciate your
16 advocacy on behalf of New York businesses, no
17 question about that.

18 You know, I think that the -- in this
19 particular circumstance, right, we are
20 looking for a specific model that had been in
21 production for two years, and that was the
22 basis for the disqualification of that
23 vendor.

24 We are -- I will say right now that

1 that contract has been tentatively awarded.
2 We're still taking a look at it, trying to
3 decide. And, you know, every --

4 ASSEMBLYMAN GRAY: That was rejected,
5 though, correct? It was rejected by the
6 Comptroller's office.

7 PARKS COMMISSIONER KULLESEID: Well,
8 it was -- and so we -- it was asked -- they
9 asked us to take it back. So we have not
10 decided whether we're going to resubmit. And
11 I think really every RFP is a learning
12 process. I think what we were looking for,
13 though, is we were looking for a company that
14 had actually built the specific model we are
15 looking for and had a two-year history. That
16 was the thing. It wasn't whether they had
17 done pieces of it or they had done this, that
18 or the other thing that could be put together
19 into a boat that we needed, because we wanted
20 that two-year record of actually having
21 produced it.

22 ASSEMBLYMAN GRAY: We're talking about
23 manufacturers. So they build them from
24 scratch, right?

1 PARKS COMMISSIONER KULLESEID: Yeah.

2 ASSEMBLYMAN GRAY: So they built --
3 they bid on a vessel, they were a competitive
4 bid. And, you know, they can design it any
5 way that you wish, correct?

6 PARKS COMMISSIONER KULLESEID: Yeah.

7 So we -- we are -- you know, we're --
8 but like I said, every RFP, every one of
9 these is a learning process, and we will
10 continue to learn about this going forward.

11 ASSEMBLYMAN GRAY: Okay. The only
12 thing I'd ask, in the last few seconds, is
13 that the communication kind of flow a little
14 bit more better from your agency than it is
15 currently.

16 Thank you.

17 PARKS COMMISSIONER KULLESEID: Okay.
18 Great. Thank you.

19 ASSEMBLYMAN GRAY: Thank you for your
20 service.

21 CHAIRWOMAN WEINSTEIN: Thank you.
22 Senate.

23 CHAIRWOMAN KRUEGER: Thank you.
24 Senator Helming.

1 SENATOR HELMING: Thank you.

2 Commissioner Kulleseid, thankful
3 because I only get three minutes and I was
4 able to thank you for your incredible
5 service. It's been wonderful working with
6 you.

7 And to both commissioners, I want to
8 say thank you for your incredible leadership.
9 I so appreciate that you spend so much time
10 outside of your offices actually meeting with
11 New Yorkers and listening to what's on their
12 minds. So thank you both.

13 Commissioner Kulleseid, again, it's
14 been incredible working with you. The Cayuga
15 Lake State Park, that was a wonderful
16 initiative. I'm glad it's continuing. I
17 wanted to ask that you put one more thing on
18 your list before you leave, maybe for your
19 predecessor or your team.

20 The state boat launch at the north end
21 of Canandaigua Lake is one of the busiest
22 launch sites in our entire State of New York.
23 We've had historic flooding that's occurred
24 over the past few years, most recently in

1 July, and what's happened, as you can
2 imagine, the sediment and everything that has
3 flowed in.

4 So I'm asking, I'm begging -- I'm
5 hearing from local banks, I'm hearing from
6 the Chamber of Commerce and so many people
7 that we need to assess the area between the
8 launch and Canandaigua Lake to determine is
9 there any action that's needed. People are
10 saying it needs to be dredged. I think we
11 need to just assess to determine if anything
12 needs to be done.

13 Can we put that on a priority list
14 somewhere?

15 PARKS COMMISSIONER KULLESEID: We can
16 definitely take a look at it. Obviously, you
17 know --

18 SENATOR HELMING: Thank you.

19 PARKS COMMISSIONER KULLESEID: -- we
20 love our Finger Lakes parks. So yes.

21 SENATOR HELMING: Appreciate it.

22 Commissioner Ball, I recently held a
23 roundtable listening discussion with several
24 of my local farmers. Many of them happen to

1 be apple growers, and there are a couple of
2 topics that were very important to them. One
3 that they've brought up is given the shortage
4 of worker housing in our area, they were
5 asking if there's been any discussion about
6 expanding farmers' eligibility for the
7 investment tax credit to include the
8 construction of new farmworker housing or
9 renovations to farmworker housing.

10 AG & MARKETS COMMISSIONER BALL: Yeah,
11 that's a discussion that's happening ongoing.
12 I would add that there's also -- we increased
13 last year the farmworker housing improvement
14 funding, which is a zero-percent-interest
15 loan to a farmer. It's something we do with
16 HCR. And we also involve -- Farm Credit
17 actually handles it. Farm Credit obviously
18 is pretty well acquainted by all our farmers.

19 This is a method where a farmer can
20 borrow funding to --

21 SENATOR HELMING: Yup, I --

22 AG & MARKETS COMMISSIONER BALL: --
23 improve housing. And that's working really
24 well.

1 SENATOR HELMING: In my last couple of
2 seconds, I want to bring up a second issue
3 that was important to them, and that was a
4 CDL exemption for farm owners and their
5 employees who are hauling farm equipment or
6 products that they have produced within
7 150 miles of the farm, without the currently
8 required F or G endorsement -- similar to
9 what I understand like dozens and dozens of
10 other states have.

11 AG & MARKETS COMMISSIONER BALL: Be
12 happy to take that up with -- we have a new
13 superintendent of the State Police, and we'll
14 look at that, and DOT. We have a shortage of
15 CDL drivers. No question, it needs to be
16 addressed.

17 SENATOR HELMING: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly.

20 Can I just also remind people, because
21 there are so many of us here, if I call on
22 one of you and you're not near a microphone,
23 someone in the front row please give up your
24 seat while they ask your questions. Thank

1 you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: We go to
4 Assemblywoman Didi Barrett for three minutes.

5 ASSEMBLYWOMAN BARRETT: Thank you.

6 Good morning. As a member of both the
7 Ag and the Tourism committees, I have
8 questions for each one of you. I'm going to
9 start with Commissioner Kulleseid. And thank
10 you so much for your service and your
11 partnership. It's been great working with
12 you, and I wish you the best of luck in your
13 next chapter.

14 But before you go, I'd love to have
15 your thoughts on the importance of these
16 not-for-profit partners. I mean, you know
17 that Olana's in my district. I've worked
18 very closely with the Olana Partnership as
19 well as the Olana Parks Team. And I'd love
20 to have your thoughts on how important going
21 forward those partnerships and those entities
22 are going to be for the state parks and the
23 historic sites.

24 PARKS COMMISSIONER KULLESEID: So

1 obviously I'm going from State Parks to one
2 of those partners, the Open Space Institute.
3 So look forward to continuing in that space.

4 You know, I've -- throughout my
5 administration I've prioritized our
6 relationship with the partners. I think you
7 get so much more out of it. They are your
8 ties to communities, they are your networks,
9 they are raising private dollars, bringing in
10 volunteers. So I view them as critically
11 important.

12 And I'm looking forward this year to,
13 before I leave, helping the Olana
14 Partnership, for instance, to sort of lock
15 down the deal on the new Frederic Church
16 Center, which will open later this year. So
17 really I think these partnerships are so
18 vital. We provide -- we provide a venue, we
19 provide a space, a platform, and really that
20 is filled with the love and devotion of our
21 communities.

22 ASSEMBLYWOMAN BARRETT: Thank you.
23 No, I agree, I think it's a good model. But
24 I love having your endorsement. So as

1 decisions go forward, that that's something
2 that people keep in mind. So thank you.

3 Commissioner Ball, I would love to get
4 your thoughts from -- I know you're playing a
5 role at the national level with colleagues,
6 other ag commissioners, and you traveling and
7 stuff. Do we have any chance in this Farm
8 Bill, when and if it ever gets done, to have
9 the kinds of farms and the kinds of
10 agriculture that we know is so effective here
11 in the Northeast, the smaller farms, family
12 farms -- do we have a chance of getting any
13 money out of the federal government for that?

14 AG & MARKETS COMMISSIONER BALL: Yes.
15 First of all, let me just say how about that
16 Taste NY location at Olana, though -- isn't
17 that pretty special.

18 Yes, I just came back, as I mentioned
19 earlier, from Washington the last couple of
20 days. The Farm Bill is a priority for the
21 National Association of State Departments of
22 Ag, and certainly for us in New York. This
23 Farm Bill has the opportunity to be the most
24 relevant Farm Bill for New York State in

1 history. If you look at the history of Farm
2 Bills, you can see the history of
3 agriculture. Post-COVID and where we are
4 today, this needs to be that Farm Bill for
5 New York State.

6 So we did listening sessions, as you
7 know, all last year, and the Governor put
8 together a very thoughtful letter to our
9 congressional delegation on the subject.
10 We're watching very closely. Obviously,
11 challenging times in Washington, D.C., but
12 we're watching it very closely and have great
13 hopes and optimism for that.

14 So thanks.

15 CHAIRWOMAN KRUEGER: Thank you.

16 ASSEMBLYWOMAN BARRETT: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Senator Ramos.

19 SENATOR RAMOS: Thank you,
20 Chair Krueger.

21 Buenos días, Commissioner Ball.

22 AG & MARKETS COMMISSIONER BALL:

23 (Inaudible.)

24 SENATOR RAMOS: Your Spanish is very

1 good, as usual.

2 So in reading the Governor's proposed
3 plan for the one-stop shop for our
4 agricultural workforce, I notice there's
5 nothing describing how the workers will be
6 recruited and placed. I was wondering how
7 you're vetting farms to make sure that there
8 are no outstanding labor or safety violations
9 that may place workers at risk.

10 AG & MARKETS COMMISSIONER BALL: Well,
11 thanks for that question.

12 My Spanish is better than Richard
13 Stup's, admittedly, but he's doing a
14 marvelous job incorporating the Department of
15 Labor --

16 SENATOR RAMOS: This is why I didn't
17 want to compliment you. I want you to answer
18 the questions.

19 AG & MARKETS COMMISSIONER BALL: Yes,
20 incorporating both the Department of Labor
21 and Homeland Security and the Department of
22 Agriculture.

23 As you know, all the farms are
24 inspected for their housing, inspected for

1 their workers. I got a call yesterday on my
2 farm wanting to come talk to my people,
3 voluntary and friendly.

4 So yes, that's front of mind,
5 absolutely.

6 SENATOR RAMOS: Okay. I also wanted
7 to ask about an article I recently saw in
8 Newsday, and I apologize if I mispronounce --
9 it's either Satur or Satyr Farm on
10 Long Island. It's a farm that's received a
11 lot of investment from the state.

12 The article reported that the farm is
13 moving their packing operations out of state
14 because leasing farmland has become
15 prohibitively expensive. And you talked
16 about this issue a little bit before. The
17 rent is too damn high, even for farms.

18 Would you support efforts to recoup
19 tax breaks so we don't subsidize farms who
20 are relocating out of the state?

21 AG & MARKETS COMMISSIONER BALL: I'm
22 not sure I understand the question. Can you
23 repeat it?

24 SENATOR RAMOS: Well, there was an

1 article about a farm on Long Island who says
2 that leasing the land has become very
3 expensive.

4 AG & MARKETS COMMISSIONER BALL: I
5 know the farm, yeah.

6 SENATOR RAMOS: Okay. So they're
7 moving the packing operation -- I think I've
8 heard to Pennsylvania -- and the question is
9 whether you are in favor of efforts to recoup
10 the tax breaks that the state has given that
11 farm and other farms when they relocate out
12 of state.

13 AG & MARKETS COMMISSIONER BALL: I'd
14 have to look at the specific circumstance and
15 how long they have been -- how long they've
16 been contributing to our economy in New York.
17 It's an excellent farm, and I'm not aware
18 that they're moving their packing operation
19 out of state. So let me get back to you on
20 that.

21 SENATOR RAMOS: That's what the
22 article says, and the farm owner is quoted.

23 AG & MARKETS COMMISSIONER BALL: Okay.

24 SENATOR RAMOS: And he says that

1 that's the reason why.

2 AG & MARKETS COMMISSIONER BALL: Okay.

3 I will call him and get back to you on that.

4 SENATOR RAMOS: Okay. I don't have
5 enough time. I'll yield my time.

6 Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Next is Assemblywoman But-en-shon.

9 Buttenschon, I apologize.

10 ASSEMBLYWOMAN BUTTENSCHON: That's
11 okay. That's fine.

12 Good morning, Commissioners. Thank
13 you for being here.

14 I represent the Mohawk Valley. That
15 is a very vibrant part of the state that
16 includes prosperous farmland and historical
17 parkland. The questions that my colleagues
18 have asked, I support them all, and I
19 appreciate them asking the questions.

20 I thank you for your service,
21 Commissioner, and look forward to your future
22 support, I'm sure, with the State of
23 New York, as well as my colleagues have
24 brought up comments about the SWIM program.

1 Children all need to know how to swim, but I
2 want to hear some more details of how that
3 funding will be spent, especially in the
4 district.

5 I'm going to ask a few questions. I
6 support the Park Police and the work that
7 you're putting forward there.

8 Commissioner Ball, thank you for
9 visiting the district and meeting with
10 farmers as well as many schoolchildren that
11 were at farms in my -- right on my road. And
12 you stopped, so I sincerely appreciate that.
13 The children still talk about it.

14 But the questions that keep
15 reoccurring from my farmers is the loss of
16 farmland due to solar projects. This is
17 vital land that they need. I'm just
18 asking -- I know you talked on a personal
19 note what you're doing in your county, but
20 what do we see being done statewide to ensure
21 that this land remains viable?

22 Also prioritizing milk in our schools.
23 I know that you have programs moving forward;
24 I'd love to hear about some of those

1 programs.

2 And finally, I have a few correctional
3 facilities in my district in Rome. Is the
4 cook-and-chill, which serves all facilities
5 not only in New York State but many out of
6 state -- as I toured the facility, products
7 of Canada were brought to my attention. I
8 just am wondering how you're working with
9 your colleague in Corrections to ensure that
10 products of New York State farmers are being
11 utilized within many of the large state
12 facilities.

13 Thank you.

14 AG & MARKETS COMMISSIONER BALL: Thank
15 you. I'm going to try to talk pretty fast.
16 You know, there's a lot there. And we'll
17 follow up on it, but our procurement
18 workgroup in New York State, to achieve the
19 30 percent goals of the executive order,
20 DOCCS is a very important partner there. And
21 good work happening there.

22 I want to jump over to solar, because
23 I didn't really get to finish. But, you
24 know, solar's an important part of our

1 climate goals going forward. It's not a bad
2 thing. But siting it on the right lands is
3 so critical. And our MOU with NYSERDA to
4 avoid, minimize and mitigate those top four
5 tiers of soil -- those actively farmed lands
6 are so important. We want to achieve those
7 energy goals for New York State. They're
8 lofty. And ag can actually be a part of the
9 answer, because we can make electricity on
10 our farms. We can produce fuels on our
11 farms. And we can be part of the answer
12 here.

13 ASSEMBLYWOMAN BUTTENSCHON: Thank you.
14 I look forward to a follow-up.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Senator Mattera.

17 SENATOR MATTERA: Thank you, Chair.

18 I just want to thank everybody here
19 for your testimonies. And especially I just
20 want to thank Commissioner Kulleseid. You
21 will be missed. And thank you for all your
22 commitment and your hard work. And thank you
23 for our Chip Gorman and our Kara Hahn for
24 doing an amazing job. I know Kara just got

1 on; I know her a long time.

2 To our Commissioner Ball, thank you
3 very much for all you do for all New Yorkers.
4 I'm looking forward to the Taste of New York,
5 by the way, March 4th.

6 And thank you for all the farmers for
7 all the food insecurities and for all the
8 hard work for all food banks and working with
9 them. Food insecurities today are just
10 something that's very upsetting to all of us,
11 what's happening.

12 To Commissioner Kulleseid, the Kings
13 Park and Nissequogue River State Park
14 property, you know, the Governor was just out
15 just recently with the DRI, which was very
16 important, \$10 million that Smithtown was
17 awarded for the great job that they have done
18 putting the application forward.

19 But my question is, the Governor
20 mentioned about every blade of grass wherever
21 there is possible for affordable housing.
22 Our property that's over there, the
23 Nissequogue River State park property, will
24 that ever be touched for affordable housing?

1 Or will that always be state park?

2 PARKS COMMISSIONER KULLESEID: That
3 is -- parkland is protected by the public
4 trust doctrine, and so converting parkland to
5 residential would be a -- would be an
6 alienation or a conversion that would have to
7 be dealt with under state law. So I don't
8 see that as happening at Nissequogue.

9 SENATOR MATTERA: All right, great.
10 Thank you for that. I just wanted to make
11 sure that was on record.

12 And any news of any of the buildings
13 there that are to be demoed on that property
14 in the future?

15 PARKS COMMISSIONER KULLESEID: Well,
16 right now obviously we did -- it's been a
17 state park now for, you know, 18 years, parts
18 of it, pieces of it. And we've done some
19 work to take down a lot of buildings.
20 There's still plenty of buildings still
21 standing. Obviously right now we're focusing
22 very much on restoring York Hall, which is a
23 historic theater there. So when we can, we
24 are trying to restore.

1 There will be future demolitions, but
2 for the moment obviously it's not been able
3 to prioritize that --

4 SENATOR MATTERA: I have a minute
5 left. The SOCR houses, we're having a major
6 problem there. Please can we look into this
7 with the patients that are there roaming 25A,
8 roaming the businesses -- it's a safety
9 issue. We brought it to everybody's
10 attention. We need something done with this,
11 please. That's one thing. So --

12 PARKS COMMISSIONER KULLESEID: And
13 that's the OMH, the COMH facility that's
14 still on that property?

15 SENATOR MATTERA: Yes, it is. Please,
16 it's been -- we've tried to talk about this,
17 but it's just still a huge, huge problem in
18 this district.

19 PARKS COMMISSIONER KULLESEID: Okay.

20 SENATOR MATTERA: The Gyrodyne
21 property, can you give me a heads-up?
22 Anything new, anything going on? There was
23 rumors going around the Gyrodyne property on
24 25A, right there in St. James?

1 PARKS COMMISSIONER KULLESEID: I'm not
2 familiar with that property, but let us get
3 back to you. What's it called?

4 SENATOR MATTERA: It's the Gyrodyne
5 property.

6 PARKS COMMISSIONER KULLESEID:
7 Gyrodyne?

8 SENATOR MATTERA: Gyrodyne, yes. And
9 just so you know, there was rumors that the
10 state would be purchasing this property to
11 make it open space, and our constituents over
12 there would be really pleased about that.

13 PARKS COMMISSIONER KULLESEID: Okay.
14 Well, we'll look at that. It could also be
15 DEC is looking at it. I'm not -- I don't see
16 it on our radar, but we'll look at it.

17 SENATOR MATTERA: Great. And thank
18 you so, so much, both of you.

19 AG & MARKETS COMMISSIONER BALL: Thank
20 you.

21 PARKS COMMISSIONER KULLESEID: Thank
22 you.

23 CHAIRWOMAN WEINSTEIN: Thank you.
24 We go to Assemblyman Simone,

1 three minutes.

2 ASSEMBLYMAN SIMONE: Good morning.

3 This is a question for you,
4 Commissioner Kulleseid. I know you'll be
5 missed, but I look forward to working with
6 you in your next role.

7 Hudson River Park is financially
8 self-sufficient. Upgrading the park to
9 resist rising sea levels as well as repairs
10 to the bulkhead will be expensive. It's
11 already been very expensive for the Hudson
12 River Park Trust, from my conversations with
13 them and, full disclosure, my previous role
14 working for Hudson River Park Friends.

15 Does the state have long-term budget
16 plans to protect Hudson River waterfront and
17 help with the bulkhead costs in Manhattan?

18 PARKS COMMISSIONER KULLESEID: You
19 know, the way -- thank you for the question.

20 You know, the way obviously the Hudson
21 River Park Trust is a joint city-state
22 agency, it's not purely a state park. You
23 know, the capital investments in that park
24 have happened sort of episodically and often

1 with state infusion or a city infusion, so --
2 and as you know, there are some piers -- you
3 know, Pier 76 will be coming online with some
4 private development, private development
5 helps fund -- you know, so the private
6 development helps fund some of the capital
7 work, but a lot of the capital work is done
8 through state or city investments.

9 So I would anticipate sort of major,
10 major, major infrastructure investments will
11 be made in some kind of combination by the
12 state and city going forward.

13 ASSEMBLYMAN SIMONE: But let me just
14 follow up. Do we feel the costs being on --
15 the burden of the trust itself has been fair?
16 From all the things I've heard from their
17 financials, they often have to pay a lot of
18 it. Should we be asking more money from the
19 federal government and city and the state to
20 chip in?

21 PARKS COMMISSIONER KULLESEID: I
22 think, like I said, I think that -- you know,
23 if you look at Pier 97 that's about to open,
24 that is largely state funding. A lot of the

1 funding for the new Gansevoort Peninsula has
2 come from the city. So that actually has
3 been funding not dedicated by the trust
4 itself.

5 The great thing about that park is
6 that because of the revenue streams, it is
7 largely independent. It is able to sort of
8 take care of itself and maintain itself at a
9 high level. So I think you'll see that
10 balance continue into the future.

11 ASSEMBLYMAN SIMONE: Thank you.

12 CHAIRWOMAN WEINSTEIN: We go to
13 Senator Cleare, three minutes.

14 SENATOR CLEARE: Thank you.

15 Good morning. And thank you for your
16 service.

17 Riverbank State Park -- Herman Denny
18 Farrell State Park. As you know, we had for
19 the first time a firearm had ever been fired,
20 discharged in that park, claiming the life of
21 a young person. And during that process,
22 thank you for your response, but also that we
23 learned that we had a shortage of officers --
24 not necessarily related to that incident, but

1 we wanted to increase the number of officers
2 in that park. And I just want to know, were
3 we able to do that?

4 And also, we wanted diversity in the
5 officers, more who resided in New York City,
6 to be in that park. And could you just tell
7 me anything about that, as well as the
8 elevators that we are --

9 PARKS COMMISSIONER KULLESEID: So
10 Riverbank is a park near and dear to me;
11 that's where I get my laps swim in every
12 weekend, and I know what a vibrant place it
13 is.

14 So we have been able, with the
15 graduating class in the last year's academy,
16 we've been able to staff that park with
17 police now. So that's very exciting. And we
18 expect really a big chunk of those academies
19 are going into New York City to staff that
20 police force. And so you'll see that
21 continue. And I think -- I look forward to
22 spring to opening up the locker room
23 renovations, that North Tower is next on our
24 list to get going on. So Riverbank will be

1 getting state investment for years going
2 forward.

3 SENATOR CLEARE: And the elevators?

4 PARKS COMMISSIONER KULLESEID: The
5 elevator -- that's what I mean, the
6 North Tower. The North Tower, that's what I
7 call the elevator, yeah.

8 SENATOR CLEARE: All right, thank you
9 so much. And I just --

10 PARKS COMMISSIONER KULLESEID: And I
11 appreciate your support, and I appreciate
12 your stand for that place, and protecting it.
13 And this year, last year, well that you're
14 there. And I appreciate you as my very own
15 State Senator.

16 SENATOR CLEARE: Yes, and I appreciate
17 you as my constituent.

18 (Laughter.)

19 SENATOR CLEARE: Thank you so much.

20 And if I can just ask a question
21 about -- there was some BIPOC funding that
22 was given last year. I noticed that it's
23 not -- it's been -- not being continued.

24 I'd like to know how it was spent, how

1 many farmers were we able to recruit. Is the
2 money spent? If you could tell me if there's
3 any left, coming -- representing one of the
4 most harmed communities, especially by the
5 War on Drugs, we were trying to look at how
6 many people can get into farming for
7 cannabis. And I thought that this would be a
8 great way for us to get people into the
9 industry.

10 AG & MARKETS COMMISSIONER BALL: Well,
11 thanks for that question.

12 Cannabis I've got to leave for the
13 Office of Cannabis Management. We support
14 them, work with them, try to help them out.

15 SENATOR CLEARE: But farmers.

16 AG & MARKETS COMMISSIONER BALL: Yeah.
17 But as far as farming, you know, our work in
18 diversity and equity largely is just huge.
19 It's really grown really fast. It took us a
20 little while to get the money out of the
21 door, but we've got the \$1 million in
22 beginner farmer funding --

23 SENATOR CLEARE: You're going to run
24 out of time. So if you could get back to me

1 the statistics --

2 AG & MARKETS COMMISSIONER BALL: Happy
3 to do that, yeah.

4 SENATOR CLEARE: Thank you.

5 AG & MARKETS COMMISSIONER BALL: Thank
6 you for the question.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: We go to
10 Assemblywoman Kelles.

11 ASSEMBLYWOMAN KELLES: Wonderful --
12 wonderful to see you both, and thank you so
13 much for your service, truly, truly.

14 A couple of quick questions. You
15 spoke about harmful algal blooms, and
16 Bear Mountain Lake, I know that, you know,
17 two months of a closed-down infrastructure
18 meant two months of no economic development,
19 fiscally deeply hurting them negatively in
20 that community.

21 Do you have any idea, a count, of how
22 many days parks in New York State have been
23 closed down like in the last year for harmful
24 algal bloom outbreaks?

1 PARKS COMMISSIONER KULLESEID: We do,
2 actually. I have -- if you want -- why don't
3 I just get back to you, because we actually
4 do have those statistics, yes. We've
5 had harmful algal blooms -- we're fortunate,
6 last summer we were able to reopen Lake Welch
7 after it was closed for all season in -- but
8 we have constant rolling -- and obviously
9 it's not closing the whole park, generally,
10 it is closing a facility or --

11 (Overtalk.)

12 PARKS COMMISSIONER KULLESEID: -- it
13 closes for swimming, perhaps.

14 But yeah, we can get you that
15 statistic.

16 ASSEMBLYWOMAN KELLES: That would be
17 great. Do you have just a sense -- it seems,
18 from the research that I've seen, that it's
19 increasing every year, year over year.

20 PARKS COMMISSIONER KULLESEID: Harmful
21 algal blooms are an increasing challenge
22 across the state. It's not isolated to any
23 one region, it is across the state. And as
24 Commissioner Ball was saying, you know, there

1 are properties, there are lakes we have that
2 are surrounded by forestland where it's
3 happening. So it's not just about runoff and
4 things like that. So it's something we're --

5 ASSEMBLYWOMAN KELLES: Something we
6 need to get to the bottom of and the
7 causality for it, certainly.

8 Commissioner Ball, wonderful to see
9 you again. I have two quick questions --
10 never quick, but -- of course.

11 Last year we put a million dollars
12 into agrivoltaics to understand best
13 practices. We've had many conversations
14 about that. I absolutely agree that's a
15 concern, about solar on farmland, but the
16 ability to do both solar and farm on the same
17 plot could, you know, create economic
18 stability for the farmers and food for the
19 communities.

20 Has that been spent, has that been
21 implemented? I don't see a second year of
22 that funding in this year's budget, so I just
23 wanted to ask a very quick question about
24 that. And I have one other question about

1 Nourish New York.

2 AG & MARKETS COMMISSIONER BALL: Sure.
3 Agrivoltaics is a hot topic, and NYSERDA and
4 us are working very closely on what that
5 looks like, what it really is. It's got to
6 mean more than a beehive underneath a solar
7 panel. It's got to be real.

8 And frankly, the science in solar is
9 going to help us in this regard, the new
10 techniques in solar -- traditionally facing
11 the south, now looking -- facing the east,
12 like a sunflower, and following the sun to
13 the west allows for agronomic uses in between
14 the arrays.

15 ASSEMBLYWOMAN KELLES: So we plan to
16 lean in, we're going to --

17 AG & MARKETS COMMISSIONER BALL: Yeah,
18 we're leaning in very hard on that.

19 ASSEMBLYWOMAN KELLES: Awesome.

20 The second one, just some concerns
21 that I've been hearing about Nourish
22 New York. A lot of complaints from farmers,
23 also from food pantries about the
24 implementation and management now that it has

1 switched to the Department of Health, to the
2 point where some -- a lot of the food
3 pantries aren't able to get the food, farmers
4 are trying to pull out, they aren't able to
5 pay their bills. I'm hearing some pretty
6 extreme negative responses from them.

7 I'm trying to figure out why it
8 switched to the DOH and whether you're
9 willing to take that back.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 AG & MARKETS COMMISSIONER BALL: Let's
12 talk about that some more.

13 ASSEMBLYWOMAN KELLES: Absolutely.

14 CHAIRWOMAN WEINSTEIN: Yeah, you'll
15 have to follow up later.

16 To the Senate.

17 CHAIRWOMAN KRUEGER: Senator
18 Oberacker.

19 SENATOR OBERACKER: Well, good morning
20 to the commissioners. Good to see you.
21 Thank you, it's always good to be up here in
22 Albany in February on a nice day.

23 (Laughter.)

24 SENATOR OBERACKER: Commissioner

1 Kulleseid, thank you for your service. I'd
2 also like to thank you for the support for
3 our -- and it's the hardest park, probably,
4 to pronounce -- with Oquaga, out of Chenango,
5 Delaware and Broome counties, about
6 1300 acres that span three counties. So
7 thank you for the support for that, in my
8 district, and for the staff that I've worked
9 with at Parks and Rec. So it's a testimony
10 to your stewardship. Thank you.

11 Commissioner Ball, good to see you as
12 well. And as your Senator, I'd like to say
13 good morning to you.

14 (Laughter.)

15 SENATOR OBERACKER: I want to thank
16 you too for -- last year, we talked about
17 increasing processing, which you've done a
18 fantastic job doing that. It's not enough,
19 so let's continue down that road with
20 increasing processing both from a milk
21 production and of course meat, poultry and
22 lamb.

23 I do have one question, and it was
24 actually brought up, I think, by

1 Senator Helming. I am the ranking member on
2 the Transportation Committee. One of the
3 things I'd like to look at is increasing the
4 distance that a farm plate will allow farm
5 vehicles to travel. I believe it's set at
6 25 miles.

7 I think we can safely assume that the
8 farms are starting to get larger, more
9 distance in between. So would like to work
10 with you possibly with some of the language
11 that it would take to just increase that
12 mileage that a farm plate would allow
13 vehicles to travel within farms.

14 AG & MARKETS COMMISSIONER BALL: Okay.
15 Yeah. Happy to do that.

16 SENATOR OBERACKER: And this is what
17 we call a softball question. So you guys got
18 the softball questions from me today, just
19 remember that when you come back to the
20 51st Senate District.

21 Madam Chair, I will cede and give back
22 my time.

23 So thank you for the job that you're
24 doing. I truly appreciate it.

1 AG & MARKETS COMMISSIONER BALL: Thank
2 you, Senator.

3 CHAIRWOMAN KRUEGER: We're just on a
4 rapid roll here.

5 Assembly.

6 CHAIRWOMAN WEINSTEIN: Assemblywoman
7 Woerner.

8 ASSEMBLYWOMAN WOERNER: Thank you all
9 so much.

10 I have a number of questions; I'm just
11 going to go through them all and then you can
12 use whatever time.

13 So for Commissioner Ball, last year we
14 passed a bill and the Governor signed it to
15 create an Ag Tech Challenge at the State
16 Fair. Is there funding for that in the
17 budget?

18 Could you give me an update on the
19 status of the sheep and barn goat -- sheep
20 and goat barn status at the State Fair?

21 Do we need to reinvigorate the County
22 Fair Capital Fund?

23 And then for you, Commissioner
24 Kulleseid, just a parochial question. Is

1 there funding to finally finish the
2 rehabilitation of the Susan B. Anthony House
3 in Greenwich in the budget this year?

4 And could you remark on the impact on
5 recruiting and retention of Park Police due
6 to the 25-year pension versus 20-year?

7 Ready, go. We'll start with
8 Commissioner Ball.

9 AG & MARKETS COMMISSIONER BALL: Well,
10 thank you. The Ag-Tech Challenge at the
11 State Fair, yes, we have funding. I think
12 it's within our FFA budget and our continuing
13 education program there.

14 Sheep barn is in design at OGS.

15 Capital funding for the fairs, I don't
16 think we need to recapitalize that. We still
17 have -- we have put out five rounds of that.
18 We still have money in each one of those
19 rounds. The bigger challenge will be to
20 change from, you know, the Grants Gateway to
21 SFS and helping them figure out how to
22 utilize that money and get it out.

23 And we're working with each fair,
24 holding their hands, walking them through

1 that process.

2 They have enough money. The marketing
3 money is the more important money. They got
4 that last year. It was a huge success. An
5 additional 2 million this year to keep that
6 going is really -- really helpful for them.
7 And, you know, getting more county fair
8 folks, you know, and agriculture in front of
9 them is our mission. That's our focus.

10 ASSEMBLYWOMAN WOERNER: Fantastic,
11 thank you.

12 AG & MARKETS COMMISSIONER BALL: So
13 I'll follow up with you on the rest of it.

14 PARKS COMMISSIONER KULLESEID: And
15 then Susan B. Anthony, did some parking
16 improvements in 2023 and we are now
17 undergoing design and further engineering to
18 continue the preservation of that work in
19 2024. So continuing to invest in Susan B.
20 Anthony.

21 And then on the -- obviously on the
22 pension and the 25-year, obviously that is a
23 financial issue and the Governor -- sort of
24 the policy there is to make sure that -- that

1 we need to generate -- there needs to be
2 revenue, there needs to be some kind of
3 revenue to offset that cost.

4 It is -- you know, I think most of our
5 officers would say that being Park Police is
6 among the best policing jobs out there, so
7 we're able to recruit. We've taken a lot of
8 steps. I think that we've stabilized it with
9 the geo pay, with just recruiting, just
10 putting boots on the ground. So I'm
11 optimistic about the future of this force.

12 ASSEMBLYWOMAN WOERNER: Thank you very
13 much.

14 And in my last 15 seconds, I'll just
15 say thank you so much for the tremendous work
16 that you've done over the last five years.
17 Best wishes at -- in your next adventure, and
18 certainly your spot will be hard to fill.

19 Thank you.

20 PARKS COMMISSIONER KULLESEID: Thank
21 you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Senator Stec.

24 SENATOR STEC: Thank you, Chair.

1 Good morning, and thanks to everybody
2 for your testimony today.

3 A couple of real quick questions.

4 Commissioner Kulleseid, we spoke a
5 while ago about a concern I had specific to
6 Crab Island up off of Plattsburgh in
7 Clinton County on Lake Champlain.

8 The War of 1812 war dead buried there.
9 No real good access to the property. But
10 more importantly, just the overall condition.

11 I'm hoping that something's in the
12 works to make improvements to that this year?

13 PARKS COMMISSIONER KULLESEID: I think
14 that, you know, as you and I spoke, it's
15 obviously a remote site, and I look forward
16 to working with you and continuing to sort of
17 look at ways to get sort of the kind of care
18 out there that we need, that that facility
19 needs.

20 SENATOR STEC: Appreciate that. I
21 just -- it's worth mentioning, I know it's
22 very important to Clinton County and to the
23 Plattsburgh area in general.

24 Commissioner Ball, if I could pivot to

1 you real quick. I also want to echo what
2 Senator Helming and Senator Oberacker
3 mentioned in the farm vehicle -- you know, if
4 that's something that you could work with the
5 State Police and see if we can update that
6 and increase that mileage, I think that's a
7 great idea.

8 There are two programs, the Farmers'
9 Market Resiliency Grant Program, \$700,000 in
10 last year's ag budget, and the Urban Farms
11 and Community Gardens Grant program,
12 \$2.325 million. They were originally in the
13 Ag & Markets local assistance funding, but
14 they're both moved in this budget to the
15 Environmental Protection Fund.

16 Since the EPF is \$400 million,
17 obviously my concern is do these programs
18 consume other programs that traditionally
19 could have or would have been done as part of
20 the EPF. And, you know, if you could
21 elaborate on these two programs and
22 specifically why they were moved out of your
23 budget and into the EPF. Thank you.

24 AG & MARKETS COMMISSIONER BALL: Well,

1 I think the overall philosophy there was
2 let's try to balance this budget in New York.
3 We are looking at a substantial deficit.
4 There's lines in the EPF that will -- are
5 similar. And that was a group participation
6 project with the Division of Budget and us.

7 They're great programs. The Farmers'
8 Market Resiliency Program, that funding helps
9 modernize them, helps them accept EBT cards,
10 get the, you know, mechanical equipment,
11 digital equipment to help connect more
12 New Yorkers with, you know, fresh-grown
13 New York products. That's the biggest thing
14 right there.

15 Community gardens and urban farms, I
16 was with Secretary Vilsack recently and he
17 said to me, "Richard, how many farms do we
18 have in New York City?" And he caught me
19 flat-footed. But the answer is 600.

20 So the need there and the
21 opportunities there to connect downstate,
22 upstate, rural and urban, and connect people
23 who need food with people who produce food is
24 such an amazing experience. And that

1 Community Gardens Task Force that we have is
2 just incredible people doing incredible work.

3 So those are connecting the dots at
4 its best, I think. Great programs, and
5 support them fully.

6 SENATOR STEC: Thanks, Commissioner.
7 Thanks for your work.

8 AG & MARKETS COMMISSIONER BALL: Thank
9 you.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Assembly.

12 CHAIRWOMAN WEINSTEIN: We go to
13 Assemblywoman Levenberg.

14 ASSEMBLYWOMAN LEVENBERG: Thank you so
15 much. And congratulations, Commissioner
16 Kulleseid. Very excited for your next steps,
17 although we will miss you greatly.

18 I just wanted to ask a quick question
19 about Jones Beach in relation to solar
20 canopies, and if that's something that you're
21 considering. Solar canopies are popping up
22 all over the place, and it's something that I
23 know that we've heard a lot about from
24 municipalities who are interested in

1 developing solar canopies over parking lots,
2 in parks. And I want to know if that's
3 something that Jones Beach maybe would take
4 up, since it offers so much for the parking
5 public.

6 PARKS COMMISSIONER KULLESEID: Thank
7 you. I think -- obviously, I just also want
8 to say, to follow on what Commissioner Ball
9 said, we are very sensitive about where we
10 place these things. Right? We want to be
11 cautious about where we place them.

12 You know, we actually have -- Robert
13 Moses State Park is already off the grid
14 because of a canopy that is put on the side
15 of a parking lot. So it doesn't always have
16 to be a canopy. We're able to do these
17 things -- at Jones Beach, because of its
18 tie-ins to the grid, it requires a little
19 more tailored solutions. So they may be
20 building roofs, maybe other things. But
21 certainly those parking lots are a great
22 place with a lot of sun.

23 But Jones Beach just poses one
24 particular problem because of its position to

1 substations in the grid and the delivery of
2 power to that site.

3 ASSEMBLYWOMAN LEVENBERG: Got it.

4 But hopefully that is something that
5 is being considered --

6 PARKS COMMISSIONER KULLESEID: Of
7 course. Of course. It's --

8 ASSEMBLYWOMAN LEVENBERG: I mean, that
9 parking lot's so wide.

10 PARKS COMMISSIONER KULLESEID: Yes.
11 Yeah.

12 ASSEMBLYWOMAN LEVENBERG: Okay. And
13 then my other comment was just about pools.
14 I just wanted to mention, because one of our
15 colleagues asked the question earlier about
16 what the benefit is. And, you know, as a
17 swimmer myself at a recreational pool, I know
18 that I see seniors there, I see kids there
19 all the time, I know that it absolutely is an
20 issue of equity. We want kids all to be able
21 to learn to swim for safety purposes.

22 You know, we hear locally in the
23 Croton River, in my district, we've had a lot
24 of unfortunate situations happen there for

1 people who didn't know how to swim or weren't
2 familiar with the tides. Which, by the way,
3 ties into our other issue of the unique area
4 in the Croton River and access, that so many
5 people want to make sure that they can
6 actually get to places to swim and cool off
7 in the summer.

8 So hopefully there is -- that's
9 something that we are looking at for the
10 unique area up in the Cortlandt/Croton/
11 New Castle area to make sure that people can
12 safely access it and figure out a way to also
13 monitor the number of people that are
14 utilizing it so that it doesn't become
15 overrun or unsafe.

16 PARKS COMMISSIONER KULLESEID: Thank
17 you.

18 ASSEMBLYWOMAN LEVENBERG: All right,
19 thank you.

20 CHAIRWOMAN KRUEGER: Thank you. Thank
21 you very much.

22 Senator Canzoneri-Fitzpatrick. I just
23 did that very badly, I apologize.

24 SENATOR CANZONERI-FITZPATRICK: Thank

1 you, Chair.

2 Thank you to the commissioners for
3 being here today, and for giving your
4 testimony.

5 I have a few questions regarding
6 Jones Beach. I'm from Nassau County, and
7 although Jones Beach is not technically in my
8 district, it is utilized by many of my
9 constituents. It is a jewel of Long Island,
10 as our beaches are.

11 I was wondering if the \$100 million
12 allocation -- it says including but not
13 limited to Jones Beach. I'm wondering if
14 this amount has been based on an estimate,
15 engineer reports. Is this number something
16 that we think will be sufficient to
17 reconfigure this bathhouse? Because my
18 recollection, it's been out of commission
19 since at least 2010, maybe even earlier.

20 So my question is, do we think that
21 this is enough money? And is this based on
22 some sort of estimate? Or the first step
23 getting the allocation and then you have the
24 engineers look at it?

1 PARKS COMMISSIONER KULLESEID: Thank
2 you for that question. And thank you for
3 your passion for Jones Beach. It is, it's an
4 icon on Long Island, right?

5 So the design, the estimate is based
6 on engineering estimates. Our capital
7 engineering team has been out there. It is a
8 complicated structure. It obviously has
9 concessions, those restrooms. And we are
10 talking about converting that pool complex,
11 that traditional pool complex, into a
12 learn-to-swim area and some -- and spray
13 pads, which are -- which are great for
14 families.

15 So no, that has been -- that has been
16 estimated and engineered, and we are
17 confident that we will be able to deliver
18 sort of the rejuvenation and the reopening of
19 the East Bathhouse for that funding.

20 SENATOR CANZONERI-FITZPATRICK: Okay.
21 And I believe the question was already asked
22 about what we're going to do related to
23 making it energy-efficient, self-sufficient.
24 But there's some concerns there, as I heard

1 your response.

2 My question next would be what's the
3 timetable for the renovation? How long will
4 it take? Will the beach be -- use of the
5 beach be affected by it? Will the boardwalk
6 be affected by this renovation? And will we
7 be able to do it, you know, off-season, so
8 that we don't impact the usage of the beach?

9 PARKS COMMISSIONER KULLESEID: The
10 beach itself should not be impacted. You
11 know, this facility -- the good thing about
12 Jones Beach is all those parkways and roads
13 make things accessible from the back side, so
14 the beach will not be affected at all.

15 The facility itself, as you noted, has
16 been largely shuttered for 16 years, so it's
17 not like people are being denied access to
18 something where they currently have access.
19 And we intend -- it will be open in the
20 next -- I think it's '27, '28. But it will
21 be open well in advance of the hundredth
22 anniversary of Jones Beach, which is in 2029.

23 SENATOR CANZONERI-FITZPATRICK: Thank
24 you very much.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Assemblyman

4 Brown.

5 ASSEMBLYMAN KEITH BROWN: Thank you,

6 Chair.

7 Good morning, Commissioner. I want to
8 thank you for your service, and also for
9 Chip Gorman and, most recently added,
10 Kara Hahn.

11 My first question relates to
12 single-use plastic at the parks. Any chance
13 of working on a program to ban single-use
14 plastics at the state parks?

15 PARKS COMMISSIONER KULLESEID: So we
16 obviously -- we work a lot with our
17 concessionaires to reduce plastic. We have a
18 policy in place to reduce the use of
19 single-use plastics. It's something we take
20 our role in the CLCPA and doing all that very
21 seriously. Obviously people bring in their
22 own materials, a lot of stuff comes in of
23 people's own -- you know, they bring in their
24 own food, they bring in their own drinks and

1 beverages and all those kinds of things. So
2 we don't say no to people bringing those
3 things in, but we are working on education
4 and making sure to reduce that. And that is
5 certainly one of our main things, is to
6 reduce the single-use plastics because, you
7 know, as we seek to reduce our waste, that is
8 a key part of it.

9 ASSEMBLYMAN KEITH BROWN: So
10 appreciate that.

11 On a recent trip of the legislators,
12 the Irish Legislators Society, in Ireland
13 they use wood for most of their cutlery. So
14 I thought that was interesting.

15 PARKS COMMISSIONER KULLESEID: And I
16 think you'll see that kind of thing that our
17 concessionaires will be having as well.
18 That's good.

19 ASSEMBLYMAN KEITH BROWN: Great.

20 PARKS COMMISSIONER KULLESEID: That's
21 great.

22 ASSEMBLYMAN KEITH BROWN: Second
23 question. In Centerport we have a bald eagle
24 nest and habitat. What's the prospect of

1 adding an additional park in the Huntington
2 area?

3 PARKS COMMISSIONER KULLESEID: The
4 great thing about the Environmental
5 Protection Fund, and through this new
6 Bond Act, right, it has money in it to
7 acquire land. We are constantly looking for
8 opportunities.

9 We actually expect, I think, to
10 announce a big acquisition on Long Island
11 coming up pretty soon. So I'm not familiar
12 with the particular property, but let's take
13 a look at it. If you could share it with our
14 office, we'd love to take a look at it.

15 ASSEMBLYMAN KEITH BROWN: Great. And
16 I just want to piggyback on Senator Mattera's
17 questions about Kings Park Psychiatric. As
18 you know, many of the buildings there are an
19 attractive nuisance, especially to young
20 people. It's a dangerous situation. You
21 know, something bad will happen because the
22 kids are getting in there, the building's
23 falling apart.

24 What's the time frame of demoing

1 particularly the buildings that are the most
2 attractive to the teenagers in the area?

3 PARKS COMMISSIONER KULLESEID: So as I
4 said earlier, I mean, right now we're very
5 much focused on getting York Hall back up and
6 running. We don't have a time frame. It's a
7 matter of allocating the budget. It's
8 obviously -- those buildings, you're talking
9 about hundreds of millions of dollars to get
10 those buildings down, at a time when we're
11 trying to make sure our facilities are open.
12 The ones we are -- will operate, that's where
13 we focus our --

14 ASSEMBLYMAN KEITH BROWN: Just since
15 I'm running out of time, is it possible maybe
16 to advance some of that and instead of taking
17 all the buildings down, just the one in
18 particular that's the major problem?

19 PARKS COMMISSIONER KULLESEID: We're
20 always looking at that. And we'd love to
21 talk to you more about it, yeah.

22 ASSEMBLYMAN KEITH BROWN: Okay, last
23 question. You're one of the unique agencies
24 that actually makes money in the State of

1 New York.

2 PARKS COMMISSIONER KULLESEID: Yeah.

3 ASSEMBLYMAN KEITH BROWN: And in the
4 budget is there anything that you really
5 would like to see that would help you earn
6 more revenue for the State of New York?

7 PARKS COMMISSIONER KULLESEID: You
8 know, I think that is one of our great powers
9 as an agency, is the ability we -- we have
10 lots of amenities that we charge money for.
11 I think we are -- I think we have great
12 flexibility on this administration to do this
13 kind of thing, so we are open to new ways of
14 generating funding and we will continue to do
15 that.

16 So no, no special needs in terms of
17 legislation.

18 ASSEMBLYMAN KEITH BROWN: Thank you
19 very much.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Lea Webb.

22 SENATOR WEBB: Good morning. Thank
23 you, Chair. And again, want to extend my
24 congratulations to our commissioner of Parks

1 on your new role.

2 I have a question for you and then
3 also glad to see Commissioner Ball. I also
4 have some questions for you. And also
5 appreciate your service.

6 So Commissioner, with respect to
7 Parks, I wanted to know if you can elaborate
8 with respect to there's been growth in your
9 budget, including new capital funding this
10 year, which has already been spoken to. Can
11 you describe to me how these increases are
12 shared by region? Specifically, what's
13 coming up in the Finger Lakes and how these
14 determinations are made.

15 And then to Commissioner Ball, my
16 questions pertain around grant funding. I
17 was disappointed to see that the Governor cut
18 funding in this year's proposed budget for
19 beginning farmers and for socially and
20 economically disadvantaged farmer grant
21 programs. And I know we've spoken about
22 these programs at length. So aside from
23 issues with grants to your department being
24 reimbursement-based, I hear that the grant

1 process continues to be difficult.

2 So I wanted to know what is the
3 department doing to make these grants more
4 accessible to small farmers.

5 PARKS COMMISSIONER KULLESEID: So I'll
6 just go quickly.

7 We are -- every year we get a capital
8 allotment. We distribute it by region.
9 There's certain maintenance projects that the
10 Finger Lakes region -- our Finger Lakes
11 region always gets funding to do maintenance
12 work. I think you'll see in the next couple
13 of years that we will actually -- if you're
14 familiar with the Sentry Bridge at
15 Watkins Glen, which had to be closed, we are
16 going to get that reopened. That will be one
17 of the principal things we focus on in that
18 area.

19 (Off the record.)

20 AG & MARKETS COMMISSIONER BALL: Okay,
21 yeah, thank you for that question. And also
22 really appreciate your help in getting that
23 process going. You know, we had trouble
24 getting answers to the RFPs initially. But

1 we've gotten answers. The procurement
2 package has been approved at OSC. It's gone
3 out the door. And the contract we just
4 executed. So those things are coming
5 together.

6 The legislator add -- the Legislature
7 added those programs. Certainly open to
8 discussing that and considering how we go
9 forward together to keep those efforts going.

10 But they -- along the way we have
11 added so many things internally at the
12 department. We have an assistant
13 commissioner that just oversees this
14 constantly. Our outreach is tremendous. We
15 have a website. We have office hours. We
16 have a presence on the website; it makes it
17 easy to understand. And we're building
18 relationships all across the state. We put
19 on a lot of miles going to visit a lot of
20 farms around the state, including in your
21 neighborhood.

22 So, you know, navigating the system
23 was one of the big hurdles for that
24 particular sector, and we're working on that,

1 SO --

2 SENATOR WEBB: Thank you both very
3 much.

4 CHAIRWOMAN KRUEGER: Thank you.
5 You'll have to do more follow-up afterwards.
6 Thank you.

7 Assembly?

8 CHAIRWOMAN WEINSTEIN: Assemblyman
9 Otis.

10 ASSEMBLYMAN OTIS: Thank you.

11 Thank you both. Well, Richard, you're
12 staying, and Erik, you're leaving us. You
13 both do a great job for the State of New
14 York, so we're very lucky.

15 On solar -- and you don't have to even
16 answer, Commissioner Ball. But, you know,
17 one thing that -- I've mentioned this to
18 other state agencies, and there may be some
19 interagency discussions. Many places are
20 doing solar on the sides of highways and not
21 cutting into farmland. And so we can be
22 looking for alternatives, because we do not
23 want to lose our valuable farmland to solar,
24 but we need the solar. So thank you for your

1 comments earlier.

2 Commissioner Kulleseid, again, I want
3 to join the chorus. We have had many great
4 Parks commissioners in the history of
5 New York State Parks; you are one of them,
6 and we are very lucky to have had your
7 dedication and service. And so we wish you
8 luck and hope to work with you in the future.
9 Thank you for all of that.

10 I do have a question, though. My
11 question is since COVID and beyond, we've had
12 increased visitors at state parks. And so
13 I'm curious for -- in terms of physical plant
14 and also staffing, how you've been able to
15 deal with the added stresses of increased
16 foot traffic through the entire system.

17 PARKS COMMISSIONER KULLESEID:
18 Appreciate that question. And we've been
19 obviously very fortunate with increasing
20 visitation in the last -- over the last five
21 years, my entire tenure. And really for the
22 last 15 years it's been up and up.

23 You know, I feel we have been very
24 fortunate. In the past two years in

1 particular, we've been able to staff up.
2 We've been able to build our workforce to
3 accommodate that visitation.

4 And we have also -- some of that
5 increased visitation also comes from either
6 reopening or revitalizing facilities or even
7 new parks. Right? New parks -- we have a
8 new park, Shirley Chisholm, in Brooklyn. We
9 have a new park, Sojourner Truth. So yeah,
10 some of that visitation is coming from new
11 parks that are coming online.

12 And I think -- and I would just, you
13 know, sort of add my little editorial comment
14 that I think that, you know, the visitation
15 and the revenue we're generating is all
16 because of the investment that you all have
17 been making, with the Governor, in our parks
18 system, and it really speaks to why we're
19 doing well.

20 ASSEMBLYMAN OTIS: Well, thank you,
21 and it is a great system, one of the best in
22 the country --

23 PARKS COMMISSIONER KULLESEID: The
24 best.

1 ASSEMBLYMAN OTIS: The best, there we
2 go. You're being a good commissioner.

3 Thank you for your great service to
4 New York.

5 PARKS COMMISSIONER KULLESEID: Thank
6 you.

7 CHAIRWOMAN KRUEGER: Our next
8 questioner is Ranker Tom O'Mara,
9 five minutes.

10 SENATOR O'MARA: Thank you.

11 Good morning, for the last couple of
12 minutes of it here. Thank you for being here
13 with us. It's a pleasure having you here.
14 It's a pleasure serving with the two of you.

15 And Commissioner Kulleseid, thank you
16 for your service over the years and really
17 the great investment and attention to our
18 park systems, and particularly right in the
19 Finger Lakes region where I represent a good
20 portion of them. We've done some great work,
21 so thank you for that. And I wish you well
22 in your future endeavors.

23 So Commissioner Ball, always a
24 pleasure to work with you too. And just

1 another point on the solar on farmlands, a
2 very big concern of mine. I'm seeing them
3 pop up all over the place on farmland
4 throughout the Southern Tier and Finger Lakes
5 region. Very concerning.

6 There's another project proposed right
7 now that has very significant concerns. It's
8 in the Town of Tyre, Seneca County. It abuts
9 the Montezuma Wildlife Refuge. It's a
10 675-acre project, a very -- very significant
11 portion of that is prime farmland. It also
12 calls for the deforestation of 60-plus acres
13 and solar panels on wetlands as well.

14 With all these things together -- the
15 farmland, the impact on the national wildlife
16 refuge -- it's the atlantic flyway for
17 migratory birds that go through there -- you
18 know, do you feel in your role -- you've
19 talked about you get input on this, that
20 you're getting enough input on protection of
21 farmland from these solar projects. What
22 specific proposals do you have -- I don't
23 really see anything in this budget that's
24 specifically going to help us protect

1 farmland.

2 AG & MARKETS COMMISSIONER BALL: Well,
3 thank you for that. It's good to see you
4 again.

5 With regards to solar, you know, the
6 memorandum of understanding we've been able
7 to achieve with NYSERDA and DEC about the
8 siting of solar projects on farmland and
9 highlighting the need to avoid, to minimize
10 and to mitigate the impact on our top four
11 tiers of soil in actively farmed land. So
12 now Ag & Markets, when it's a sizable
13 project, we will be -- we are required to be
14 notified of the project. DEC is notified.
15 The Ag Farmland Preservation Program in that
16 county is notified. And our Advisory
17 Committee to Agriculture is notified. We all
18 look at it and we all evaluate it.

19 We have the ability to mitigate. And
20 what does that mean? That means like -- like
21 with DEC, if there's an acre of wetlands
22 that's going to be displaced, then you need
23 to create an acre of wetland somewhere else.
24 If you're going to take an acre of active

1 farmland, you need to preserve one somewhere
2 else.

3 So we're beginning to see a shift away
4 from development on prime farmland because
5 it's just attractive, it's easy for a
6 developer. But those efforts are leading us
7 to see a shift away from that.

8 That particular project has not come
9 across our desk at Ag & Markets yet. And I
10 certainly will look at that and I'll talk
11 with both NYSERDA President Harris and Basil
12 Seggos.

13 SENATOR O'MARA: Please take a good
14 look at that one. That's one of the most
15 concerning ones I've seen, given the impacts
16 to multiple types of land.

17 AG & MARKETS COMMISSIONER BALL:
18 Absolutely.

19 SENATOR O'MARA: And there's plenty of
20 sites around. Just a few miles from there is
21 the old Seneca Army Depot that is completely
22 unutilized. Why they wouldn't be looking
23 there -- and that's pretty low-hanging fruit
24 too as far as the land that's available

1 there.

2 And those are the types of areas, you
3 know -- and that's actually a brownfield. To
4 reutilize that, that's where we should be
5 focusing these types of projects and not
6 taking up our valuable farmland.

7 AG & MARKETS COMMISSIONER BALL: Yeah,
8 agreed.

9 SENATOR O'MARA: So please pay
10 attention to that one in Tyre. It's also
11 referred to as the Gravel Road Solar Project.

12 AG & MARKETS COMMISSIONER BALL: Thank
13 you, yeah, I'll follow up with you on that.

14 SENATOR O'MARA: It's a significant
15 concern.

16 AG & MARKETS COMMISSIONER BALL: Yes,
17 thank you.

18 SENATOR O'MARA: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assemblymember Burdick.

21 ASSEMBLYMAN BURDICK: Thank you.

22 And Commissioner Kulleseid, thank you
23 for all of your fine service and very best
24 wishes in your new endeavor.

As I mentioned last year, I commend your department for contracting with a nonprofit, Spectrum Industries, which provides jobs for people with disabilities as a vendor in gift shops in the parks.

And I question whether -- I have three questions. One is whether you've been able to expand with other such vendors, maybe through the New York State preferred source provision under the Finance Law.

Also wheelchair accessibility to trails, whether there have been any advances there. Obviously only certain trails would be accessible.

And finally, what are you doing to protect fragile ecosystems such as vernal pools in the Adirondacks?

PARKS COMMISSIONER KULLESEID: So the first question was -- just one word on the first question?

ASSEMBLYMAN OTIS: Was the providing
vendors to --

PARKS COMMISSIONER KULLESEID: Oh, yes. Yeah, yeah. So yes, our partnership

1 with Spectrum has been great. So far they've
2 really been able to supply our needs in this
3 kind of -- and it's a great thing for our
4 employees, it's a great thing for the public
5 to be able to buy State Parks products.

6 With Spectrum, that relationship we
7 expect to continue, grow and thrive. So that
8 is really the relationship we do in that
9 regard.

10 ASSEMBLYMAN OTIS: Any other areas
11 where there might be a possibility to --

12 PARKS COMMISSIONER KULLESEID: We're
13 always looking for that, but that's the main
14 one that we have right now.

15 ASSEMBLYMAN OTIS: Okay.

16 PARKS COMMISSIONER KULLESEID: The
17 second one, accessibility, obviously we are
18 always focused on this. There are trails,
19 though it often takes quite a lot of capital
20 input to make these trails truly accessible.
21 But it's always something -- anytime we redo
22 a facility, anytime we take on a major
23 capital project, we are always looking to
24 make sure that it's wheelchair accessible.

1 ASSEMBLYMAN OTIS: Anything in your
2 capital program to provide for that?

3 PARKS COMMISSIONER KULLESEID: We are
4 at -- you know, we are in the process of
5 looking statewide. It is a piece of
6 everything. You know, we have a plan coming
7 up for John Jay Homestead in Westchester
8 County, and we're going to -- as we redo the
9 trails there, re-lay all those pathways,
10 we'll be looking at accessibility so that
11 wheelchairs could be able to use them.

12 So anytime we have a major project, we
13 do that kind of work.

14 ASSEMBLYMAN OTIS: Great.

15 And then finally, with respect to
16 protecting vernal pools and so forth --

17 PARKS COMMISSIONER KULLESEID: You
18 know, we have -- that is one of the great
19 things about the agency is we obviously are
20 very focused on public recreation, but we are
21 also very sensitive and aware of our
22 sensitive environmental assets. You know, we
23 are doing shoreline restoration projects, we
24 are trying to restore flows, restore, you

1 know, river flows, tidal flows. So anytime
2 an opportunity -- vernal pools in particular
3 I will just say we have a whole environment
4 stewardship program and a professional team
5 that is out there to make sure that as we do
6 all our -- as we encourage visitation, as we
7 take on capital projects, that we're
8 protecting those sensitive ecological places.

9 ASSEMBLYMAN OTIS: Great. Thank you
10 very much. Appreciate it.

11 PARKS COMMISSIONER KULLESEID: Thank
12 you.

13 CHAIRWOMAN KRUEGER: Thank you.

14 I think it's my turn as chair. We've
15 gone through the other Senators.

16 Thank you both for being here.

17 So -- Commissioner Ball first. So
18 there is this new thing that people are
19 trying to start called CO2 fracking. And
20 several of my colleagues here with us
21 today -- Lea Webb, myself, Anna Kelles, Donna
22 Lupardo -- have all submitted a bill that we
23 hope the Governor will support and we will
24 pass as quickly as possible.

1 And it's an attempt to use a new kind
2 of fracking that uses CO2 instead of water,
3 and the one company argues that that doesn't
4 violate our law. It's extremely dangerous to
5 farmland and would basically destroy the
6 farmland and risk poisoning the farmers. And
7 I know that most of the targeting has been in
8 the Western Tier areas -- Southern Tier,
9 excuse me. Sorry, Donna. And Anna.

10 And I'm just wondering whether your
11 department could send out some kind of
12 warning notice to farmers that when they get
13 these letters promising them all good
14 things -- as the fracking industry tried to
15 do 10 years ago -- if you could let them know
16 don't walk into a left hook, you're going to
17 destroy your land and your lives.

18 AG & MARKETS COMMISSIONER BALL: I
19 only recently became aware of this -- this
20 effort in the Southern Tier, and absolutely
21 will look into it. You know, for sure.
22 Yeah.

23 CHAIRWOMAN KRUEGER: I know that
24 Assemblymember Kelles has an enormous amount

1 of data on this. One thing about being a
2 Ph.D. in this field, she has all the good
3 data. So I would really encourage you to
4 look at the materials that we have been
5 walking around with, because we just need to
6 stop this before it gets started because so
7 much harm can be done.

8 So I appreciate that, thank you.

9 AG & MARKETS COMMISSIONER BALL: Thank
10 you.

11 CHAIRWOMAN KRUEGER: Thank you.

12 The commissioner of Parks. So there's
13 \$15 million in the budget for trees. Trees
14 are great. Trees are particularly important
15 for urban centers. But it's not money for
16 the maintenance and continuation of the
17 trees, am I correct? Just for the planting?

18 PARKS COMMISSIONER KULLESEID: I'm
19 not -- I think you're talking about the money
20 to plant trees -- you mean the Bond Act that
21 you -- I think that there will be --
22 obviously there's planting programs. It is
23 always dependent on maintenance, and I'm just
24 not familiar enough with the program.

1 But I can follow up with you. I
2 just -- it's a --

3 CHAIRWOMAN KRUEGER: I think there was
4 \$15 million specifically for planting trees.

5 PARKS COMMISSIONER KULLESEID: Yup.

6 CHAIRWOMAN KRUEGER: So I know that
7 there's a concern at least in my city that we
8 sometimes have money and plant trees, but if
9 we don't have the funding to continue the
10 maintenance of them -- and it's one thing if
11 they're in a park and another thing if
12 they're on our streets, which is actually
13 very important.

14 I think that's true statewide, that we
15 really need to look at the long-term
16 maintenance of the survival of these trees.
17 Otherwise, we've sort of flunked our own test
18 for putting them in.

19 So I would hope we could all work on
20 that together. Thank you.

21 For both of you. So you're both going
22 to be impacted or you're already being
23 impacted by climate change. I happen to
24 carry a bill called Climate Change Superfund

1 Act, which would make oil and gas companies
2 pay a share of the cost of the damage being
3 done. I'm curious, how are your agencies
4 going to deal with the -- for example, for
5 Parks, the agency resiliency plan, do you
6 have the funding to do that?

7 And for Ag & Markets, same thing:
8 What are the costs that farmers face because
9 of the damage from climate change, and do you
10 have the funds to help them mitigate that?

11 PARKS COMMISSIONER KULLESEID: So
12 we -- in some cases there's federal funding.
13 When beaches are knocked out, right, you have
14 some FEMA money, and then the Army Corps that
15 comes in and helps.

16 We are -- we are all having to put in
17 budget a -- the state pays for the repairs to
18 Bear Mountain last year, right, those, you
19 know, some millions of dollars to repair
20 Bear Mountain. We fund that out of our
21 budget or out of emergency appropriations.

22 AG & MARKETS COMMISSIONER BALL: You
23 know, for us -- and with your help -- you
24 know, climate resilient farming has been a

1 really important tool for us to use. It's
2 growing every year, and it's more needed
3 every year. So continued growth in that.

4 It helps farmers both deal with -- you
5 know, because we seem to have a year where we
6 have a drought, we don't have enough rain,
7 and it helps farmers figure out how to, you
8 know, farm through a dry year. And at the
9 same time, climate resilient funding can help
10 a farmer deal with wet years.

11 So that's a very important addition.
12 It's something that's five years old now.
13 It's got \$15.7 million in this budget. And I
14 certainly expect, you know, given the fact
15 that we have seen, you know, the number of
16 climate change events -- you know, on my farm
17 over 30 years I've seen five 100-year events
18 and one 500-year event.

19 Things are changing, and we need to be
20 adaptable, you know, particularly as we look
21 at this foodshed that we maintain in New York
22 State. So we have that program going, and
23 I'm optimistic about the opportunities, as my
24 colleague mentioned, in the Bond Act, to

1 continue to do that work.

2 Great question, thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 And also following up for you,
5 Commissioner Ball, I had someone come to me
6 recently discussing the possibilities of
7 aquafarming on land using new technologies
8 that have been very successful around the
9 world for fish farming on land, with new
10 technology that is environmentally safe and
11 not using up enormous amounts of energy. And
12 I can get you all the details that they sent
13 me. But is that something that we're
14 discussing in New York State? Is that
15 something your department is involved with
16 any pilots or any proposals?

17 AG & MARKETS COMMISSIONER BALL: We
18 are, yes. As the Assembly Ag chair pointed
19 out, the aquaculture initiative on
20 Long Island, which has been principally
21 offshore.

22 But upstate, the ability -- and we've
23 got a number of our land grant schools that
24 are working on, you know, farming fish and

1 feeding, using those nutrients coming away
2 from the fish farming to grow lettuce and
3 hydroponics inside greenhouses. We've got
4 numerous examples of that around the state.
5 So I think, you know, as we talk about
6 connecting the dots upstate, downstate and
7 all those sorts of things, we need to think
8 about nutrition, we need to think about
9 protein. And how do we get protein to people
10 who need it the most? This is a logical
11 source of protein that can be grown
12 agriculturally. In the Northeast, that's
13 part of our foodshed.

14 So yeah, we are actively interested in
15 that. We're seeing research going on in that
16 in our land grant schools. And very
17 interested in seeing what you've got.

18 CHAIRWOMAN KRUEGER: I'd be happy to
19 send you the info, because I was fascinated
20 how many urban centers in other countries
21 have actually been doing these farms within
22 urban buildings -- not just in the sea or the
23 lakes, which is, you know, more obvious. But
24 the potential for salmon, for shrimp, for

1 other high-protein healthy foods.

2 Because you're right, and you keep
3 talking about it today -- it's not just about
4 food, it's about nutrition and making sure
5 people get it.

6 And I have one more question for you
7 because of that. There is a proposal -- I
8 believe my colleague Senator May chairs
9 the -- leads the Senate bill to increase
10 state money to support an expansion of the
11 SNAP program, which is a federal benefit, but
12 it has unfortunately been reduced. So to
13 have a sort of state supplement to SNAP,
14 because it is one of the most effective
15 nutrition programs we've ever had in this
16 country.

17 And of course, as you know, the money
18 is immediately spent in a local economy,
19 creating jobs at supermarkets and green
20 markets, and it allows people to buy the food
21 they need, which then means more money spent
22 on our farms.

23 So would you imagine wanting to
24 support an expansion of SNAP in New York

1 State?

2 AG & MARKETS COMMISSIONER BALL: I
3 think it's critical. We saw the need during
4 COVID-19. It really exposed weaknesses in
5 the food supply chain which we're trying to
6 address, as you see in this budget. The SNAP
7 ed education that's happening at Cornell, all
8 around the counties. And the need is just so
9 great, it's so obvious.

10 And as you mentioned, it's not just
11 about food access, it's about nutrition
12 access. So getting the right kinds of food,
13 the funding in the Farmers' Market Resiliency
14 Program to help SNAP benefits, to help them
15 use those, you know, opportunities at a
16 farmers' market to get New York-grown stuff,
17 that's so critical.

18 But yeah, I think that's -- we did the
19 Farm Bill listening sessions all last year
20 getting ready for this year's Farm Bill, and
21 one of the things we heard from the farm
22 community -- the usual things, you know,
23 research and growing the Farm Bill and having
24 it be responsive to New York, from the

1 nutrition title folks -- you know, this was
2 the wonderful joy that came to me out of
3 these listening sessions, where I didn't hear
4 farmers say, Take the money from the
5 nutrition title and give it to farmers. And
6 I didn't hear people in the nutrition title
7 say, Take it away from farmers and give it to
8 us. I heard both groups saying we need a
9 strong agricultural community to feed us, and
10 farmers recognizing that this is an important
11 consumer of their products.

12 So that's why we need a more
13 responsible Farm Bill, one that fits New York
14 State in a better way. And you highlighted
15 an important part of that.

16 CHAIRWOMAN KRUEGER: Thank you. I've
17 used up my time.

18 And best of luck to you in your next
19 career move. Thank you.

20 PARKS COMMISSIONER KULLESEID: Thank
21 you, Senator.

22 CHAIRWOMAN KRUEGER: Assembly.

23 CHAIRWOMAN WEINSTEIN: Assemblyman
24 Lemondes.

1 ASSEMBLYMAN LEMONDES: Thank you,
2 Chair.

3 Thank you, gentlemen, for testifying
4 today. I appreciate it.

5 In my limited time, my question is
6 primarily for Commissioner Ball.

7 With respect to the Animal Health
8 Assurance Program, would you comment on
9 whether or not that is currently well funded
10 enough or if it should be expanded. And the
11 premise of my question is simple. It's
12 pro-agriculture. I personally think it
13 should be expanded because of the goodwill
14 that it generates and the level of husbandry
15 that it raises the overall average to.

16 AG & MARKETS COMMISSIONER BALL: Yeah,
17 well, thank you for that, beginner farmer,
18 veteran farmer, Assemblymember Lemondes.

19 I would agree it's the most
20 unappreciated section of our department.
21 It's so critical, so important, does such
22 good work. I would love to talk to you more
23 about just what you think is needed there and
24 how we might do that. But great program.

1 ASSEMBLYMAN LEMONDES: Thank you.

2 And my second question with respect to
3 general farm labor. As you know, there are
4 difficulties for farmers using H2A labor in
5 New York State. I'm just seeking your
6 comment on whether or not we think, together
7 in the near term, we can right some of these
8 challenges. Because they are exasperating
9 for our farms all across the state.

10 AG & MARKETS COMMISSIONER BALL: Well,
11 thank you for that. This has been a part of
12 my efforts as a farmer my whole entire life.

13 I was just -- as I've mentioned
14 numerous times, I was in Washington, D.C.,
15 this past week with the other state
16 Departments of Ag. And New York, we
17 introduced an action item which was adopted
18 by all 50 states to bring together the
19 United States Department of Labor, Homeland
20 Security, the state Departments of
21 Agriculture together to say we need to fix
22 the labor problems in the United States of
23 America.

24 We've been kicking this can down the

1 road for over 30 years now. We haven't seen
2 meaningful guest worker programs. We haven't
3 seen, you know, flexibility. You know, H2A
4 is the only game that we have to work with
5 right now. It's becoming increasingly
6 difficult. And so it was a call to action
7 for those agencies to come together, USDA
8 included, and sit down with us, and let's
9 have a commonsense approach. We've got to
10 get away from demagoguing the issue and
11 evading it.

12 As you know, I started my life as a
13 farmworker. Well acquainted with the needs
14 and the desires and the opportunities there.
15 And unfortunately, the country's inactivity
16 on this is enabling a black market. And
17 we've got to stop doing that.

18 ASSEMBLYMAN LEMONDES: Thank you.

19 Chair, I'll yield the rest of my time.

20 CHAIRWOMAN WEINSTEIN: Thank you. We
21 go to the Senate. You still have someone
22 left.

23 CHAIRWOMAN KRUEGER: Yes. Michele
24 Hinchey, Ag chair, for her three-minute

1 follow-up.

2 SENATOR HINCHEY: Thank you very much.

3 And thank you both for being here.

4 Just briefly, you know, it's deeply
5 concerning to me and to all of us that our
6 farmers are often targeted, and hearing even
7 more about CO2 fracking and what that means
8 for our agricultural land and our farmers and
9 farm businesses.

10 On the solar piece, it's actually
11 heartening to hear so many of my colleagues
12 bring up this issue today, and I am hopeful
13 that we all can work together to solve it and
14 do what we need to do, including the
15 agrivoltaics piece which Assemblymember
16 Kelles brought up, which is really exciting
17 for us to be able to invest in and the
18 technology there.

19 But I feel like many of us have asked
20 that question of you with our, like,
21 30 seconds left. So I just wanted to give
22 you a little bit of space if there were some
23 additional stories or contexts that you were
24 going to share, particularly in the

1 Schoharie Valley -- your experience, your
2 personal experience, the story you were
3 sharing.

4 And then also I think it was in
5 response to maybe Assemblymember
6 Buttenschon's question on how farms are also
7 helping us hit our energy goals.

8 So just since we seem to ask you at
9 the very end, wanted to give you a little bit
10 of space.

11 AG & MARKETS COMMISSIONER BALL: Well,
12 you're so kind. You know, asking a farmer to
13 tell a story is pretty brave.

14 (Laughter.)

15 AG & MARKETS COMMISSIONER BALL: You
16 know, it's just so obvious. New York State
17 is such an amazing place -- best-kept secret
18 in the country, you know. We have such an
19 amazing agricultural diverse, healthy
20 community there, you know. As I've said many
21 times, best land-grant system for education
22 in the country with regards to agriculture.

23 In the Schoharie Valley, I'm blessed.
24 I have 18 feet of topsoil. You know, I

1 picked up rocks for 20 years of my life, and
2 now I can't find a rock if I need one on the
3 farm.

4 So to make sure that in New York State
5 we maintain that foodshed and the ability to
6 feed ourselves -- and we have enough land in
7 New York State. We have enough farmers. We
8 have enough resources to feed ourselves in
9 New York State.

10 So I see, you know, my opportunity to
11 be on the Climate Action Council, to chair
12 the Ag & Forestry Workgroup and to look at
13 the opportunities there. I tease some of the
14 other chairs in the Climate Action Council
15 and the Scoping Plan work. You know, if you
16 look at the lifts on transportation and on
17 housing and energy generation and waste, it's
18 really, really hard for them to achieve
19 climate goals. For agriculture, I can see
20 it. It's possible. We can reduce carbon
21 emissions, we can increase -- excuse me, we
22 can increase the sequestration of carbon and
23 we can reduce greenhouse gas emissions. And
24 we can look at solar and we can look at

1 energy generation on our farms in a very good
2 way.

3 Every farmer has got some land that
4 would be well-suited to solar development.
5 Every farmer has got some land that is
6 formerly pasture land, not actively, not top
7 four tiers of soil. But we need to be
8 thoughtful about where we do that. We can't
9 do it on the backs of ag. You have to do it
10 with ag and provide an opportunity for
11 agriculture to continue to feed us.

12 SENATOR HINCHEY: Thank you.

13 AG & MARKETS COMMISSIONER BALL:
14 Thanks for that.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Assemblyman
18 Palmesano.

19 ASSEMBLYMAN PALMESANO: Yes.

20 First, Commissioner, best of luck to
21 you. I also want to give a shout out to your
22 regional team, Fred Bonn, who do a great job,
23 very responsive.

24 I have a question, but actually I'm

1 going to ask you afterwards because of my
2 time.

3 Commissioner Ball, my question is for
4 you. I also want to say thank you for your
5 leadership. You know, when we had the
6 freeze, you were there in the district, going
7 around that, bringing some assurances to our
8 people. So I appreciate that.

9 But there's been a lot of talk about
10 the Farm Labor Act, the impact we have on
11 farmers. So we won't belabor that, but we do
12 know before the Farm Labor Act was passed in
13 2019, our farmers in New York were already at
14 a competitive disadvantage. As a percentage
15 of net farm income, farm labor costs were
16 63 percent for New York farmers, versus
17 36 percent for the national average.

18 So I really -- and we talked about the
19 proliferation of solar and wind going on our
20 farms. Can't blame them for taking advantage
21 of this because, quite frankly, many of my
22 colleagues in the Legislature and the
23 Executive have really put the screws to our
24 farming and our agricultural communities. So

1 who can blame them -- if they can make money
2 doing that, why not do that. Because they're
3 getting hurt doing it the other way.

4 So now we're going to have this new
5 proposal about the RAPID proposal to get the
6 transmission lines and doing transmission.
7 Do you also have concerns how that might
8 impact some of our farms with that RAPID
9 transmission? And also, another question on
10 that front, the push for the electric vehicle
11 mandate is in full force, which I have many
12 criticisms of -- many of my colleagues do --
13 for a number of good reasons.

14 Do you think that the EV mandate
15 should be applied to our agricultural heavy
16 equipment? Is it realistic? And if so, what
17 is that going to mean to our farming
18 communities because of the weight, the costs,
19 the reliability and the power you need to do
20 those things?

21 So transmission and EV vehicles for
22 farms.

23 AG & MARKETS COMMISSIONER BALL: There
24 was a lot in there. I'll do my best.

1 ASSEMBLYMAN PALMESANO: I know.

2 AG & MARKETS COMMISSIONER BALL: With
3 regards to the RAPID Act -- and this is more
4 to do with the siting of transmission lines,
5 et cetera. You know, we have a very active
6 participation with NYSERDA and DEC on the
7 siting of solar. I would expect that same
8 understanding to continue with the RAPID Act,
9 because that's just as impactful on
10 agricultural land. We're going to look for
11 that and we're going to want to see that, and
12 we'll participate in it in a big way.

13 EV mandates, I have yet to see a
14 180-horsepower John Deere electric tractor
15 yet. I know they're -- however, I don't mean
16 to make light of that, because I do see the
17 biofuels that we can produce on our farms.
18 We're flying planes across the Atlantic right
19 now using biofuels. I see that opportunity
20 for our farmers.

21 I do see opportunities for electrified
22 vehicles on some of our vegetable farms, some
23 of our truck farms. I mean, a lot of our
24 farms go out to the field and come back with,

1 you know, 100 crates of lettuce, come back
2 with, you know, a couple of bins of carrots,
3 whatever.

4 I mean, they're traveling a mile, 10
5 miles a day, maybe. That's a perfect
6 application to use EV on a farm, particularly
7 if a farm has a small solar array to help
8 them generate electricity.

9 So I see the opportunities, but
10 they're not in our hands today.

11 ASSEMBLYMAN PALMESANO: Thank you.

12 AG & MARKETS COMMISSIONER BALL: More
13 to say. Thank you.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We go to Assemblyman Anderson.

16 ASSEMBLYMAN ANDERSON: Thank you,
17 Madam Chair.

18 And again, congratulations to you,
19 Commissioner. Wishing you luck as you move
20 on.

21 I guess my first question will be for
22 you, Commissioner, and then I will move over
23 to Commissioner Ball.

24 So we're really excited to hear, in

1 the Governor's Executive Budget, the proposal
2 to create more swimming pools and swimming
3 access. I represent a waterfront community,
4 a peninsula, if you will. And swimming is
5 important, knowing how to swim is critical
6 and important.

7 But I heard you answer a question from
8 one of my other colleagues about this being a
9 grant-making opportunity for organizations to
10 apply. What elements in that granting
11 process will you guys be looking for? Should
12 this pass and become implemented, what
13 criteria are we looking for from groups that
14 want to apply for grants to ultimately -- and
15 I'm assuming they're capital grants to build
16 out pools, et cetera.

17 PARKS COMMISSIONER KULLESEID:

18 Correct.

19 ASSEMBLYMAN ANDERSON: So what

20 criteria?

21 PARKS COMMISSIONER KULLESEID: I think
22 obviously, as you said, the program's
23 supposed to be put together. You know, we
24 are -- we actually are -- it's great we are

1 receiving input, we are getting input from a
2 lot of communities across the state about
3 what they're looking for here.

4 I think there is a real commitment to
5 making sure this is happening in underserved
6 communities, right, so I think there will be
7 sort of that kind of priority application. I
8 think feasibility. I think realistic capital
9 plans, capacity to be able to do the grants,
10 ability to spend this funding.

11 There probably will be some kind of
12 local match, I could imagine, as part of it,
13 although it's not set at this point.

14 So I think you'll see those criteria
15 begin to develop in the next --

16 ASSEMBLYMAN ANDERSON: So which ways
17 are you collecting input? I just want to
18 know the first part of that question.

19 PARKS COMMISSIONER KULLESEID: You
20 know, it's just been coming in unsolicited so
21 far. We will be doing more formal
22 solicitation of that, but right now we're
23 just unsolicited input. There's been a lot
24 of interest -- since the announcement,

1 there's been a lot of interest in the
2 program.

3 ASSEMBLYMAN ANDERSON: Good. Okay.
4 So I look forward to hearing from your office
5 on how that formal input could be gathered.
6 Because even though I'm a peninsula, a
7 waterfront community, there's still a need
8 for the pools and that level of access.

9 PARKS COMMISSIONER KULLESEID: Of
10 course. Yup, yup.

11 ASSEMBLYMAN ANDERSON: Thank you,
12 Commissioner.

13 Commissioner Ball, it's good to see
14 you. I always enjoy our annual trips to the
15 State Fair, so it's good to see you here
16 again.

17 So I'm looking at the Governor's
18 Executive Budget and I didn't see an
19 appropriation -- and, you know, I bring this
20 issue up every hearing, about disadvantaged
21 farmers, particularly Black farmers. And I
22 looked at some data that says that for --
23 there are somewhere around 120-some-odd Black
24 farmers in the State of New York to 32,000

1 white farmers. So obviously you can see the
2 disparity. And I didn't see anything in the
3 budget to help bridge that disparity.

4 Just wondering what the Executive is
5 looking at this year to help bridge that
6 disparity and help support those farmers.

7 AG & MARKETS COMMISSIONER BALL: Yeah,
8 thanks for that question.

9 And of course include Schoharie Valley
10 farms in that annual visit, if you would.

11 (Time clock sound.)

12 AG & MARKETS COMMISSIONER BALL:
13 Really? I got lots to say here.

14 CHAIRWOMAN WEINSTEIN: You'll be able
15 to send us the response.

16 AG & MARKETS COMMISSIONER BALL: Will
17 do. Let's talk.

18 CHAIRWOMAN WEINSTEIN: We go now to
19 Assemblywoman Giglio.

20 ASSEMBLYWOMAN GIGLIO: Yes, good
21 afternoon. And thank you all for being here.

22 My question is for Commissioner
23 Kulleseid. And I want to speak with you a
24 little bit about the historic Hulse House at

1 Wildwood State Park that was built in 1822.
2 And three years ago when we had the budget
3 discussions we were going to put it into the
4 capital plan, and we were going to get that
5 house renovated and get it back up to where
6 it needs to be on state property.

7 The architect being hired for the
8 restoration took a year to get done. That
9 plan came out the end of 2023. So I'd like
10 to know when the plan is to be finalized and
11 when we can expect the restoration and the
12 renovation of that house.

13 PARKS COMMISSIONER KULLESEID: And
14 I'll just say thank you. Thank you for your
15 interest, thank you for your support of
16 state parks.

17 So that obviously is a historic home,
18 so all that kind of stuff takes time, right?
19 So we are poised to move ahead. I don't know
20 exactly where it fits into the capital plan,
21 but I can let you know.

22 ASSEMBLYWOMAN GIGLIO: That would be
23 great. Thank you so much.

24 PARKS COMMISSIONER KULLESEID: Yup.

1 Yup.

2 ASSEMBLYWOMAN GIGLIO: And for
3 Commissioner Ball, the federal government
4 gave funding for ag worker housing, which was
5 put through the HUD program. And a lot of
6 the farmers in my district had to return the
7 funds because there wasn't enough time to
8 actually spend the funds with the permitting
9 process and everything else.

10 So I'm wondering what our plan is for
11 ag worker housing and what your plan is to
12 afford for our farmers to be able to compete
13 with adjoining states as far as labor costs
14 and restrictions and regulations that our
15 farmers are faced with on a daily basis, how
16 we compete with other states so that people
17 continue to buy from New York.

18 AG & MARKETS COMMISSIONER BALL: Yeah,
19 thank you for that.

20 We pushed really hard to try to get
21 that -- make that happen sooner, but a lot of
22 paperwork involved with HCR and the HUD
23 program federally. It was just a heavy lift.

24 The good news is that here in the

1 state we have a Farmworker Housing Fund
2 that's been very effective -- zero percent
3 interest for 10 years. Last year we were
4 able to, you know, with all your help, double
5 the amount of funding that could be applied
6 for. It used to be \$10,000, now \$20,000 --
7 excuse me, \$200,000 for housing, as costs
8 have gone up. And a 10-year cycle with zero
9 percent interest has been very -- it's
10 getting oversubscribed. We added another
11 \$5 million to the program last year, and it's
12 already nearing the capacity.

13 We're talking with HCR now because
14 they hold it. Farm Credit administers it.
15 It's an awesome program, and we may need to
16 put some more money into the program to keep
17 that going. But just a sign that just adding
18 an additional \$5 million last year and having
19 it go so fast. We have about eight loans
20 left that could be put out this year
21 currently. So we're actively talking --

22 ASSEMBLYWOMAN GIGLIO: They're
23 competing with local states based on the
24 labor rates and the cost of land and cost to

1 be here.

2 AG & MARKETS COMMISSIONER BALL: Sure.

3 Yeah.

4 ASSEMBLYWOMAN GIGLIO: I'll look for a
5 response in writing.

6 AG & MARKETS COMMISSIONER BALL: Let's
7 talk some more about that.

8 ASSEMBLYWOMAN GIGLIO: Thank you.

9 AG & MARKETS COMMISSIONER BALL: Thank
10 you so much.

11 CHAIRWOMAN WEINSTEIN: Assemblywoman
12 Rosenthal, are you -- you can go to the mic.

13 ASSEMBLYWOMAN ROSENTHAL: Thank you.

14 Hi, Commissioner Ball.

15 AG & MARKETS COMMISSIONER BALL: Good
16 to see you.

17 ASSEMBLYWOMAN ROSENTHAL: Good to see
18 you.

19 My question concerns small and
20 medium-sized farms that may be interested in
21 transitioning to -- from meat and dairy to
22 plant-based agriculture. As you know, that
23 the proliferation and the demand for more
24 plant-based foods is surging. And it would

1 be great if the department gave out some kind
2 of grants to help with the transition to more
3 grains and other kind of plant-based
4 agricultural products that will match the
5 demand that will continue to rise over the
6 years.

7 AG & MARKETS COMMISSIONER BALL:

8 Interesting. So you're thinking upstate or
9 are you thinking --

10 ASSEMBLYWOMAN ROSENTHAL: Wherever you
11 find it best, where you see the demand to
12 transition.

13 AG & MARKETS COMMISSIONER BALL: Well,
14 this is, I think -- thanks for asking. This
15 is one of the things that COVID has taught
16 us, what's really needed in the marketplace,
17 what's wanted.

18 ASSEMBLYWOMAN ROSENTHAL: Yes.

19 AG & MARKETS COMMISSIONER BALL: We
20 frankly saw a demand across the entire
21 spectrum of agricultural commodities. We saw
22 an increased demand for all of that.

23 Through New York State Grown &
24 Certified we've got funding to help farmers

1 become grown and certified -- and by that I
2 mean have the stainless steel, have the
3 coolers, have the equipment they need to
4 adapt to a different kind of marketplace.

5 Federally, also, there's funding there
6 to help farms of all sizes adapt to this new
7 market they discovered that was not there
8 before. As you have noted, many farmers are
9 commodity farmers. They supply a
10 commodity -- maybe it's meat or some type of
11 meat product. But finding out the needs
12 around, you know, cultural vegetables and,
13 you know, some of the urban needs are a part
14 of what we do at the department, which is
15 connecting the dots.

16 For dairy, we have a very aggressive
17 land preservation program, as you know, in
18 the state. We've got a great record there.
19 When dairy went through some really difficult
20 years not too long ago, we put together a
21 Dairy Transitions Program so you could create
22 an easement on your farm, get a cash infusion
23 of money to change to a different kind of
24 crop, expand, get more efficient, bring the

1 next generation on board. We call it Dairy
2 Transitions.

3 And we did the same thing for fruit
4 farms and vegetable farms, the opportunity to
5 look at a new crop. And by using the
6 easement money to help them accomplish that,
7 we preserve some farmland and we also give
8 the next generation an opportunity to look at
9 a different kind of marketplace.

10 ASSEMBLYWOMAN ROSENTHAL: But I think
11 it's something that more and more farmers
12 will be interested in as they see, you know,
13 whole sections of a grocery store devoted to
14 plant-based.

15 AG & MARKETS COMMISSIONER BALL: Sure.

16 ASSEMBLYWOMAN ROSENTHAL: And I don't
17 want New York to fall behind in this area.

18 AG & MARKETS COMMISSIONER BALL: Yeah.

19 We also have the investment tax credit
20 for the next five years, which is a 20
21 percent opportunity to invest in something
22 different on the farmland.

23 ASSEMBLYWOMAN ROSENTHAL: Okay. Well,
24 thank you, and maybe we can discuss further.

1 AG & MARKETS COMMISSIONER BALL: All
2 right. Thank you.

3 ASSEMBLYWOMAN ROSENTHAL: Thank you.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 We go to Senator Palumbo.

6 SENATOR PALUMBO: Thank you,
7 Madam Chair.

8 And good morning -- we're still in the
9 morning? Good afternoon.

10 Just a quick question. I just had
11 a -- I was just curious about the potential
12 for a renewable natural gas on farms.
13 Because I know obviously they're generally --
14 we have a landfill out by us on Eastern Long
15 Island that, you know, has been of course
16 trying to harness that or address that for
17 years.

18 But what is the likelihood of that?
19 I'm just kind of curious what is your
20 professional opinion.

21 AG & MARKETS COMMISSIONER BALL:

22 Right. Well, thank you for the question.

23 Yeah, and you know, I was fortunate to
24 be a part of the Climate Action Council and

1 chair the Ag and Forestry Workgroup on that
2 subject and all the other subjects. I want
3 to point out that we were the only workgroup
4 that really achieved consensus on the
5 Scoping Plan going forward for agriculture
6 and forestry, and the opportunities I think
7 are great. We can achieve those things.

8 And as you pointed out, we have the
9 opportunity to harness methane. We have the
10 opportunity on the farm to turn that into RNG
11 and utilize that on the farm, keep that
12 local. We're not talking about putting a
13 methane digester in the middle of New York
14 City or anything, but we are able to use --
15 harness that. We can make electricity, we
16 can do things on the farm to -- so -- I'm
17 sorry, you have a question.

18 SENATOR PALUMBO: Sure. I'm just
19 thinking there are options other than wind as
20 well in the event that that would be
21 something that would be palatable, I guess.

22 AG & MARKETS COMMISSIONER BALL: Sure.

23 On the farm we can generate wind and
24 make electricity, we can generate solar and

1 make electricity. But we have the
2 opportunity, especially with the very
3 aggressive dairy industry that we have, and a
4 thriving industry, to harness, you know, the
5 resources that we have there.

6 We're helping fund better manure
7 storages for environmental reasons so we're
8 not spreading manure on land in saturated,
9 frozen conditions. But we can harness that
10 and make RNG on our farms, which can help our
11 farms operate, local communities operate. So
12 it's a great opportunity in the Scoping Plan
13 that I think is -- we need to avail ourselves
14 of that.

15 SENATOR PALUMBO: Terrific, thank you.

16 And since you're still full of much
17 energy after this long morning, just one real
18 quick question. Regarding the -- can you
19 describe any type of impact, to change gears
20 a little bit, regarding our lawful cannabis
21 growers versus the black market?

22 Do you know -- can you give us just a
23 general impact that you've been able to
24 interpret, if at all? Kind of a general

1 question, I know.

2 AG & MARKETS COMMISSIONER BALL: Sure,
3 yeah.

4 SENATOR PALUMBO: I don't want you to
5 guess. Maybe just -- whatever -- you can
6 just comment on it.

7 AG & MARKETS COMMISSIONER BALL: It's
8 a pretty large concern. Obviously the Office
9 of Cannabis Management mission is much larger
10 than simply growing and cultivating a crop.
11 And, you know, the social aspects there, the
12 medical aspects, the health aspects are
13 obviously bigger than us in agriculture.

14 But hoping we're making some progress
15 in that regard, because we really need to.

16 ASSEMBLYMAN PALMESANO: Terrific,
17 thank you.

18 CHAIRWOMAN KRUEGER: Thank you.
19 Assembly.

20 CHAIRWOMAN WEINSTEIN: Assemblywoman
21 Lee.

22 ASSEMBLYWOMAN LEE: Thank you, Chair.

23 This is for Commissioner Ball. I just
24 wanted to follow up on Assemblymember

1 Kelles's questions concerning the issues with
2 the management of Nourish New York by the
3 DOH. It's a program that the Legislature
4 supports and especially, you know, very
5 supportive of its mission.

6 But we wanted to know if your agency
7 would be willing to take back management for
8 increased oversight to ensure farmers and
9 pantries are taken care of and can fully
10 participate in the program, given the ongoing
11 concerns.

12 AG & MARKETS COMMISSIONER BALL: Yeah,
13 well, thanks for the question. You know,
14 it's always been a group management effort
15 with Nourish between DOH and us. It wasn't a
16 matter of we had it and then they had it.
17 We've always worked together to manage the
18 program.

19 When it was operating under an
20 executive order we were both more flexible
21 in, you know, Hey, there's a neighborhood
22 here that's really hurting that needs food,
23 and we were able to quickly find that source
24 of food in upstate New York and connect it to

1 that marketplace.

2 Now as it's statutory, it's a
3 little -- it takes a little more time because
4 it needs to go out to bid so we can protect
5 taxpayers. That's a good thing. But it's
6 still the same management system. We still
7 work very closely with the Department of
8 Health, and they work with us, generally
9 utilizing, you know, the 10 regional food
10 banks still, and the pantry system, and
11 getting a little deeper into the weeds.
12 That's still something they know where the
13 neighborhood needs are. We know where the
14 crops are grown.

15 So there's still a very good
16 partnership there that really hasn't changed.
17 It's the function of the program becoming
18 statutory that changed. And so things need
19 to be bid out. We need to be -- but the
20 funding is still going to those food banks
21 and getting down to the pantries. They can
22 bid directly to the program now.

23 ASSEMBLYWOMAN LEE: Are you hearing
24 the same complaints that we've been receiving

1 about the application process and the funding
2 allocation process?

3 AG & MARKETS COMMISSIONER BALL: Yes,
4 we're hearing some of those. It's
5 challenging. But I think, you know, getting
6 the system up and running in statute has
7 taken a little bit of time. But I have to
8 say the money is flowing, things are
9 happening.

10 And also on the federal side, I
11 mentioned earlier the New York Food for
12 New York Families. We've put out \$40 million
13 to basically supplement a Nourish-like
14 program with federal monies. We've got
15 another \$9 million that we'll distribute here
16 this year.

17 So those are two sources for those
18 pantries, for those food banks that need it.
19 But they can still reach out to their
20 regional food bank and be included in the
21 funding that's gone there.

22 ASSEMBLYWOMAN LEE: Okay, that's good
23 to know.

24 Well, we'd love to follow up with you

1 just to make sure that the mission is
2 achieved through this program and we have
3 true equity in food supply as well as
4 supporting farmers through this program.

5 AG & MARKETS COMMISSIONER BALL: Yeah.
6 Thanks so much for the question.

7 ASSEMBLYWOMAN LEE: Thank you.

8 CHAIRWOMAN WEINSTEIN: We go to
9 Assemblywoman Zinerman.

10 ASSEMBLYWOMAN ZINERMAN: I got a green
11 button, all righty. Thank you, Chairs.

12 Good afternoon, Commissioners.

13 I have questions for both of you. I'm
14 going to Commissioner Ball. It's always
15 great to see you.

16 AG & MARKETS COMMISSIONER BALL: It's
17 great to see you. But I think you owe me a
18 visit.

19 ASSEMBLYWOMAN ZINERMAN: I do owe you
20 a visit. And you owe me one too, so we have
21 to plan right after.

22 So I want to talk to you about three
23 areas: Urban agriculture, following up on
24 Assemblymember Anderson's Black farmers

1 conversation. And of course I'm very excited
2 about the new workforce development
3 investment that you're making as well.

4 But I do want to just start out by
5 thanking you for Ag in the Classroom. Your
6 support in our becoming -- I have nine
7 schools growing food aquaponically,
8 hydroponically and in soil. So we are
9 looking forward to becoming a Future Farmers
10 of America chapter. And of course for your
11 support of the Timbuctoo project at
12 Medgar Evers College.

13 And so with regard to the investment
14 in the Urban Farms and Community Gardens
15 Grant, how much of the \$5 million investment
16 is actually going to go to the urban farms
17 and community gardens? As you know, I have
18 about 25 in my district.

19 The other question is in the matter of
20 equity, where are we with the number of Black
21 farmers that are operating and have received
22 funding? And just generally, how are they
23 doing?

24 My last question is around workforce

1 development. So we have this new program, a
2 \$500,000 investment. And I just would like
3 to know where these one-stop shops will be
4 located, and how will people access them?

5 AG & MARKETS COMMISSIONER BALL: Let
6 me work my way backwards, then forwards.

7 Just to say that in New York State,
8 between MANRRS, 4H, FFA, Ag in the Classroom,
9 I'm happy to say that New York State has the
10 largest growth in ag teachers in the
11 United States, which is really great stuff.

12 Workforce development, is that where
13 we started, the \$500,000? That's going to be
14 largely housed at Cornell University with the
15 Ag Workforce Development Program. It's going
16 to include Ag & Markets, it's going to
17 include the Department of Labor, and it's
18 going to include the PERB.

19 ASSEMBLYWOMAN ZINERMAN: How are
20 people downstate going to access it?

21 AG & MARKETS COMMISSIONER BALL: It's
22 universal.

23 (Overtalk.)

24 AG & MARKETS COMMISSIONER BALL: Yeah,

1 absolutely. Absolutely.

2 ASSEMBLYWOMAN ZINERMAN: What was the
3 investment for just the community farms and
4 urban farms this year? I see 5 million, but
5 I don't know how much of that is going to
6 sustain what we already have.

7 AG & MARKETS COMMISSIONER BALL: Yeah.
8 That 5 million is from last year. It's
9 just -- the contract has just been executed,
10 so that's beginning to happen right now. And
11 with the \$1 million in Beginner Farms, which
12 will overlap with that program very much --
13 that also has just gone out the door now. It
14 took a long time to get the RFPs and get a
15 response to the RFPs, frankly. But now
16 that -- that has begun to happen.

17 ASSEMBLYWOMAN ZINERMAN: So we can
18 talk about that offline.

19 So Commissioner Kulleseid, I know that
20 you are leaving. Congratulations. But I do
21 have two really quick questions, and I can
22 just get my answer. Outreach downstate --

23 CHAIRWOMAN WEINSTEIN: Nope, nope.
24 Any answers, you know --

1 ASSEMBLYWOMAN ZINERMAN: Can I come
2 back around? Can I give it to the --

3 CHAIRWOMAN WEINSTEIN: -- to share
4 with the committees.

5 ASSEMBLYWOMAN ZINERMAN: Okay, thanks.

6 CHAIRWOMAN WEINSTEIN: Thank you.

7 We go to Assemblywoman Simon.

8 ASSEMBLYWOMAN SIMON: We have musical
9 chairs here, as you noticed. So thank you.

10 And Commissioner, best of luck to you.
11 Thank you. I have a -- not really a question
12 but last year or two years ago when we did
13 the historic businesses, I had a hard time
14 getting my businesses to understand what to
15 do. But once we made that award to somebody,
16 everybody else and his brother now wants to
17 join in. So thank you, it's a wonderful
18 program. We really appreciate it.

19 So Commissioner Ball, I have a
20 question about green markets in New York
21 City. In my area we have several, but so
22 much of Brooklyn and Queens really don't have
23 any green markets. And those are, of course,
24 communities who are very hard-pressed and

often food deserts.

What I understand is that the farmers find it more difficult to get to those communities because they're not near a highway, and that the transportation is difficult. Is there something we can do to help alleviate that lack of green markets in urban areas?

AG & MARKETS COMMISSIONER BALL: There is. And we're doing some of it.

So certainly GrowNYC has been a tremendous partner, and I know you know them, they operate the farmers' markets in the city right now. And one of the things we learned, you know, personally from my farm, helping to ship food to the South Bronx, there are a number of areas in the city -- you just described an area where it's very difficult; there are no farmers' markets and there's no grocery stores. It's really hard to find food. And so the food box program that GrowNYC is undertaking to get food to those neighborhoods.

Also last year in the budget we've got

1 funding, I think \$10 million, to help
2 establish grocery stores and opportunities
3 for people in traditionally not-represented
4 neighborhoods -- food apartheid, some people
5 call them. Food deserts was the old term.
6 But they're neighborhoods that don't have
7 access to the food. This \$10 million fund is
8 to help establish those in those
9 neighborhoods. I'm more excited about the
10 opportunities around the Food Box Program to
11 help provide that access.

12 And we're currently almost done, ready
13 to cut a ribbon here soon, on a food hub in
14 the South Bronx that GrowNYC will operate for
15 us. It's a big facility, refrigeration,
16 access to the farmers and access to those
17 neighborhoods that need the food. I think we
18 can triple, quadruple the number of food
19 boxes and those opportunities going into
20 those neighborhoods that have traditionally
21 been underserved. So that's an exciting
22 milestone that's ready to happen. We've been
23 agonizing over getting the electricity in
24 that building. But it's in the South Bronx,

1 and it's going to be a great opportunity just
2 for what you described.

3 ASSEMBLYWOMAN SIMON: Thank you.

4 AG & MARKETS COMMISSIONER BALL: Thank
5 you.

6 CHAIRWOMAN WEINSTEIN: Okay, we go to
7 Assemblyman Jones.

8 ASSEMBLYMAN JONES: Good afternoon,
9 Commissioners. Thank you for all the work
10 you've done. And I have a question for both
11 of you.

12 But congratulations and thank you for
13 your avid love of the parks. Big fan of them
14 myself. I actually -- I'm happy to see the
15 funding for the swimming pools. My
16 question -- because I do believe everybody
17 should learn how to swim, it's a safety
18 issue, also a recreational issue. So we
19 should afford all New York children that
20 opportunity.

21 The funding, 150 million. And how is
22 that -- that's not just going to state
23 facilities. Can any municipality or anybody
24 apply for that funding?

1 PARKS COMMISSIONER KULLESEID: So we
2 will be putting together sort of the
3 guidelines for that. No, that is not for
4 state facilities. I mean, there's enough
5 capital funding going so we can refurbish
6 three state facilities --

7 ASSEMBLYMAN JONES: So municipalities
8 can apply for it all over the state?

9 PARKS COMMISSIONER KULLESEID: The
10 munis -- yes, correct. There will be a -- I
11 mean, obviously, there will be an underserved
12 screen on that as well to make sure that
13 the --

14 (Overtalk.)

15 ASSEMBLYMAN JONES: But the issue that
16 needs to be said is we need more lifeguards
17 everywhere -- in state facilities, municipal
18 facilities, everything.

19 What are we doing to recruit
20 lifeguards?

21 PARKS COMMISSIONER KULLESEID: Well,
22 so -- just on that, so part of the program is
23 funding to be allocated through DOS, the
24 Department of State, to actually help

1 municipalities hire lifeguards. Lifeguards
2 is -- you know, obviously I think that if
3 we're able to -- I mean, the City of New
4 York's increased pay, we've increased pay. I
5 think if you increase pay, you'll be -- that
6 will help with the recruitment, obviously.
7 Once we increased our own pay we were able to
8 recruit as needed, so that's a big part of
9 it. And then just making sure that the
10 training is --

11 ASSEMBLYMAN JONES: Thank you. And
12 thank you again for all of your work. Wish
13 you all the best.

14 Commissioner Ball, you knew I was
15 going to get up here and ask something.

16 AG & MARKETS COMMISSIONER BALL:
17 Something dairy, maybe?

18 ASSEMBLYMAN JONES: And I will put in
19 a plug, like many of my colleagues have, for
20 Nourish New York. The program worked
21 wonderfully through your agency. Love to see
22 that continue through your agency.

23 The \$100 million from USDA, do we know
24 how that is going to be distributed, how it's

1 going to -- what is that going to? And I
2 would put in a plug for I think it should go
3 through our Nourish New York, some form of
4 it, through your agency. But do we know
5 anything about how this is going to be
6 distributed, how it's going to benefit our
7 farmers?

8 AG & MARKETS COMMISSIONER BALL: Yes,
9 we do. And that particular program, LFPA,
10 which we call New York Food for New York
11 Families, 40 million has already gone out. I
12 think there's about 102 recipients --

13 ASSEMBLYMAN JONES: Is it through the
14 Nourish New York --

15 AG & MARKETS COMMISSIONER BALL: No,
16 it's a separate program.

17 ASSEMBLYMAN JONES: -- guidelines
18 or --

19 AG & MARKETS COMMISSIONER BALL: A
20 separate RFP. But very similar program. I
21 can give you the list of the growers and
22 recipients of the money --

23 CHAIRWOMAN WEINSTEIN: Thank you.
24 Thank you, Commissioner. You'll follow up

1 with that.

2 We go to our ranker on Ways and Means,
3 Assemblyman Ra.

4 ASSEMBLYMAN RA: Thank you.

5 Good afternoon. For Commissioner
6 Ball. So we're a few years out now from, you
7 know, the wage issue taking effect through
8 the board. We have this tax credit in
9 effect. Any sense of how that tax credit is
10 working in terms of helping alleviate the
11 cost to our farms for the increased wages?

12 AG & MARKETS COMMISSIONER BALL: Well,
13 this year will be the test. It is in effect
14 now. The opportunity to accumulate those
15 overtime hours -- obviously, we're not seeing
16 much of that yet. The opportunity is open
17 now for a farmer to go online and register
18 for the opportunity. The tax credit is
19 118 percent of the overtime cost. They'll be
20 able to file that I think end of July, actual
21 hours that they need, as an advance payment.

22 I went through and we have webinars
23 now, how to go through the program, how to
24 sign up, how to fill in this square, that

1 square, et cetera, et cetera, and then be
2 ready to enter the number of hours and
3 validate that.

4 At the department we'll be validating
5 those hours for the Tax Department. They can
6 get -- end of September, I think the -- it
7 closes within a couple of weeks. Tax assures
8 us the money will be mailed out to the
9 farmers.

10 But it's just beginning. We're just
11 beginning, just rolled out the program, we've
12 done webinars for farmers to understand it.
13 And of course the second part of that program
14 will be filed and available at tax time.

15 So two opportunities throughout the
16 year for farmers to take advantage of the
17 overtime tax credit. Pretty straightforward,
18 pretty easy to understand. And again, lots
19 of webinars and support from our staff. And
20 great cooperation from Tax and Finance.

21 ASSEMBLYMAN RA: And I know one of the
22 concerns that has been expressed, despite the
23 tax credit, is that it doesn't necessarily
24 solve, you know, the cash flow issue of, you

1 know, getting the money on the back end. So
2 what else are we looking at that we can maybe
3 do to help the farmers with that?

4 AG & MARKETS COMMISSIONER BALL: Well,
5 this is the part of the reason why it's
6 118 percent of the actual cost, was to help
7 to defray some of the costs, additional
8 payroll costs in borrowing money, et cetera,
9 to accomplish all this.

10 This is going to be a learning year.
11 We're going to watch very closely to see how
12 farmers manage the new overtime levels. Last
13 year we saw a lot of farmers managing to
14 60 hours. This year we'll see how it goes.
15 We're watching very closely to see what the
16 impact is on the farm economy, to the types
17 of acres that are planted, and how things go.
18 So this is the learning year.

19 But along the way, you know, we've got
20 a 20 percent refundable tax credit for
21 farmers, to help them double down and invest
22 on their farm, get more efficient about
23 things. And as you've heard, you know, the
24 dairy investments and the investments in

1 {unintelligible} opportunities are there to
2 help our farmers along the way.

3 ASSEMBLYMAN RA: Thank you.

4 And on the Parks side, where is the
5 staffing levels within the Park Police at our
6 parks compared to where they've been
7 historically?

8 PARKS COMMISSIONER KULLESEID: Park
9 Police are somewhere in the low 200s, I would
10 say right now. There are probably two -- I'd
11 have to -- so somewhere in the low 200s.
12 They dipped as low as 180 something or other.

13 Our target is probably 240 overall to
14 get to for the force. As long as we keep
15 having good recruiting, we should be able to
16 get to that. But, you know, we're still
17 obviously watching attrition and all those
18 kinds of things.

19 ASSEMBLYMAN RA: I mean, the
20 recruiting I know is part of it, but also,
21 you know, as we've talked about for many
22 years, you know, pension parity and things
23 like that to actually be able to retain those
24 individuals --

1 PARKS COMMISSIONER KULLESEID: Yup.

2 Yup.

3 ASSEMBLYMAN RA: -- you know, would be
4 helpful. And, you know, I know -- you know,
5 we have these situations often when a bill
6 gets vetoed and says, hey, this should be
7 taken up in the budget, but then I think
8 there's a lot of frustration when we don't
9 see it come budget time.

10 PARKS COMMISSIONER KULLESEID: Yeah.

11 ASSEMBLYMAN RA: So, you know, your
12 partnership with the Legislature would be
13 very welcome to try to finally, you know,
14 make that change so that we not only can
15 recruit officers into the department but keep
16 them in the department.

17 PARKS COMMISSIONER KULLESEID: Thank
18 you.

19 ASSEMBLYMAN RA: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 We have a three-minute follow-up from
22 the Ag chair in the Assembly, Donna Lupardo.

23 ASSEMBLYWOMAN LUPARDO: Thanks. This
24 will be very quick. Two quick comments, and

1 one question for the Parks commissioner.

2 Commissioner Ball, the reason why
3 everyone wants the Nourish program to go back
4 to Ag & Markets is because when it went to
5 the Health Department, they comingled
6 Nourish funds with the Hunger Prevention and
7 Nutrition Assistance Program. So a lot of
8 groups who were used to receiving funds from
9 both pots received one or the other.

10 And so that's where this all went
11 awry. So we're just trying to sort that out
12 right now. And, you know, I wish I could
13 report to you where things stand, but that's
14 the reason.

15 AG & MARKETS COMMISSIONER BALL:
16 Gotcha.

17 ASSEMBLYWOMAN LUPARDO: Some groups
18 really lost out in the process.

19 The other thing I want to make sure
20 it's on your radar is I know that adult-use
21 cannabis farming is in OCM, and you still
22 oversee hemp and grain for -- hemp, grain and
23 fiber on that side.

24 But with, honestly, thousands and

1 thousands of unsold pounds of cannabis, we
2 have a dramatic problem with our farmers.
3 Many of them are facing financial ruin. So
4 we're going to be advocating for a farmer
5 relief or a recompense fund. I just wanted
6 to make sure that, you know, if it comes up,
7 you'll be supportive of this idea.

8 And the question I wanted to ask the
9 Parks commissioner is regarding our
10 procurement goals. So my husband and I were
11 traveling on Long Island this year and
12 visiting some of our craft beverage industry,
13 and many of them were concerned that in the
14 state parks they were not serving their own
15 canned beverages, but they were selling from
16 out of state or out of -- out of state or
17 other suppliers.

18 Do you know whether or not the craft
19 beverage industry is going to make its way
20 into State Park procurement in terms of sales
21 at parks?

22 PARKS COMMISSIONER KULLESEID: You
23 know --

24 AG & MARKETS COMMISSIONER BALL: We'll

1 talk.

2 PARKS COMMISSIONER KULLESEID: Yeah,
3 Commissioner Ball -- obviously we do -- we do
4 have Taste New York outlets in many of our
5 parks. It is certainly not universal.

6 ASSEMBLYWOMAN LUPARDO: I mean at the
7 parks themselves.

8 PARKS COMMISSIONER KULLESEID: It's
9 not universal.

10 And then we also -- a lot of the work
11 we do, a lot of the vending we do is through
12 concessionaires. So we have to implement all
13 that work through concessionaires. And it
14 comes up when we are able to amend contracts
15 and those kinds of things. That's when those
16 kinds of advances are possible.

17 ASSEMBLYWOMAN LUPARDO: We would just
18 like to see that percentage applied to those
19 concessionaires, because you've got some
20 great beverage producers on Long Island and I
21 think they feel a little left out --

22 PARKS COMMISSIONER KULLESEID: Totally
23 agree.

24 ASSEMBLYWOMAN LUPARDO: -- in the

1 program. So thank you.

2 PARKS COMMISSIONER KULLESEID: Great.

3 No, thank you very much.

4 ASSEMBLYWOMAN LUPARDO: All set,
5 thanks.

6 CHAIRWOMAN WEINSTEIN: Senate.

7 CHAIRWOMAN KRUEGER: Oh, the
8 Assembly's finished?

9 CHAIRWOMAN WEINSTEIN: Yes.

10 CHAIRWOMAN KRUEGER: So the Assembly
11 and the Senate are finished, so we want to
12 thank you both very much for being with us
13 today, answering so many questions. You have
14 some questions to get back to us in writing.

15 So we appreciate your attendance
16 today. And as you leave, anyone who's trying
17 to get their attention, please take the
18 conversations out in the hallway so we can
19 move along with Panel B.

20 And people should start to head down
21 from Panel B: The Northeast Organic Farming
22 Association, American Farmland Trust,
23 New York State Animal Protection Federation,
24 and the New York Farm Bureau.

1 AG & MARKETS COMMISSIONER BALL: Thank
2 you.

3 (Off the record.)

4 CHAIRWOMAN KRUEGER: Oh, and West Side
5 Campaign Against Hunger. I was wrongly
6 informed you weren't going to make it.

7 Okay, great. Good afternoon. You
8 thought it was going to be morning, but you
9 would have been wrong.

10 (Laughter.)

11 CHAIRWOMAN KRUEGER: Okay, so this is
12 a non-governmental panel. Just for everyone
13 to keep track, each of you has three minutes.
14 And so you probably can't read your
15 testimony; it's a better approach to
16 highlight your bullet points. We all have
17 your testimony.

18 And then our questions will all be a
19 maximum of three minutes, whether you're a
20 chair or a ranker.

21 And why don't we just go down the list
22 in the order it was printed. So
23 Katie Baidon, with the Northeast Organic
24 Farming Association.

1 Yes, you have to press hard to get
2 from red to green.

3 MS. BAILDON: Okay, I got it. Thank
4 you.

5 Yes, good afternoon. Thank you so
6 much for this opportunity to speak to you
7 about NOFA-NY's budget priorities. I'm Katie
8 Baildon, policy manager with NOFA-NY.

9 Since 1983, NOFA-NY has provided
10 New York State farmers with farmer-to-farmer
11 educational programming, events and technical
12 assistance. We also provide USDA-accredited
13 organic certification services to over 1100
14 of New York's organic farms and businesses.

15 The most recent USDA organic census
16 shows that New York continues to be a leader
17 in organic production, ranking third in the
18 nation for the number of organic farms, and
19 leading the nation in terms of acreage of
20 organic field crops. As the organic industry
21 continues to grow nationwide in both
22 certified acres -- especially in the
23 Northeast -- and in demand for organic
24 products, New York is positioned to grow its

1 industry leadership.

2 The state's financial support for
3 NOFA's work helps improve access to and the
4 quality of our certification resources that
5 we offer. With past contracts we've
6 developed digital applications and paperwork
7 processing, offering a streamlined and
8 cost-effective approach for NOFA certified
9 organic operations.

10 And this year we're requesting
11 225,000. The breakdown is 90,000 to expand
12 technical assistance to our certified and our
13 transitioning producers; 51,000 to improve
14 our ability to serve a greater diversity of
15 operations and farming communities; and
16 89,000 for workforce development training to
17 address the shortage of qualified organic
18 inspectors in New York.

19 NOFA-NY also strongly supports funding
20 and expanding programming that enables
21 New York's farms to adapt to our changing
22 climate, build resilience, and be part of the
23 climate solution. As an organic farming
24 organization that supports the widespread

1 adoption of organic regenerative and
2 climate-smart practices, we urge the
3 leadership to fund the strategies of the
4 Climate Scoping Plan that will improve access
5 to resources and help farmers cover the real
6 cost of making changes to their operations.

7 This year NOFA-NY joins the NY Renews
8 coalition in calling on the Legislature to
9 invest 1 billion of this year's budget in
10 critical climate and environmental justice
11 projects, as detailed in the People's Climate
12 Justice Budget. This funding could be used
13 in part for Payment for Ecosystem Services, a
14 key strategy for the ag sector included in
15 the Scoping Plan. Funding Payment for
16 Ecosystem Services pilots in different parts
17 of the state where geographic and ecological
18 differences warrant different project
19 approaches, could lead to the design of an
20 impactful statewide program that improves
21 ecological systems, benefits farmers,
22 farmworkers, and farming communities, and
23 supports a more resilient food and farming
24 system for the benefit of all New Yorkers.

1 Thank you for your time.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much.

4 Next?

5 MS. PERRY: Thank you so much for the
6 opportunity to be here today. My name's
7 Mikaela Perry, representing the American
8 Farmland Trust.

9 New York's 9 million acres of farmland
10 are the foundation of over \$50 billion in
11 annual economic activity and, as you all
12 know, some of the best in the nation. We
13 have permanently protected over
14 104,000 acres, but this represents less than
15 2 percent of our total farmland. With an
16 aging farmer population, roughly 2 million
17 acres will change hands in the coming
18 years -- and are at risk of development.

19 Our projections show that New York is
20 currently losing two farms per week, and we
21 could lose 452,000 acres by 2040 if we do not
22 enact policy changes. Land trusts across our
23 state have been approached by a combined
24 260 farmers in the last year, hoping to

1 protect 40,000 acres. We ask you to meet
2 this demand by funding the Farmland
3 Protection Program at \$25 million. Now is
4 not the time to cut this line item.

5 Thank you so much for allocating
6 \$150 million of the Environmental Bond Act
7 funding to farmland protection. As we heard
8 from Senator May earlier today, the current
9 legislation does not allow for the purchase
10 of conservation easements, defeating the
11 purpose of the line item itself. We ask you
12 to support the Governor's proposed language
13 change to the Public Protection and
14 General Government Article VII legislation to
15 ensure this funding can protect more
16 farmland.

17 Farmland protection is crucial, and so
18 is land access, which is even more
19 challenging for those who don't speak
20 English, for those who have faced oppression
21 and racism and those who don't have access to
22 capital.

23 Thank you so much for your funding of
24 Farmland for a New Generation, a program

1 designed to support the transfer of farmland
2 to a new, more diverse generation of farmers
3 through a nation-leading Farm Link website
4 and a network of regional navigators
5 providing technical, financial and legal
6 support to farmers. With your support, in
7 just five years over 6,000 farmers have
8 received one-on-one guidance; we've matched
9 148 farm-seekers to land, keeping over 9,000
10 acres in farming; and with 9 percent of
11 farm-seekers indicating that they are
12 Hispanic, we've expanded our programs to
13 support Spanish-speaking farmers.

14 We ask for your support in funding
15 this program at \$850,000.

16 Farm viability is also crucial, and
17 New York's Farm-to-School program creates a
18 market opportunity. But our research shows
19 that the sole focus on lunch and the recent
20 changes to the state's community eligibility
21 provision threshold have stagnated school
22 participation. To increase local foods in
23 schools, we ask that you include the two
24 Farm-to-School bills included in our written

1 testimony as part of your respective
2 one-house budgets.

3 Thank you so much.

4 CHAIRWOMAN KRUEGER: Libby.

5 MS. POST: Thank you.

6 I'm Libby Post. I'm the executive
7 director of the New York State Animal
8 Protection Federation. We represent all the
9 animal shelters and a growing number of
10 rescues in the state.

11 On a personal note, I want to thank
12 you all for supporting organic farming
13 because my son is an organic farmer down in
14 Wappingers Falls. So it's a great thing.

15 So I want to thank the Governor,
16 Commissioner Ball, Senator Hinchey and
17 Assemblywoman Lupardo for supporting the
18 Companion Animal Capital Fund; Assemblymember
19 Deborah Glick and Senator Joe Addabbo for
20 championing it in each of their houses; and
21 each of you, for supporting your local
22 shelters and rescues.

23 We worked with Ag & Markets and DOB on
24 budget language for this year, and we're very

1 happy with the changes that have been made.
2 We support those changes that will free up
3 \$7.6 million that has been sort of hanging
4 out there because of the way the language has
5 been fashioned over the years, as well as
6 projects that wouldn't -- couldn't take
7 place.

8 And with that, combined with the
9 5 million the Governor put in, there will be
10 \$12.6 million for the fund this year, which
11 is incredibly important. Because of the
12 standards act that you all passed in 2022,
13 everyone is starting to wake up and recognize
14 that they need to do some capital
15 improvements, and that's what this money is
16 for.

17 So as I've said, we won't be asking
18 for more money from the Legislature for this
19 year. We are asking, however, for you to
20 create a \$2.5 million animal crimes fund,
21 which -- like the Companion Animal Capital
22 Fund -- will be the first in the nation.

23 I'm sure many of you saw the headlines
24 in the Times Union in January and in February

1 about a raid at an unregistered rescue in
2 Latham, which is in Colonie. Over a hundred
3 animals were seized. That will cost
4 Mohawk-Hudson Humane Society over \$100,000
5 because they're holding live evidence.

6 We see this over and over and over
7 again. Of the 18 cases reported to us in our
8 2023 Animal Crime Survey, the cost of care
9 for holding live evidence was \$373,618, and
10 the shelters only recouped 19 percent of that
11 money in restitution. The ASPCA had a case
12 where they spent over 400,000; it took
13 14 months to get a security bond, and no
14 restitution.

15 The SPCA of Erie County in 2010 cared
16 for 73 horses -- that's live evidence.
17 That's the difference here, live evidence
18 versus a TV that you can put in a closet as
19 evidence. It cost the shelter 1.6 million,
20 and they only received 620,000 in
21 restitution.

22 This fund is necessary. The shelters
23 are going broke by holding live evidence and
24 the care that these animals need.

1 Thank you.

2 CHAIRWOMAN KRUEGER: Jeff?

3 MR. WILLIAMS: Thank you very much.

4 I'm Jeff Williams, director of public
5 policy at New York Farm Bureau. When I first
6 started testifying at these hearings, I
7 didn't have to wear glasses to read. So it's
8 a -- my longevity is noted.

9 I want to kick off, first of all, with
10 a poll result that we commissioned from
11 Marist Polling on agriculture and the
12 importance of agriculture to the New York
13 State economy. And the results were almost
14 90 percent of residents across New York
15 State -- rural, suburban, urban -- believe
16 agriculture plays a vital role in New York's
17 economy.

18 And so that leads me into my
19 conversations about the Governor's proposed
20 budget, which everyone's acknowledged is a
21 very good start. You know, the Governor has
22 really committed to funding a lot of programs
23 early on in the process, which takes so much
24 pressure off you all to restore funding.

1 But there's still some notable holes
2 that need to be filled in the final state
3 budget, especially for research and
4 promotion. It's all the usual ones we've all
5 worked on before -- apple research and
6 promotion, maple research and promotion, farm
7 viability has been mentioned, hops and
8 others. So we're bringing in all the groups
9 to talk to you all about the importance of
10 the programs and how those programs work, and
11 we look forward to having a conversation with
12 you about that.

13 We've also, along with others at this
14 table, formally committed to a fully
15 successful, fully funded Environmental
16 Protection Fund. Agriculture depends on the
17 Environmental Protection Fund for farmland
18 protection, of course, but also a whole host
19 of climate and water quality programs that
20 help farmers protect and conserve water and
21 water quality. We firmly are supportive of
22 those.

23 We're pleased that the New York Center
24 for Agricultural Medicine and Health, out of

1 Bassett Hospital in Cooperstown, seems to be
2 fully funded in the budget. They play a
3 pivotal role in on-farm safety programs,
4 which are very important for our industry.

5 Again, I thank all of you for your
6 work on Nourish New York that -- what a
7 savior that program was in the pandemic, and
8 it continues to pay dividends today.

9 Two things I do want to mention
10 that -- one thing in the budget that we are
11 concerned about is in the health and mental
12 health budget scheduling of xylazine as a
13 Class 3 drug.

14 We fully support xylazine in the
15 illicit form being scheduled, but there is a
16 very real FDA-approved use for veterinarians
17 and on-farm use on farms that needs to be
18 maintained. There's a very big difference
19 between the legal xylazine and illicit
20 xylazine. And we look forward to working
21 with you on gaining farm and veterinary
22 exemptions for that.

23 And I'll echo the calls earlier on for
24 including farmworker housing in the renewable

1 investment tax credit. We are committed to
2 giving our farmworkers the best housing that
3 they can -- that we can provide, and that the
4 investment tax credit would be a great way to
5 incentivize it.

6 Thank you.

7 CHAIRWOMAN KRUEGER: And our last is
8 Chef Greg Silverman.

9 CHEF SILVERMAN: Hi. Thank you for
10 letting me speak today. And thank you for
11 all the Nourish questions already. I hope I
12 raise some more through my testimony.

13 I'm not a farmer, I'm a chef. And so
14 I come from the other angle of this. But I
15 also am a real New Yorker in a lot of ways:
16 Born and raised in Utica, New York, had food
17 businesses in Ithaca, New York, and have
18 spent the last seven years running one of the
19 largest emergency food providers in New York
20 State, here in New York City.

21 We gave out about 4.5 million pounds
22 of food to 80,000 unique individuals last
23 year. Over 50 percent of that -- 2.2 million
24 pounds of it -- was fresh produce. We think

1 that's the minimum. We don't think we're
2 special. We think that's where it should be.
3 That's what WSCAH does. At the West Side
4 Campaign Against Hunger, we created the
5 customer choice model decades ago, and choice
6 is much bigger than that now.

7 We think choice is not about just
8 apples or bananas but location of service,
9 delivery models, time spent securing food,
10 often from our New York state farmers.

11 We also founded at WSCAH The
12 RoundTable: Allies for Food Access, which is
13 a network of eight of the biggest emergency
14 food providers across New York City --
15 frontline food pantries who, together,
16 distributed 28 million pounds of produce in
17 the last year at 1200 sites. We've worked
18 together to purchase a lot of product,
19 especially in New York State -- oats and
20 beans and greens -- with GrowNYC and with
21 others, to make sure we're getting the best
22 prices for our customers across the way. And
23 this is frontline food fighters working
24 together to feed our community.

1 I've built my whole career buying food
2 from farmers, selling the best product to our
3 customers. And that's what we do in the
4 emergency food sector on the frontlines.
5 We're like small businesses. We are direct
6 service, we know our customers, and we are
7 best suited to actually purchase the product
8 for our customers.

9 And that's where I get to my question
10 or my concerns, is that we need to see,
11 right, HPNAP and Nourish both at 75 million.
12 And more importantly, we need to see the food
13 distributed through direct contracts to
14 frontline emergency food relief programs. I
15 have nothing against food banks. I think
16 they are huge partners of ours, but they are
17 not best suited to be making the
18 distributions into communities of need.
19 Frontline pantries know their customers.

20 We have seen, on the frontlines, as we
21 talk to our customers each and every day,
22 increased pricing -- 28 percent up for canned
23 tuna, 141 percent up for a dozen eggs. Our
24 customer base is up 42 percent since the

1 height of the pandemic. The need is going up
2 and up and up; the prices are as well.

3 We found at Thanksgiving alone,
4 through collective purchasing, we got turkeys
5 62 percent cheaper than the food banks were
6 delivering at. We know how to get good
7 prices for our customers.

8 And in the face of this, the
9 HPNAP/Nourish process was really difficult
10 for everyone on the frontlines. Across the
11 state, through our Alliance for a Hunger-Free
12 New York, we're seeing drastic decreases in
13 service, shrinking the amount of food people
14 are giving to their customers in the
15 Hudson Valley. We talk to folks up in
16 Albany, down in Staten Island. So we just
17 need some change.

18 CHAIRWOMAN KRUEGER: Thank you very
19 much.

20 Our first questioner will be our
21 Agriculture chair, Michelle Hinchey.

22 SENATOR HINCHEY: Thank you very much.

23 Where to begin. Mikaela, starting
24 with you, for the \$25 million for farmland

1 preservation, I think it's also important to
2 note the stats that you shared are
3 staggering. And so please -- I think you've
4 sent them to us, but send them again. I
5 think everybody should internalize those.

6 Is \$25 million enough?

7 MS. PERRY: No. But it's a good
8 starting point. And with the funding from
9 the Bond Act, if we can get that, you know,
10 squared away, we think it's an excellent
11 starting point to provide funding to our land
12 trusts to begin preserving these farms that
13 have contacted them in the near term.

14 SENATOR HINCHEY: How many farms would
15 that save, do you think?

16 MS. PERRY: Over 260 confirmed right
17 now, in the near term.

18 SENATOR HINCHEY: Right. Jeffrey, I
19 don't know if you want to -- great.

20 A question for you. Farm viability,
21 you've I think heard me ask the commissioner
22 this question, but realistically I think it's
23 better suited for you. They've not been
24 restored from 2009 levels. Can you shed a

1 little light, as quickly as possible, on what
2 that means and how it would impact
3 agriculture across the state if we could
4 actually get them back up?

5 MR. WILLIAMS: Yeah, I mean, research
6 is the lifeblood of agriculture. We need to
7 keep up with other states and around the
8 world on how to control pests or maximize our
9 efficiencies or do -- help the environment.
10 And so the more research we can get, the more
11 research funding we can get empowers not only
12 Cornell but every other agricultural
13 institution in the state.

14 SENATOR HINCHEY: We just met with
15 them and they said they had 54 requests and
16 they're able to fund 12.

17 MR. WILLIAMS: Yeah.

18 SENATOR HINCHEY: That leaves a lot on
19 the table for the future of agriculture.

20 I want to shift quickly to Nourish
21 New York. An incredible program, I'm sure
22 we'll get more questions on it. But in the
23 Hudson Valley, as you mentioned -- I just met
24 with a group who are doing emergency food,

1 and they've lost about \$400,000, just under.

2 What is the fix? What would be
3 helpful for us to do in this budget?

4 CHEF SILVERMAN: I think firstly -- I
5 mean, HPNAP actually has a good model.
6 There's direct and indirect. You know, some
7 people don't have the bandwidth at their
8 organizations to deal with the state granting
9 process, so you go through the food banks.
10 That's fine. But the option, if you want, is
11 to go directly, because that's where you can
12 maximize dollars.

13 How do we save money? We buy
14 directly. We know how to do that.

15 So I think the options -- there's lots
16 of issues with HPNAP as well. But I think
17 the dual model has been working for a long
18 time.

19 SENATOR HINCHEY: Thank you. And in
20 my last few seconds, I just want to comment
21 on school meals. Can you briefly talk about
22 the change that's needed to add breakfast,
23 and the increase in funds?

24 MS. PERRY: Yes. So we're excited

1 about the potential of universal school meals
2 as a steppingstone for schools to be able to
3 purchase more local foods. But we do have a
4 Farm-to-School program that also needs to be
5 fixed a little bit so schools can access it.
6 Only 7 percent of schools right now can
7 access this program.

8 SENATOR HINCHEY: Thank you.
9 Hopefully someone will follow up.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Assemblywoman
13 Woerner.

14 ASSEMBLYWOMAN WOERNER: Thank you so
15 much.

16 I'm going to pick up where my
17 colleague just left off. So with regard to
18 the school lunch -- Farm-to-School lunch
19 program, my understanding is that one of the
20 roadblocks is that school nutritionists, they
21 generally buy -- their inventory is for all
22 meals, including snacks, for the day. They
23 don't separate out lunch. But the program
24 requires them to separately order lunch. Is

1 that one of the roadblocks?

2 MS. PERRY: Yes. And we surveyed
3 almost 300 school food authorities last
4 summer that said the same thing. Again, this
5 is the number-one challenge to accessing this
6 program. They can't be separating purchases.

7 Sorry. Can you hear me better now?

8 ASSEMBLYWOMAN WOERNER: I can.

9 They can't be separating programs
10 because they buy a bushel of apples, and some
11 are used for lunch and some are used for
12 breakfast, and a couple are taken for snacks.
13 They don't account for them separately.

14 MS. PERRY: Exactly.

15 ASSEMBLYWOMAN WOERNER: Fantastic.

16 Jeff, if I might turn to you, the
17 Farmworker Employment Tax Credit. I'm
18 hearing that there are some challenges based
19 on sort of the way farms are sometimes
20 organized, that there are farm management
21 companies and then the individual farmers who
22 are owners of that company.

23 Can you give us a little on that and
24 what needs to happen to fix that problem?

1 MR. WILLIAMS: Yes. We're so thankful
2 for that overtime tax credit. And to be
3 eligible for that tax credit, you have to
4 actually employ farmworkers as part of your
5 company.

6 ASSEMBLYWOMAN WOERNER: Makes sense.

7 MR. WILLIAMS: Many, many farms
8 organize their farms in different LLCs,
9 different companies, one to manage the
10 cropland, one to do payroll, and one to --
11 you know, who does the milking. The one that
12 does the payroll doesn't have any farm
13 employees. The milking and the crop
14 operations have the employees. So they
15 aren't eligible for that overtime tax credit.

16 So what needs to be done is to
17 recognize that any LLC or company that's part
18 of an overall farm should be eligible for the
19 tax credit.

20 ASSEMBLYWOMAN WOERNER: Thank you very
21 much.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Senator Harckham.

24 SENATOR HARCKHAM: Thank you very

1 much, Madam Chair.

2 Thank you all for your testimony.

3 Good afternoon, everyone.

4 My question is for Katie -- and Jeff,
5 if there's time, please weigh in.

6 A lot of well-documented benefits of
7 organic farming, both on the health and the
8 environmental side. As a policy narrative,
9 is New York doing enough to incentivize, to
10 invest in and encourage farmers to make the
11 transition to organic? You know, not just
12 nickels and dimes in the budget, but is this
13 a policy priority for New York State?

14 MS. BAILDON: I don't think I've seen
15 it as a policy priority for New York State.

16 I think there is a lot of opportunity
17 as farmers are interested in transitioning to
18 organic. Most of the support for it at this
19 point is coming from the federal government.
20 But there is a lot of opportunity for the
21 state to chip in and support that effort.

22 So transitioning farmers who are
23 either, you know, new to agriculture and want
24 to transition their land to organic and need

1 some support to do that, or, you know,
2 farmers that have been farming and would like
3 to transition in order to be able to get, you
4 know, access to wholesale markets that
5 sometimes require organic certification.

6 So I think there's a big opportunity
7 there. Thank you so much for that question.

8 One way that the state does support
9 organic is by administering the Organic
10 Certification Cost Share Program, which is a
11 really key program for allowing farmers to
12 get some of the fees associated with
13 certification reimbursed. So it's been great
14 to work with the Department of Agriculture
15 and Markets to get that funding to farmers,
16 back to farmers.

17 SENATOR HARCKHAM: Great, thanks.

18 Jeff?

19 MR. WILLIAMS: I would just say that
20 the best incentive for organic farmers was
21 they got a lot more money for their product
22 than traditional farmers. That's gone away a
23 bit because we've seen consolidation in large
24 organic farms, just like we see in large

1 traditional farms.

2 I think probably more -- and I hope
3 you agree with me, that I think more
4 investment in smaller farms, medium-sized
5 farms transitioning to organic and raising --
6 giving the market-price raise. Because as
7 that has fallen, it's been less attractive to
8 be organic.

9 SENATOR HARCKHAM: Thank you both.

10 CHAIRWOMAN KRUEGER: Assembly.

11 CHAIRWOMAN WEINSTEIN: We go to our Ag
12 Chair Assemblywoman Lupardo, three minutes.

13 ASSEMBLYWOMAN LUPARDO: Thank you very
14 much.

15 Well, I'm in conversation with almost
16 all of you, so you know that we're very
17 committed to doing the basic restorations.
18 Katie, in addition to restoration, I
19 understand you need additional funding for
20 outreach. What will that entail?

21 MS. BAILDON: Yeah. So the state has
22 been helping us out with technical assistance
23 funding. So that is enabling our education
24 team to support farmers in completing their

1 paperwork for certification and adopting
2 organic practices or improving upon their
3 practices.

4 So that's one piece that we're looking
5 for additional funding on, and that will of
6 course require some outreach to let farmers
7 know that assistance is available.

8 I think --

9 ASSEMBLYWOMAN LUPARDO: Maybe we'll
10 let it go at that. I think you sent us some
11 background information, correct?

12 MS. BAILDON: Yes. Yes. Absolutely,
13 thank you.

14 ASSEMBLYWOMAN LUPARDO: Mikaela, we're
15 going to be working on those fixes.
16 Certainly if we can't get it done in the
17 budget -- we need to do it in the budget, but
18 if not, those have been filed.

19 Thank you very much for your work. We
20 also have some restorations in the
21 Environmental Protection Fund to work on on
22 farmland protection.

23 Libby, thank you for not coming to us
24 with -- that you have been creative to find

1 ways to add more to that. And Assemblyman
2 McDonald has advanced the Animal Crimes Fund,
3 which we're taking a look at.

4 And Jeff, we appreciate all the people
5 coming to talk about the valuable work being
6 done and the restorations that are needed.
7 And I think we're going to be okay on the
8 xylazine carveout.

9 MR. WILLIAMS: Oh, good.

10 ASSEMBLYWOMAN LUPARDO: It's been
11 raised by a number of people --

12 MR. WILLIAMS: Wonderful.

13 ASSEMBLYWOMAN LUPARDO: -- and we feel
14 optimistic about it.

15 Greg, in the remaining time, if you
16 could just talk a little bit more about how
17 things worked out for you when those funds
18 were commingled, Nourish and the HPNAP.
19 Because, you know, the Health Department
20 appears to want to just work primarily
21 through food banks, and I think you were
22 making a compelling point that that really is
23 not particularly helpful for people on the
24 ground like you.

1 CHEF SILVERMAN: Yeah, I mean I think
2 small businesses, small nonprofits know how
3 to make decisions for their community. I
4 think food banks are really good at being
5 partners in big distributions, but not
6 directly on the ground in the same way.

7 So what I would say is I think it's
8 important to give multiple options, direct
9 and indirect distribution, because previously
10 Nourish was often direct. Now it is not; it
11 is only going through 10 regional in a sense
12 super-organizations, and that's not
13 effective.

14 ASSEMBLYWOMAN LUPARDO: Gotcha.
15 That's helpful to know.

16 So thank you very much.

17 CHAIRWOMAN KRUEGER: Thank you.
18 Senator Helming.

19 SENATOR HELMING: Thank you all very
20 much for your testimony.

21 Libby, I want to say thank you so much
22 for bringing up the Animal Crimes Fund. I
23 recently toured the Lollipop Farm in
24 Monroe County, and they have a large number

1 of animals in holding that require great -- a
2 tremendous amount of care. And that is a
3 huge expense, a huge burden.

4 So whatever we could do from a state
5 perspective I think is -- again, I appreciate
6 you bringing it up as a priority.

7 Mikaela, the FPIG program has been
8 phenomenal in the Finger Lakes region. We've
9 wholeheartedly embraced it. It's been
10 wonderful.

11 The New Farmers Program, does include
12 veterans or prioritize veterans as new
13 farmers?

14 MS. PERRY: The New Farmers Program?
15 Farmland for a New Generation?

16 SENATOR HELMING: Yes.

17 MS. PERRY: Okay. It includes any
18 farm-seeker that comes to us. Anyone can
19 participate. We do work with specifically
20 veteran and women veteran farmers with our
21 Women for the Land program as well.

22 SENATOR HELMING: Okay, thank you.

23 And real quick, on Nourish New York,
24 it's a program that we all love and we all

1 embrace. Of course we've heard today how
2 maybe there are some tweaks that can be made
3 to improve it.

4 A few months ago the State
5 Comptroller's office audited Nourish
6 New York, and they had some suggestions and
7 talked about opportunities to grow the
8 program in good ways, to increase the number
9 of participating farms and the number of
10 organizations that are eligible to purchase
11 New York-made farm products.

12 And we've talked about -- Chef Greg,
13 you've made some recommendations on how we
14 can maybe do that, expand the organizations.
15 But my question to you is, I've heard some
16 concerns about barriers to purchasing
17 New York State-produced honey, maple and
18 whole milk. Have any of you experienced that
19 or heard anything about that?

20 CHEF SILVERMAN: I mean, I think at
21 the pantry level we have some of -- I think
22 federal regulations related to what type of
23 milk we're distributing with certain funds.
24 So depending on how that funding stream runs,

1 we wouldn't be able to distribute whole fresh
2 milk.

3 I know we've also had difficulties
4 getting shelf-stable milk at the quantity and
5 price we want from New York State as well,
6 just because of processing needs.

7 SENATOR HELMING: Okay. Anyone else,
8 anything to add? No? Okay. Again, thank
9 you all for your testimony.

10 CHAIRWOMAN KRUEGER: (Mike off;
11 inaudible.) Is Assemblyman Lemondes here?

12 CHAIRWOMAN WEINSTEIN: So Assemblyman
13 Jones.

14 ASSEMBLYMAN JONES: Thank you,
15 Lemondes.

16 Thank you. Great to see you all here.
17 And Jeff -- all of you have mentioned these
18 programs that work so fabulously for, you
19 know, organizations and our farmers. And
20 we've had many groups come in in the last
21 couple of days, like they do every year,
22 which is great. That's one of the few things
23 that we can actually do, put that money in
24 the budget to help our farmers and

1 organizations.

2 I guess my question is -- and I ask
3 this a lot. We want to see New York products
4 get to the people. Right? And we have all
5 these wonderful programs. What is -- do we
6 need to make another program? Or what can we
7 do to ensure -- we can grow -- we don't have
8 any, you know, anything over the weather or
9 we can't control the price of markets, but
10 actually getting the product to our people,
11 getting New York-grown products.

12 Because we can grow, we can grow very
13 well here in New York. What is the best way
14 to go about that? And what are you
15 hearing -- this can go to anybody, or I'm
16 kind of directing it to Jeff.

17 But what are you hearing from farmers
18 to make sure that our products -- we have
19 transportation -- we have transportation
20 issues with drivers, obviously. But do we
21 need to make another program to make sure
22 that we get these New York-grown products to
23 the people, to the populations, that they can
24 have the opportunity to buy them and to have

1 them? What's the best way we can do that?
2 Because it seems as though we have that
3 disconnect there.

4 MR. WILLIAMS: Well, first, I think it
5 starts on the farm and it starts here in
6 Albany, is that the best way to protect farms
7 is to have profitable farms in New York
8 State. And sometimes the best way to do that
9 is to help them achieve those successes
10 through regulatory and legislative
11 environments. That's point number one.

12 And then it's that we live and produce
13 in a high-cost state. You know, I think some
14 of the transportation issues you've
15 highlighted, they're very real.

16 We've been pushing legislation as part
17 of the budget this year, too, to have a farm
18 E-ZPass discount, so if farmers are bringing
19 food into Queens or Brooklyn, that they get
20 an exemption -- or not an exemption, a
21 cut-rate deal on the toll costs. Same with
22 congestion pricing in New York City.

23 I think aggregation of food products
24 in different regions, enabled to then

1 transport those products into other areas, is
2 a big thing.

3 I think road and bridge -- bridge --
4 what am I trying to say? You know,
5 rebuilding them to make them safer and more
6 efficient, another big thing.

7 There's no silver bullet here, but we
8 do have to think in the holistic viewpoint of
9 all -- how all of these things work together.

10 ASSEMBLYMAN JONES: Okay, thank you.
11 And getting our dairy products and milk back
12 into places that they need to be, yes.

13 CHAIRWOMAN WEINSTEIN: Senate.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Senator Borrello.

16 SENATOR BORRELLO: Thank you,
17 Madam Chair.

18 I know the time is limited. Just
19 quickly, Libby, thank you for all that you're
20 doing. You know, in New York State our
21 shelters are no-kill shelters, and it's very
22 expensive, but it's the right thing to do.
23 And that means funding for our most
24 vulnerable animals. So thank you for what

1 you're doing.

2 MS. POST: Thank you. I just want to
3 echo what Jeff said about the xylazine. It
4 impacts shelters as well and the euthanasia,
5 the humane euthanasia that happens there.
6 And, you know, I've asked a number of vets
7 about this, and it not only impacts the
8 animals that are being put to sleep, but also
9 the people who are doing the procedures. And
10 they don't want to see the animals suffer.

11 So taking this -- as you said, you
12 seem to have it taken care of. It would be
13 really important for the shelters as well.

14 SENATOR BORRELLO: Thank you.

15 I just want to talk quickly, both for
16 Jeff and for Mikaela, on solar proliferation.
17 You know, we have a lot of consumer
18 protections here in New York State. We stop
19 bad actors that are doing things that -- you
20 know, the way they solicit and harass people.
21 I hear from farmers all the time and people
22 about a lot of bad actors in the solar field,
23 in the solar area.

24 You know, would you both support legal

1 limitations on some of these solar projects?
2 And wind also. You know, I can tell you that
3 there's a lot of corruption going on in this.
4 You've got, you know, members of municipal
5 boards that have contracts, land contracts
6 with wind and solar companies that are voting
7 on these things. You know, it's just not
8 right, it's not fair.

9 Would you support legal limitations
10 and really, I guess, an anti-corruption
11 campaign for these wind and solar projects?

12 MR. WILLIAMS: That's a big question.
13 Anti-corruption campaign? Sure.

14 (Laughter.)

15 SENATOR BORRELLO: Limitations.

16 MR. WILLIAMS: Yeah. I mean, the
17 solar is -- it's a delicate balance. Some
18 farmers want to use it, want to put solar on
19 to help diversify their operation and
20 continue it for the next generation. Some
21 landowners and farmers, you know, get taken
22 advantage of. It's not really a
23 one-size-fits-all thing.

24 But as Commissioner Ball said, it

1 needs to be addressed and thought through
2 from a mitigation perspective, you know. So
3 a thing -- it's not farmland, it's
4 brownfields. You know, it's not taking land
5 out of production.

6 SENATOR BORRELLO: Do you think a
7 voting member of a municipal government
8 should be involved in discussions in any way
9 when they are actually creating the
10 guidelines for these wind and solar projects?

11 MR. WILLIAMS: Speaking in a general
12 sense, no.

13 SENATOR BORRELLO: Yeah, I think
14 that's a problem. And we haven't addressed
15 that here.

16 MR. WILLIAMS: But I just want to just
17 throw an aside here, drop one last thing, is
18 that it's not just the solar panels. It's
19 been mentioned, transmission lines as well.
20 I was talking to a farmer from Chautauqua
21 County, and there's a transmission line being
22 planned that's going to take, you know, tens
23 of acres of grapes out of production --

24 SENATOR BORRELLO: Yeah, absolutely.

1 MR. WILLIAMS: -- against his will.

2 And that's also a problem.

3 SENATOR BORRELLO: It's a problem.

4 And Mikaela, do you want to -- I only
5 have a few seconds left, but if you --

6 MS. PERRY: I cannot say whether we
7 would support legal limitations. What we do
8 support is much higher mitigation fees and
9 incentives for agrivoltaics. And I'd love to
10 follow up with a conversation with our solar
11 team.

12 SENATOR BORRELLO: Sure. Thank you.

13 CHAIRWOMAN WEINSTEIN: Assemblyman
14 Epstein.

15 ASSEMBLYMAN EPSTEIN: Thank you all
16 for being here and waiting.

17 So I just have two things. One is
18 kind of the lack of composting happening
19 around our state and kind of what our farm
20 and farm industry could do, as well as
21 nonprofits in the city to incentivize it.

22 I'm wondering what you're hearing from
23 farmers and the farm industry, especially our
24 organic farms, around what they need from us

1 to kind of move them all in the direction of
2 expanding composting on their facilities.

3 MS. BAILDON: I am not sure I can
4 answer that question from an organic farming
5 perspective. But I would like to get back to
6 you about it.

7 ASSEMBLYMAN EPSTEIN: That would be
8 great. And so -- I don't know if anyone else
9 wants to answer that. But I can move on to
10 my second question if you don't.

11 So we have a -- we do seem like we
12 have a crisis kind of in our farming, and I'm
13 wondering about what we need to -- you know,
14 we are in some ways, in our society, moving
15 to a more plant-based economy. And I'm
16 wondering what we need to be doing to
17 encourage and support farms and farmers who
18 are moving in that plant-based direction.

19 And is that a way to potentially
20 long-term preserve a lot of our farmland?
21 And have you heard more from our farmers who
22 may -- you know, people who may be wanting to
23 move towards plant-based, and is that a
24 potential that's available to preserve our

1 farmers and our farmland?

2 MR. WILLIAMS: I'll start. We're
3 about 50 to 60 percent dairy in the state,
4 but the other 40 percent is plant-based.
5 It's -- we have one of the largest vegetable,
6 you know, industries in the country, largest
7 grape and fruit industries in the country.

8 So it's -- it's -- we're there when it
9 comes to plant-based. We grow a lot of
10 soybeans. Right now it's for dairy cows, for
11 the most part, but we can certainly see -- if
12 there was a market for it, I could certainly
13 see, you know, people growing soy for I guess
14 what you're calling traditional plant-based
15 foods.

16 ASSEMBLYMAN EPSTEIN: Yeah, and we see
17 like Chobani's expansion in New York, and
18 really they're moving to the plant-based
19 market as well as the dairy market. I'm
20 wondering how we in New York State can be
21 supporting that part of the industry as well.

22 MR. WILLIAMS: I think it really comes
23 down to the market and the price, like
24 anything else.

1 CHEF SILVERMAN: I'll just say like,
2 you know, from a customer perspective, we
3 have 80,000 New Yorkers in need who more and
4 more are demanding fresh produce, and they
5 want local produce, and they're not demanding
6 as much animal protein. And so they are
7 shifting. And so pantries have to shift as
8 well. And so we're trying to find those
9 deals. And I think incentivizing in grants,
10 right, how you push us for what our
11 purchasing is, Nourish and HPNAP, we will
12 follow those grant guidelines.

13 ASSEMBLYMAN EPSTEIN: Thank you all.

14 CHAIRWOMAN KRUEGER: We've been joined
15 by Senator Stec.

16 SENATOR STEC: Thank you, Chair.

17 Good afternoon. Thank you all for
18 being here today.

19 If I could, for the Farm Bureau, I
20 just wanted to see what your thoughts have
21 been on the recent changes that we've done,
22 particularly in areas of the farm labor and
23 the overtime and what trends you're seeing --
24 or is it too early to say that you've seen

1 trends? Have the concerns been realized, or
2 were they for naught?

3 MR. WILLIAMS: It's too early to tell
4 in New York. I mean, we're the only state --
5 we're the envy of every other state in the
6 country when it comes to the overtime tax
7 credit. You know, we get calls from
8 California and Washington State saying, How
9 did you do that? How did you get them to
10 negotiate that kind of program?

11 And it's going to be a tremendous help
12 to farmers in the state. It's still a lot of
13 paperwork. It's still a lot of bookkeeping.
14 You have to, you know, take loans to
15 basically float your payroll for six months
16 to a year. So it's not a pretty program, but
17 we're hoping this can be effective. But the
18 jury's still out because this is the first
19 year of implementation.

20 What's interesting to see is in
21 California and those western states who also
22 have implemented an overtime threshold in a
23 faster way than New York has, farmworkers are
24 actually having rallies and lobbying because

1 their hours are limited because -- by virtue
2 of the overtime, and they're unhappy about
3 it. And they want -- they're actually
4 lobbying to roll back those overtime
5 requirements, the actual farmworkers.

6 So that's the experiment results that
7 we have from the western part of the country.
8 It's too early to tell here. We're a much
9 different case because we have the overtime
10 tax credit.

11 SENATOR STEC: How are we doing with
12 the labor market, though, access to labor?

13 MR. WILLIAMS: Like everybody else,
14 it's tremendously tough. And that's not just
15 a state thing, that's a federal issue as
16 well.

17 SENATOR STEC: So you really couldn't
18 say if any of our changes have added to that
19 or this is the overall -- the entire labor
20 market.

21 MR. WILLIAMS: It's too early, yeah.

22 SENATOR STEC: Okay. How about some
23 of the recent legislation we've had regarding
24 insecticides, pesticides? You know, some of

1 the new regulations that we've done;
2 New York's done a few things on its own,
3 early. What are you hearing from your
4 members on that?

5 MR. WILLIAMS: The continual concern
6 that New York is going to be an island unto
7 itself with regard to competitor states and
8 countries.

9 And if we need -- if we're going to do
10 anything when it comes to regulation of
11 pesticides, for example, it should be done at
12 the EPA level so every state is on this level
13 playing field.

14 These one-off bills that come out of
15 the Legislature and then the Governor has to
16 deal with are distressing. And every
17 business likes stability, it craves
18 stability. And these kind of -- these kind
19 of issues create instability in the
20 agricultural world. We're very, very happy
21 that the EnCon chairs -- thank you very
22 much -- were able to negotiate with
23 Governor Hochul for a chapter amendment on
24 the neonics bill that's I think workable from

1 both sides. But it's --

2 SENATOR STEC: All right, thank you.

3 MR. WILLIAMS: Thank you.

4 SENATOR STEC: Thank you, Chair.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Assembly?

7 CHAIRWOMAN WEINSTEIN: Assemblyman

8 Lemondes.

9 (No response.)

10 CHAIRWOMAN WEINSTEIN: Okay,

11 Assemblywoman Kelles.

12 ASSEMBLYWOMAN KELLES: Great. It's so
13 wonderful that you all are here. Thank you
14 so much, and for your patience.

15 Question for Jeff, though. I'm
16 curious -- you know, I hear all the time less
17 regulation for farmland, but I get a little
18 frustrated because I see the industry like,
19 you know, Caterpillar and John Deere, say you
20 can't actually lift the hood on your tractor
21 or, you know, you lose your insurance and you
22 have to send it to us, we have to do it, and
23 it's like five times more expensive.

24 MR. WILLIAMS: Mm-hmm.

1 ASSEMBLYWOMAN KELLES: Or you can't
2 save your seeds because, you know, we have
3 patented seeds and, you know, you can be --
4 or you can't dictate the cost of your milk
5 because we dictate the cost of your milk and
6 you have to throw it out if we say we're not
7 going to buy it from you.

8 So I'm looking at all these things in
9 the industry that, like, absolutely cripple
10 all the farmers, but all I ever hear is
11 you've got to regulate less because a
12 hundred percent of the problem is the
13 regulations. And I just -- I'd love to hear
14 a little bit of a balanced --

15 MR. WILLIAMS: Yeah, that's a
16 completely fair assessment. You know,
17 farmers -- farmers have always gone into
18 farming because they want to plant crops and
19 they want to milk cows. And the frustration
20 is is that now they have to be an HR manager
21 at the same time, they have to be an
22 environmental scientist, they have to be a
23 seed purchaser. And so it's like death by a
24 thousand cuts, because it's taking them --

1 they don't -- they're in the office now every
2 day with a big binder instead of out there in
3 the fields.

4 Industry creates those problems as
5 well. I mean, the right to repair issue is a
6 real thing for farmers when it comes to
7 tractors.

8 You know, farmers to a certain extent
9 can pick their seeds they want to grow, but
10 legal contracts, you know, don't allow them
11 to save their seeds.

12 ASSEMBLYWOMAN KELLES: That is
13 definitely a big part of the issue too,
14 just -- yeah, okay. I just wanted to make
15 sure because it just feels like --

16 MR. WILLIAMS: No, no.

17 ASSEMBLYWOMAN KELLES: Thank you so
18 much.

19 Libby, can you just -- you know, I
20 only have like 15 seconds, but talk a little
21 bit about have there been SPCAs that have had
22 to close because of, you know, lack of
23 funding that they're getting back for, you
24 know, holding live evidence? Are they having

1 to reduce their services? Are they able to
2 provide less support for their animals? Like
3 how is it negatively affecting them?

4 MS. POST: Nobody's closed yet,
5 because a lot of people give
6 philanthropically to their shelters and they
7 like to see the animals do well, and so the
8 shelters are good at that kind of marketing.

9 But what we are seeing is that
10 shelters are saying no to municipal
11 contracts. Okay?

12 ASSEMBLYWOMAN KELLES: That's what I
13 thought.

14 MS. POST: Because they can't manage
15 the volume anymore.

16 ASSEMBLYWOMAN KELLES: So less service
17 for their --

18 MS. POST: Municipal contracts are
19 loss-leaders. They don't get paid for what
20 they -- for the value of the care for the
21 animals. And so the shelters are canceling
22 those, which then puts -- what are you going
23 to do with this evidence, right? That's the
24 question.

1 ASSEMBLYWOMAN KELLES: Absolutely.

2 Thank you.

3 In the last 10 seconds I'm just going
4 to say a comment, which is thank you so much
5 for your comments on Nourish New York. I
6 really appreciate it. And the plant-based,
7 the market's there. So, you know, I want to
8 make sure that we support the farmers so that
9 they can capitalize on it. You know, that's
10 going to be really helpful.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 Senate now.

13 ASSEMBLYWOMAN KELLES: Thank you.

14 CHAIRWOMAN KRUEGER: Thank you.

15 I think follow-up for Libby. So when
16 you were talking about the fact that the
17 shelters are having to pick up the costs for
18 live evidence, I think a bunch of us, our
19 eyes looked open and we went "huh?"

20 So why isn't criminal justice paying
21 for this?

22 MS. POST: That's a really good
23 question. I have no idea. There are --
24 there is this security bond posting process

1 that had been working well, especially down
2 in New York City. But a lot of the
3 defendants' lawyers have figured out a way to
4 get around that.

5 In rural areas, you have these cases
6 going to town courts or village courts where
7 they're not necessarily lawyers, right, who
8 are the justices. So that adds to it.
9 And -- oh, I know this person, oh, they can't
10 be that bad. I mean, this happens a lot.

11 And then there are times when the
12 district attorneys say no, we're not going to
13 do the bond proceeding for you, you have to
14 do it.

15 So on top of having to care for the
16 live evidence, the animals -- the dogs, the
17 cats, the cows, right, because there are farm
18 animals that we end up taking care of -- then
19 they also have -- the shelters then have to
20 hire an attorney to go and do a bond hearing.
21 And I can tell you from the survey that we
22 did, the majority of the shelters do not go
23 through the bond hearing process because it's
24 just not working for them. And it takes

1 months and months and months for that bond
2 hearing to happen, and they're caring for
3 these animals, at a minimum -- based on where
4 you are, at a minimum of \$20 a day. Plus
5 veterinary care.

6 So it's an expensive proposition.
7 We're not saying we're not going to do it
8 anymore. But this fund would be a way to
9 help offset those costs. I'm not saying it's
10 going to pay for everything -- you know, the
11 horse case in Erie County was millions of
12 dollars -- but it will pay for some and help
13 offset those costs.

14 CHAIRWOMAN KRUEGER: Okay, thank you.

15 And I don't really have time today,
16 but I would love to have a follow-up chat
17 with you, Chef, about how the Nourish system
18 is working now and why you think there's a
19 cheaper way to do this.

20 I'm dating myself to 40 years ago, but
21 I set up the original emergency food bulk
22 purchase system, at least with state and city
23 funds, back then. So if it's not working, we
24 should be reevaluating and coming up with a

1 better model, because we obviously want to
2 get the best bang for our buck. We also want
3 to buy the most New York State product we
4 possibly can with this money.

5 So maybe afterwards we can coordinate.
6 Thank you.

7 Okay, next, Assembly?

8 CHAIRWOMAN WEINSTEIN: Yes.
9 Assemblywoman Glick.

10 ASSEMBLYWOMAN GLICK: I have two
11 questions, one for Mikaela, one for Libby, so
12 I'll start with Mikaela, but I'm going to
13 talk -- I'm going to put out both questions.

14 First of all, how do you reach out to
15 those new farm-seekers? How do people know
16 to find you and to get involved in this match
17 system? And how do farmers who frequently
18 don't have a succession plan if they don't
19 have kids interested in farming -- how do
20 they know about it? That's the question for
21 you.

22 And Libby, I understand that there are
23 resources now. But what do you estimate is
24 the unmet need going forward that might be

1 out there for upgrading for so many more
2 shelters that are coming online?

3 Mikaela?

4 MS. PERRY: Sure. So we have a team
5 of about eight staff members who work for
6 Farmland for a New Generation, and they
7 conduct outreach across the state.

8 We also have a regional navigator
9 network of 39 partner organizations that
10 working directly with farmers across the
11 state. So these networks, we rely on them to
12 do the outreach to farmers directly.

13 If you are a retiring farmer who
14 doesn't have a succession plan, you can go
15 onto the Farm Link website. The Farm Link
16 website itself is a nationally ranked
17 website, and so it is fairly well known. But
18 we are consistently working on outreach.

19 ASSEMBLYWOMAN GLICK: Thank you.

20 MS. POST: Well, I can tell you that
21 in the last year's capital survey it was over
22 60 million.

23 The year before, it was over
24 200 million because ACC, the Animal Care

1 Centers of New York City, had their projects
2 going.

3 The RFP for last year's money, the
4 5 million in last year's budget, just closed
5 on Monday. And I understand there are over
6 45 organizations that have applied for
7 \$5 million. So I think you're going to see
8 more and more need as organizations, both
9 shelters and rescues -- because they are
10 covered by the Companion Animal Care
11 Standards Act -- understand that they need to
12 meet these standards and that this capital
13 money is going to be available to them.

14 So, you know, we're hoping -- you
15 know, I said last year or two years ago I'm
16 not going to ask you for any more money for
17 this, right -- I'm really hoping that we can
18 get up to \$10 million in that fund on an
19 ongoing basis so that we can continue to do
20 this work.

21 Because while the bill kicks in
22 December 15, 2025, the capital needs are
23 going to continue after that.

24 ASSEMBLYWOMAN GLICK: Thank you.

1 CHAIRWOMAN WEINSTEIN: Any more
2 Senate?

3 CHAIRWOMAN KRUEGER: The Senate is
4 done.

5 CHAIRWOMAN WEINSTEIN: Okay. So
6 Assemblyman Palmesano.

7 ASSEMBLYMAN PALMESANO: My question is
8 for Mr. Williams.

9 Mr. Williams, I've traveled around my
10 district -- like my colleagues, you know, I
11 went to the Farm Bureau meetings in the fall,
12 just like I've talked to school districts --
13 you know, our school districts are up in arms
14 about this electric school bus mandate.
15 They're scared to death, don't know how
16 they're going to handle it. There's a lot of
17 problems with it.

18 When I talk to the farmers in the
19 counties, and I went to several of my Farm
20 Bureau meetings, the farmers are concerned
21 about this reliability -- you know, what's
22 going to happen. You know, we talked to the
23 commissioner about the electric vehicles down
24 the road for our farmers, about the use of

1 natural gas. You know, some use propane,
2 some use oil. There seems to be a lot of
3 uncertainty up there from the farming
4 community, which is really taking it on the
5 chin with the mandates that have come through
6 from the Legislature with the Farm Labor Act,
7 and it's just one thing after another.

8 What are you hearing from your members
9 on this issue as far as this push to the full
10 electrification? And especially on
11 conversion costs. I mean, conversion costs
12 for a homeowner, they say average conversion
13 costs from natural gas or whatever to
14 electric is \$35,000 plus. And it's going to
15 be even more for our farmers and businesses.

16 What are you hearing from your members
17 along that line? Is there concern?

18 MR. WILLIAMS: There's a strong
19 concern, because farm equipment is hard to
20 electrify -- at this point, impossible to
21 electrify.

22 Same with school buses in rural areas
23 in winter. The range isn't very big, and
24 farmers are on school boards all over the

1 state.

2 So I think what I'm hearing is we're
3 going too far too fast, and we need to take
4 considerations in for commercialization of
5 technology, affordability of new technology,
6 access to new technology which isn't --
7 doesn't exist yet in the first place.

8 And so farmers, as Commissioner Ball
9 said, want to help and do contribute to
10 helping with climate, but they need to do so
11 in a way that actually makes sense for their
12 business and as far as commercialization of
13 technology.

14 ASSEMBLYMAN PALMESANO: It's almost
15 like we're tearing down the bridge before we
16 build a new one with our energy
17 infrastructure. That's the problem. Going
18 too fast and not putting that technology in
19 place.

20 So back to the farm labor costs, I
21 mean obviously we just had the decrease now
22 that was authorized. What are you hearing as
23 far as impacts -- I mean, I know we're
24 starting this -- as far as the concerns on

1 the impacts of the farm labor costs? Because
2 we know, even before this started, farm labor
3 costs as a percentage of farm income was
4 significantly higher than other states.

5 MR. WILLIAMS: Yeah. Especially when
6 it comes to H2A workers. Where, you know, a
7 lot of our farms, especially fruit and
8 vegetable, hire offshore workers through the
9 federal visa program. And that hourly wage
10 is very, very, very high. And then that
11 drags other farm wages up, non-H2A wages up.
12 We're some of the highest in the country.

13 And so labor costs, especially when we
14 have high value, hand-picked crops, it is a
15 lot. And it's really hard to compete against
16 Michigan and Pennsylvania and California.
17 And so it's -- it's not going to get any
18 better.

19 ASSEMBLYMAN PALMESANO: Thank you.

20 CHAIRWOMAN WEINSTEIN: Assemblywoman
21 Giglio.

22 ASSEMBLYWOMAN GIGLIO: Thank you,
23 Madam Chair.

24 And thank you all for being here

1 today.

2 My question is for Farm Bureau. And,
3 you know, land is being sold on Long Island
4 for development, and a lot of farmers are
5 being displaced. They're losing their lease
6 agreements, whether it's because the well is
7 no longer functioning and the property owner
8 doesn't want to reinvest in a new well. And
9 so it's like a giant chess game where
10 everybody just keeps moving around and
11 looking for land. And a lot of the farmland,
12 because it is leased, is turning into
13 industrial development.

14 So, number one, what are you doing or
15 trying to do to help those farmers that are
16 being displaced? Is there a line or a number
17 that they could be calling so that -- I mean,
18 we're working with Parks right now trying to
19 get a piece of land that was farmed
20 previously to allow this farmer to farm
21 again.

22 And then also what are you doing -- or
23 what can we do better as policymakers to
24 create a more competitive market with

1 adjoining states that don't have the labor
2 rates or regulations that we have?

3 MR. WILLIAMS: The first question is
4 very simple. There's an amazing program in
5 New York State called FarmNet, which provides
6 counseling for farmers who are in mental
7 health crisis, but also with succession
8 planning and business planning.

9 Sixty percent of the land in New York
10 State is rented for farming. And it's
11 extremely stressful, and FarmNet plays a huge
12 role in that. It's hard enough for an
13 established farmer to deal with this issue,
14 let alone a beginning farmer, a new farmer,
15 to try to find access to land. And it's a
16 big problem.

17 The answer to your second question --
18 I can't remember your second question, sorry.

19 ASSEMBLYWOMAN GIGLIO: What can we do
20 as policymakers to make a more competitive
21 market.

22 MR. WILLIAMS: Oh, yeah. I think just
23 be mindful of the fact that everyone needs
24 food, everyone values local food. But

1 sometimes -- I'm sorry, Ms. Kelles --
2 sometimes the Legislature makes decisions
3 that make it harder to access that food.

4 And so I'd just be mindful of the
5 agricultural -- impacts on the agricultural
6 economy when making decisions on legislation.

7 ASSEMBLYWOMAN GIGLIO: So comparably
8 to other states that are adjoining, how much
9 more do you think that New Yorkers pay for
10 their local produce than they do in adjoining
11 states?

12 MR. WILLIAMS: I would turn that
13 question around and say if you look at the
14 GrowNYC farmers' markets in New York City,
15 more and more of those markets -- marketers,
16 farmers -- are coming from Pennsylvania and
17 New Jersey.

18 ASSEMBLYWOMAN GIGLIO: Interesting.

19 MR. WILLIAMS: Because the New York
20 farmers can't compete.

21 ASSEMBLYWOMAN GIGLIO: Thank you.

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Burdick.

24 ASSEMBLYMAN BURDICK: Thank you,

1 Chair.

2 And thank you all for your testimony.

3 It has seemed to me, in following this
4 over the last several years and talking to
5 folks that deal in this area, in food
6 pantries and such, that Ag & Markets and the
7 farm community, in collaboration among
8 themselves, as well as food pantries, have
9 done a great deal to address food insecurity.

10 Question for the West Side Campaign
11 Against Hunger, Farmland Trust and Farm
12 Bureau, say two sentences each: Top
13 suggestion on what more we can do.

14 CHEF SILVERMAN: Get more money in the
15 hands directly of people in need, whether
16 those are farmers or small pantries.

17 ASSEMBLYMAN BURDICK: Great, thanks.

18 MR. WILLIAMS: Make it easier to
19 transport that food to the areas that need
20 it.

21 ASSEMBLYMAN BURDICK: I'm sorry, make
22 it easier --

23 MR. WILLIAMS: -- to transport that
24 food.

1 ASSEMBLYMAN BURDICK: Okay.

2 MS. PERRY: Save the very land we need
3 to grow that food.

4 ASSEMBLYMAN BURDICK: Great, thank
5 you. That's all I have.

6 CHAIRWOMAN WEINSTEIN: So we go to
7 Assemblywoman Shrestha.

8 ASSEMBLYWOMAN SHRESTHA: Hi. This is
9 for Mikaela.

10 I think previously you said that there
11 were some bills that if we put in the budget,
12 that would help you. What are those bills,
13 and can you tell us a little bit about each
14 one?

15 MS. PERRY: Yes. So the first would
16 change the language of the Farm-to-School
17 30 percent incentive program. On the
18 Assembly side, it's sponsored by
19 Assemblywoman Lupardo -- thank you so much --
20 No. A08587, and in the Senate sponsored by
21 Senator Hinchey -- thank you -- S08378.

22 That would make a slight language
23 change from not to exceed 25 cents to an
24 additional 25 cents, so that schools could

1 get their full reimbursement if they
2 purchased 30 percent of their food from local
3 sources. Right now their reimbursement is
4 being reduced if they qualify for a community
5 eligibility provision, which is a huge equity
6 issue.

7 The second bill would include
8 breakfast in the program. New York is the
9 only state that does not include breakfast in
10 its local food purchasing incentive in the
11 nation. So Assemblymember McMahon has
12 sponsored A00870, and Senator Hinchey has
13 sponsored S00423, to include breakfast.

14 ASSEMBLYWOMAN SHRESTHA: Thank you.

15 I'll yield the rest of my time.

16 CHAIRWOMAN WEINSTEIN: One final
17 Senator -- I mean Assemblymember,
18 Assemblyman Lemondes.

19 ASSEMBLYMAN LEMONDES: Thank you,
20 Madam Chair.

21 My question is for Mikaela. Going on
22 Mr. Williams' comments about going too fast
23 too soon with the electrification effort, I'm
24 wondering if the trust will take a position

1 on the transference and preservation of land
2 with respect to land that has been encumbered
3 with windmills and solar farms where it may
4 no longer be of value, really, traditionally,
5 agriculturally.

6 MS. PERRY: I'm sure we can take a
7 position on that, and I'd like to discuss
8 that with the solar team and renewable energy
9 team before I answer that question on the
10 record.

11 ASSEMBLYMAN LEMONDES: Of course. And
12 that's acceptable. But I would love for you
13 to get back to me, because obviously you can
14 see the impacts far-reaching into the future
15 and how this impacts our food security.

16 MS. PERRY: Yes.

17 ASSEMBLYMAN LEMONDES: Madam Chair, I
18 yield the rest of my time.

19 CHAIRWOMAN KRUEGER: So we've no doubt
20 not run out of questions, but we have run out
21 of time.

22 So I want to thank you all for being
23 with us today. Of course, feel free to
24 continue to follow up with each and every one

1 of us. And I want to thank you for your work
2 and your time and your patience, and I want
3 to ask you to leave --

4 (Laughter.)

5 CHAIRWOMAN KRUEGER: Nothing personal.
6 You don't really have to leave the hearing;
7 you can go back to the seats and listen to
8 the next six or seven hours. Next up -- I'm
9 not kidding, I think it could be six or seven
10 hours.

11 All right. Our next is Panel C:
12 New York State Department of Environmental
13 Conservation, Basil Seggos, and NYSERDA,
14 Doreen Harris.

15 (Off the record.)

16 CHAIRWOMAN KRUEGER: Good afternoon,
17 both of you. How are you?

18 So I got the notebook, Basil, and I've
19 studied. So I'm going to be asking you
20 questions from the footnote section of the
21 notebook that you were studying so carefully.
22 We enjoyed the video very much, thank you.

23 Doreen, I didn't see your video. So
24 maybe that will come afterwards.

1 (Inaudible.)

2 CHAIRWOMAN KRUEGER: So why don't we
3 just take you in the order, Basil Seggos
4 first, and Doreen after.

5 Everyone, we're back to a government
6 panel. They each have 10 minutes to present.
7 And then, legislators, if you're a chair, you
8 get 10 minutes -- if you're a relevant chair.
9 And if you're a ranker, it's five minutes.
10 Everyone else, it's three minutes.

11 All right, please.

12 DEC COMMISSIONER SEGGOS: There we go.
13 Okay.

14 Good afternoon, Chairs Krueger,
15 Weinstein, Harckham, Glick, members of the
16 fiscal, Environmental Conservation and other
17 legislative committees. An honor to be in
18 front of you today for the ninth time, along
19 with my colleague Doreen Harris. Thank you
20 for the opportunity and the chance to discuss
21 Governor Hochul's environmental priorities
22 for 2025.

23 We often say that New York leads on
24 the environment. So what does the science

1 tell us? Air pollutants from 2000 to 2022,
2 particulate matter cut in half. Sulfur
3 dioxide, cut by 90 percent. Nitrogen oxide,
4 by 30 percent. On climate we've reduced
5 greenhouse gas emissions by 20 percent from
6 2005 levels. And on water, conservative
7 estimates say that 70 percent of our assessed
8 water bodies in New York are now meeting
9 standards.

10 That's good, but the science also
11 tells us that we're not there yet. Our
12 planet is warming. 2023 was the hottest year
13 globally on record, and every single one of
14 us should be concerned about the statistic
15 and what that means, what the scale and pace
16 of change means for our way of life and the
17 way of life of our children.

18 Over the last decade, every New York
19 State county was impacted by severe storms
20 and flooding driven by climate change. Half
21 of New York's counties saw more than five
22 disaster events. Major federal disaster
23 declarations now exceed \$37 billion over the
24 last 10 years. And we again conservatively

1 project another \$55 billion of impact over
2 the next 10 years.

3 NYSERDA's research that I know Doreen
4 will get into today reveals that New York has
5 experienced a major uptick in severe
6 weather -- total precipitation up 20 percent,
7 with another 17 percent expected by the end
8 of the century. This means more extreme
9 weather and more frequent weather.

10 Sea levels have increased by a foot
11 and are projected to increase at a steady
12 rate, as we've determined, from two to
13 three feet by 2100, with a potential high end
14 of 10 feet.

15 We're discovering also that
16 microplastics and some emerging contaminants
17 such as PFAS are ubiquitous in our air and
18 water and across the landscape.

19 And while New Yorkers are better off
20 because of all the work we've done to improve
21 air and water pollution, the benefits are not
22 being felt equally.

23 For example, while emergency room
24 visits related to asthma for adults and

1 children are declining statewide, not so in
2 places like the Bronx, where lower-income
3 communities, younger age groups, and
4 communities of color are subjected to
5 constant, persistent pollution.

6 And that's why we've worked so hard
7 over the last year -- and certainly for many
8 years before that -- at the direction of this
9 Governor, to maintain our national leadership
10 on the environment.

11 On climate, Doreen and I, DEC and
12 NYSERDA, have launched the NYCI process,
13 New York cap-and-invest process, focusing on
14 affordability and giving us the tools to meet
15 our climate targets.

16 We continued capping orphaned oil and
17 gas wells, now up to 18 percent of the wells
18 identified.

19 We proposed new regulations to address
20 sulfur hexafluoride, SF6, and
21 hydrofluorocarbons, which is HFCs, both
22 refrigerants and powerful pollutants. Those
23 regulations are open for comment through the
24 next month.

1 We're also working to strengthen our
2 Regional Greenhouse Gas Initiative program by
3 aligning it with our climate goals, and
4 certainly working with other states.

5 We've adopted key regs for the
6 transportation sector, including the Advanced
7 Clean Cars II and Advanced Clean Trucks, as
8 part of our efforts to transition to
9 zero-emission vehicles.

10 And we're addressing methane leaks
11 across all of gas and oil operations and
12 making sure that our food scraps are ending
13 up in the hands of the hungriest New Yorkers.
14 We had a landmark of 5 million pounds donated
15 to pantries this year.

16 We've also continued to strengthen all
17 of our policies to be consistent with the
18 Climate Act and our protections for
19 disadvantaged communities.

20 On resiliency, we're implementing the
21 \$4.2 billion Bond Act. We hired a leader, we
22 took our road show statewide, and we
23 solicited more than a thousand project ideas
24 from the public.

1 We're also ramping up spending:
2 \$200 million for water; \$100 million -- out
3 of 500 -- for zero-emission school buses; and
4 \$100 million for green schools.

5 We've also -- to help guide us, we've
6 also completed 48 state-of-the-art resilient
7 New York stream studies that provide a
8 specific program of almost shovel-ready
9 projects to enhance flood safety for
10 individuals across the state, individual
11 watersheds, with 53 more studies along the
12 way.

13 And at the federal level we're working
14 with the Army Corps of Engineers and local
15 partners to improve coastal resiliency on
16 Long Island, with more than \$4 billion in
17 projects either completed or underway.

18 On the pollution front, we've
19 completed the first-of-its-kind-in-the-nation
20 statewide Community Air Monitoring Program in
21 10 disadvantaged communities, covering
22 5 million New Yorkers. We will publish those
23 results this year.

24 Air enforcement, \$1.75 million in

1 penalties. We co-led the state's very
2 visible response to the Canadian wildfires.

3 Over the last two years we've set a
4 two-year record on water spending --
5 \$1.76 billion in grants, \$3.6 billion in
6 loans. No other state in the union is making
7 these kinds of investments in water.

8 In Mount Vernon alone, we continue our
9 \$150 million project to rebuild the city's
10 water infrastructure system.

11 And on brownfield land pollution, we
12 issued 58 certificates of completion and
13 admitted 68 new projects into the system.

14 Our plastic bag ban is also working,
15 with about 99 percent compliance, 23 billion
16 bags diverted from landfills.

17 And environmental justice in Indian
18 Nations work. Last March DEC and our climate
19 justice working group partners finalized our
20 disadvantaged communities criteria. This
21 focuses on areas of our state with the
22 highest exposures to pollution and will help
23 guide our investments to meet our climate
24 targets.

1 The Office of Environmental Justice
2 continues to offer competitive grants to
3 support this work, with more than \$21 million
4 awarded to 275 projects.

5 We also created DEC's first-ever
6 Office of Indian Nation Affairs. This office
7 is focusing on strengthening our
8 government-to-government relationship across
9 the state, and this includes ongoing
10 collaboration on some major projects,
11 including the biggest ever land transfer in
12 New York State history to the Onondaga
13 Nation, with a thousand acres.

14 We're getting people outside as well.
15 Hunting and fishing license sales are
16 exceeding pre-pandemic levels. Usage in the
17 Adirondacks and the Catskills -- the
18 visitors, the hikers -- again, record
19 numbers. And our campgrounds are full.

20 We're fighting invasive species:
21 250 boat stewards at 200 locations inspected
22 220,000 watercraft and intercepted
23 14,367 aquatic plants and animals.

24 Our ECOs and Rangers. Our ECOs

1 responded to 30,932 calls; 16,900 tickets,
2 ranging from deer poaching to illegal dumping
3 and illegal mining. Our Rangers rescued
4 370 individuals lost in the woods and helped
5 extinguish 146 wildfires in the state and
6 battled wildfires in Canada, California,
7 Montana, Wyoming and Idaho.

8 We also completed our 23rd Basic
9 School to bring new Rangers and new ECOs into
10 the ranks. We expect our next academy to be
11 in the spring.

12 We also responded to more than
13 3,400 oil, chemical and other spills.

14 We pride ourselves in being
15 transparent and accountable. Our FOIL
16 response time is now 12 days. With more than
17 1,000 engagements with legislators, we make
18 ourselves available to you. That does not
19 include today.

20 Hundreds of community meetings across
21 the state. Our social media accounts are
22 full, 39,000 followers on X, formerly
23 Twitter; 86,000 on Instagram and 179,000 on
24 Facebook. (Laughing.) Ay-yi.

1 The Governor's Executive Budget
2 proposal for 2025 positions us to continue
3 this incredible work. The Governor proposes
4 a \$435 million resiliency program to help the
5 state withstand that severe weather that we
6 all expect. That's \$250 million out of that
7 for a Blue Buffers program, home buyouts in
8 flood-prone areas; \$130 million for Green
9 Resiliency Grants to support flood-control
10 projects; \$40 million for Resilient and
11 Ready, to help some of our low- and
12 moderate-income homeowners withstand these
13 storms; and \$15 million through homeland
14 security for local capital grants.

15 We're also setting, as the Governor
16 said, a bold goal to plant 25 million trees
17 by 2033. And we now have the resources to
18 begin modernizing our tree nursery, thanks to
19 the Bond Act, and creating a tracking
20 database so we can begin planting these
21 trees.

22 The Governor also proposes to keep the
23 EPF at its highest number ever -- thank you
24 for all your support over the years on the

1 EPF -- \$400 million in the coming year, and
2 another \$500 million for Clean Water
3 Infrastructure over the next two years to
4 leverage our Bond Act and federal dollars.

5 We continue to advance our
6 cap-and-invest program, a declining cap on
7 emissions with revenue to invest in the
8 transition to the economy of the future,
9 focused on affordability, linkability,
10 creating jobs, investing in disadvantaged
11 communities, and funding our future.

12 We issued a pre-proposal document, a
13 series of pre-proposal regulations in the
14 beginning of this year, and held a series of
15 webinars over the last few months. We
16 anticipate dropping regulations for public
17 comment and having a robust and transparent
18 stakeholder process over the course of this
19 year.

20 DEC's budget recommends
21 State Operations funding of \$579 million.
22 That's a \$27 million increase. Capital
23 budget from all sources is \$9.7 billion, and
24 that includes the Bond Act, of course, and

1 water. And our staffing number, I'm very
2 proud to report, is at our highest number
3 ever, at least in the last 15 years: 3,313.

4 The Governor's Executive Budget
5 prioritizes the environment. It gives us the
6 resources necessary to handle this. And
7 we're grateful to you all for the
8 relationship that we have and our shared
9 efforts to protect New York's environment.

10 CHAIRWOMAN KRUEGER: Thank you.

11 DEC COMMISSIONER SEGGOS: Thank you.

12 CHAIRWOMAN KRUEGER: Doreen?

13 NYSERDA PRESIDENT HARRIS: Thank you.
14 Thank you, Chair Krueger, Chair Weinstein,
15 Chair Barrett, Chair Parker, and members of
16 the committees. I'm Doreen Harris. I'm the
17 president and CEO of the New York State
18 Energy Research and Development Authority, or
19 NYSERDA.

20 I'm pleased to appear here today with
21 my colleague Commissioner Seggos, certainly
22 to discuss New York's path to a decarbonized
23 economy, which is indeed fully in motion, and
24 the ways that NYSERDA is specifically

1 expanding the state's economy by implementing
2 our mission, which is to advance clean energy
3 and address significant environmental,
4 climate change and other issues fundamentally
5 to improve the quality of life all across our
6 state.

7 Certainly Governor Hochul is committed
8 to both energy security and our environment
9 and has further demonstrated this through her
10 leadership and decisive action necessary to
11 achieve the scale and pace that is implicit
12 within our Climate Law -- and indeed the
13 urgency of the climate crisis itself.

14 As we transition to a clean energy
15 economy, the Governor has proposed several
16 key actions in the State of the State and the
17 budget, focused on growing our economy to
18 help reach our ambitious clean energy goals
19 while increasing affordability for
20 New Yorkers.

21 So I'd like to highlight some of the
22 steps we are taking to achieve these
23 outcomes. As you just heard, the Governor
24 has directed NYSERDA and DEC to advance a

1 cap-and-invest program, fundamentally to
2 reduce greenhouse gas emissions consistent
3 with our law, but also to ensure a
4 sustainable and affordable future for all
5 New Yorkers.

6 The 2024 enacted budget established a
7 Climate Action Fund to that end, designed to
8 directly defray the costs of the program for
9 New Yorkers every year. And certainly
10 cap-and-invest will be designed to launch new
11 investments in industries and technologies
12 consistent with the findings of the
13 Scoping Plan that the Climate Action Council
14 adopted at the end of 2022.

15 Indeed, this work is economy-wide, and
16 I look forward to talking about that very
17 economy-wide transition today.

18 This year we will be advancing the
19 next phase to build out the cap-and-invest
20 program in a manner that focuses on
21 affordability for New Yorkers. In addition,
22 certainly we at NYSERDA continue our work
23 toward the state's 70 percent by 2030
24 renewable electricity goal, through the

1 development of 9,000 megawatts of offshore
2 wind, 3,000 megawatts of energy storage, and
3 10,000 megawatts of distributed solar, all
4 contributing to a zero-million grid by 2040.

5 And certainly in the face of global
6 renewable energy supply constraints and
7 inflation pressure, Governor Hochul
8 reinforced her leadership in this respect
9 this year with the issuance of a 10-point
10 action plan -- which we are certainly
11 implementing now, expanding the growing
12 large-scale renewable energy industry here in
13 New York as a cost-effective solution and
14 competitive solution across our state.

15 In addition, the Governor's Executive
16 Budget proposed the RAPID Act, which will
17 streamline the buildout of transmission
18 infrastructure for a reliable and
19 clean-energy grid, helping to expedite the
20 integration of large-scale renewable energy
21 projects.

22 We are also advancing opportunities to
23 leverage federal funds. NYSERDA alone is
24 working to deliver nearly \$1.2 billion in

1 federal funding through programs administered
2 through federal agencies. And our approach
3 to federal funding is focused on reducing
4 costs for New Yorkers, advancing toward New
5 York's Climate Act goals, ensuring benefits
6 accrue to disadvantaged communities, creating
7 new jobs, reducing emissions, and driving
8 health and economic benefits.

9 Leveraging of state and federal
10 strategies is most evident in our approach to
11 building efficiency and decarbonization. The
12 fiscal year 2024 budget provided NYSERDA with
13 funding to launch the \$200 million EmPower+
14 program, which helps low-income families
15 retrofit their homes by incorporating
16 energy-efficient measures and switching to
17 clean, efficient electric heating and
18 cooling.

19 To further advance this work, in
20 December NYSERDA was actually one of the
21 first states in the country to submit its
22 application to the Department of Energy for
23 the deployment of the Home Electrification
24 and Appliance Rebate Program. We remain very

1 proud of the NY-Sun program that has
2 positioned New York as the number-one
3 community solar market in the nation, and
4 among the national leaders in distributed
5 solar development.

6 And this year we propose to expand the
7 successful Solar for All program, through
8 authorization by the Public Service
9 Commission to directly enroll low-income
10 New Yorkers and consumers in community solar
11 subscriptions statewide.

12 In parallel, NYSERDA led a statewide
13 coalition proposal requesting \$400 million of
14 federal funding to further build out the
15 NY-Sun program and also provide subgrants to
16 housing agencies and the city.

17 In New York, transportation accounts
18 for nearly 30 percent of greenhouse gas
19 emissions. And certainly to continue the
20 movement to 100 percent zero-emission
21 vehicles, we recently announced more than
22 \$14 million in additional funding for the
23 Drive Clean Rebate Program, to help consumers
24 purchase electric vehicles.

1 I'm pleased to report there are nearly
2 200,000 EVs on the road in New York, up from
3 24,000 just six years ago, and more than
4 13,000 EV charging stations installed
5 statewide.

6 And notably, through the Clean Water,
7 Clean Air and Green Jobs Environmental Bond
8 Act, we are now making \$500 million available
9 to school districts to ensure they can begin
10 the transition to zero-emission school bus
11 fleets.

12 So certainly building the market for
13 clean energy will provide opportunities to
14 fulfill the promise that these investments
15 will result in more jobs across our state.
16 We already support more than 171,000 clean
17 energy jobs across the state, and all
18 analyses show that we stand to benefit by
19 hundreds of thousands of additional jobs
20 created through the pursuit of these new
21 programs.

22 And certainly our efforts in workforce
23 development prioritize training programs for
24 the state's most underserved populations --

1 veterans, disabled workers, single parents,
2 formerly incarcerated persons, and
3 individuals from disadvantaged communities.

4 Certainly the effect of our clean
5 energy work will have a direct impact to grow
6 our economy and demonstrate to the world New
7 York's leadership in protecting our
8 environment.

9 So this concludes my opening remarks.

10 CHAIRWOMAN KRUEGER: Thank you, both
11 of you.

12 And our first questioner will be
13 Chair Pete Harckham.

14 SENATOR HARCKHAM: Thank you both very
15 much. I just want to first of all thank you
16 both for your partnership and the great work
17 that both your teams do. You have amazing
18 folks who do amazing work, so please pass
19 that on to them.

20 Having said that, I have a few
21 questions. First, these are not questions,
22 these are requests for budget numbers. So if
23 you could, when I ask, just say "got it" and
24 then maybe your budget team can get it to

1 Chairs Krueger and Weinstein.

2 The first is across both departments,
3 all departments on-book and authorities
4 off-book, how much will New York State --
5 what's the proposed spending on climate
6 change this year, or fighting climate change
7 this year?

8 A similar question across agencies on
9 fighting, studying and eradicating harmful
10 algal blooms. And then, the same question,
11 you had mentioned an amount on flooding and
12 stormwater. If we could break that out,
13 because I know that's across a couple of
14 different agencies -- if we could have that.

15 And then the last in terms of a budget
16 request, there's 12.5 million proposed from
17 EPF slated to go to salaries. As you know,
18 that never goes down well on the street. But
19 could you get us, please, a list of what
20 those proposed positions are -- again, across
21 agencies. All right, thank you.

22 All right, on to some questions, then.

23 This year the administration is
24 proposing to cut in half, or by \$250 million

1 for the next two years, clean water
2 funding -- a program, as you mentioned in
3 your remarks, that has been enormously
4 successful.

5 And just a couple of notes. As you
6 also noted, 30 percent of our water bodies
7 are still not up to par. The toughening
8 standards on PFOS -- we're finding PFOS and
9 other emerging contaminants more and more.

10 And just one last note. The
11 Environmental Bond Act was meant to
12 supplement on-book funding, not supplant it.
13 So why is the administration choosing at this
14 time to cut in half clean water funding?

15 DEC COMMISSIONER SEGGOS: Thank you
16 for raising that, Senator. We have had an
17 incredible run on water recently. I mean, as
18 I mentioned in my remarks, the last two years
19 setting a record in state history for the
20 amount of investment. And that's not just
21 the loans but the grants as well.

22 We expect that investment level to
23 continue. We don't believe that the Clean
24 Water Act money that you reference is

1 actually a cut, because we do not of course
2 have the Bond Act. We have federal dollars
3 that we haven't had in a long time. And we
4 have some unspent appropriations, which is
5 enabling us to spend more. I mean, already
6 this year we have \$480 million committed to
7 programs upcoming, and that's on the grant
8 side. On the loan side, 2.6 billion. And
9 that's just now in February.

10 So we expect that rate of spending to
11 very much continue. It is a priority of the
12 Governor's, it's a priority of ours, for all
13 the reasons that you mentioned. And we look
14 forward to working with you through the
15 budget cycle to explain that more fully.

16 SENATOR HARCKHAM: All right. If you
17 could, in addition to the other numbers,
18 detail the amount of federal money that is
19 being earmarked to this, that would be
20 helpful. And also the amount that's left
21 over. I think that's troublesome to
22 municipalities and environmental advocates
23 because that money has been appropriated, and
24 their belief is -- and our belief is -- we

1 should be getting that money out on the
2 street. We shouldn't have any left over.

3 So we'll shift to another subject
4 matter to bring in President Harris as well.

5 In the initial cap-and-invest
6 preliminary analysis scenario -- and this is
7 for both of you or either of you -- the cost
8 we are looking at was around \$23, I think was
9 mentioned. That's a quarter of what
10 California is doing for 2025. And some
11 academics have said the actual social cost of
12 carbon is anywhere above \$125.

13 Are we really going to make a dent in
14 the problem at \$23? How was that figure
15 settled upon? And what is the long-term plan
16 to both address emissions and fund the
17 massive amount of work that we need to do?

18 NYSERDA PRESIDENT HARRIS: Certainly.
19 Thank you for the question.

20 We were pleased to present analysis
21 recently via a series of meetings and
22 webinars really looking at several different
23 scenarios for cap-and-invest. It's important
24 to note really where we are in this process,

1 is we are seeking to obtain input for the
2 actual draft regulations that would be issued
3 later this year.

4 And in doing so, we presented three
5 scenarios, three scenarios which do represent
6 various versions of NYCI, as we call it,
7 ultimately looking at the tradeoffs of
8 different price ceilings and different
9 progress that could be made under those
10 different scenarios.

11 And in doing so, we really thought
12 hard about the scenarios that we presented in
13 light of the Governor's principles that we
14 are working within. Which, again, one major
15 principle of NYCI is the principle of
16 affordability. And we would say that we
17 recognize that NYCI is a tool in the state's
18 toolbox. It's a very important tool in the
19 state's toolbox.

20 I would say it is not the only tool in
21 our toolbox. Much like with the Regional
22 Greenhouse Gas Initiative that we've run for
23 many years successfully, we have
24 complementary policies that are really part

1 of how we get from here to there. And our
2 view is that NYCI is no different.

3 So the proposals that we're seeing
4 really expose that analysis and do reflect on
5 the progress that could be seen under them.
6 And frankly, we really look forward to input
7 so that we can craft the best regulations
8 possible.

9 DEC COMMISSIONER SEGGOS: I would
10 agree completely. I mean, these next few
11 months are very important for us. I mean,
12 that's why we embarked on a pre-proposal
13 process before putting the regulation out
14 because we want to hear from all of the
15 stakeholders. Both the advocates,
16 industries, governments give us the space to
17 understand how to use NYCI as one of these
18 powerful tools in New York State to reduce
19 emissions, generate enough revenue to hit
20 those really important numbers.

21 So that's where we are right now, and
22 we expect this year to be a very busy year on
23 this front.

24 SENATOR HARCKHAM: All right, quick

1 question and then I have a longer follow-up.

2 The quick question is, how much
3 progress did we make on our renewable goals
4 from last year to this year?

5 NYSERDA PRESIDENT HARRIS: So we
6 report annually to the Public Service
7 Commission on our progress toward the Clean
8 Energy Standard, which is the primary means
9 by which we're intended to reach toward that
10 70 by 30 goal.

11 This particular year we just filed the
12 report a couple of weeks ago, and the
13 progress was just over 25 percent renewables
14 in the state, largely hydroelectric power and
15 increasing amounts of solar and wind. So
16 that was our progress. It was a slight
17 decrease, actually, over the prior year,
18 largely due to changes in imports. We had a
19 very dry year, and specifically Canadian
20 hydro imports were diminished.

21 So this is the reality of our
22 interconnected grid, and fundamentally data
23 that we report transparently every year.

24 SENATOR HARCKHAM: All right. So the

1 follow-up question I have is, you know, this
2 is something that's been reported in the
3 press and I hear a lot meeting with renewable
4 developers. They say the challenge in
5 New York is that we're overly prescriptive in
6 creating the market, whereas other states
7 sort of get out of the way and let the market
8 drive, achieving the goals.

9 Do you think that's true? Do you
10 think we're overly prescriptive? And are
11 there other things that we can do to kind of
12 step back and free the market to help us
13 achieve our goals?

14 NYSERDA PRESIDENT HARRIS: Well,
15 that's a great question, and certainly one
16 that we look at in a dynamic way.

17 The market has shifted very
18 significantly in the world of renewable
19 energy since the adoption of the Clean Energy
20 Standard. We see activity in the state
21 certainly through our own, as you would say,
22 prescriptive programs, those that are
23 administered by NYSERDA on the orders of the
24 Public Service Commission.

1 But I would say that as the years have
2 gone on there's new methods by which we will
3 be deploying renewables. And I'm sure you'll
4 hear later much about the progress New York
5 Power Authority has made in advancing their
6 own expanded authority from last year.

7 We also see increases in voluntary
8 market activity. We have real interest in
9 buyers who have claims of their own to
10 make -- entities, for example, like Micron,
11 when they are committing to come to the
12 state, they want to do so in an environment
13 that is clean, a supply that's clean.

14 So it is, it's necessary that we
15 constantly evaluate. I'm pleased to say the
16 commission processes allow us to do so
17 literally on a -- every other year. In fact,
18 this year we're in the middle of a program
19 review again.

20 SENATOR HARCKHAM: All right, thank
21 you. In my 18 seconds we probably won't get
22 to an answer to my next question, but I've
23 got three minutes at the end, so I'll pose
24 the question now so we don't lose the time

1 then.

2 Last year we all created the Office of
3 Just Transition. When we come back, if you
4 could give us an update on their activities.

5 Thank you. Thank you, Madam Chair.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assemblymember Deborah Glick.

8 ASSEMBLYWOMAN GLICK: Thank you.

9 It's always good to go second because
10 you can cross off some of your questions.

11 Just to follow up on the clean water,
12 EPA has proposed a couple of new regulations
13 around strengthening drinking water
14 standards, particularly around PFAS, and
15 requiring the replacement of 100 percent of
16 the country's lead service lines by 2037.

17 So I'm just wondering, how does this
18 impact in dollars what you think we're going
19 to need to commit, considering there was a
20 cut -- which I would question the
21 appropriateness of -- but how much more do we
22 have to be thinking about putting aside for
23 the clean water?

24 DEC COMMISSIONER SEGGOS: It's a good

1 question. I realize that Health already
2 testified in front of you. Health actually
3 manages the drinking water and lead side of
4 the ledger, so I'll work with them to get you
5 an answer on that.

6 ASSEMBLYWOMAN GLICK: The CLCPA
7 requires us to use both Bond Act and other
8 resources to -- and to use at least
9 35 percent of our resources to address
10 problems in disadvantaged communities. We've
11 seen an exponential growth in e-commerce;
12 people don't apparently want to get on the
13 subway and pick things up, they want it
14 delivered to them.

15 So we've seen this increase in large
16 warehouses which come with lots of trucking,
17 and they are primarily going to be in
18 industrial areas that border disadvantaged
19 communities. So I think you already were
20 committed to doing some sort of
21 air-monitoring program, but what else can you
22 do in regard to an indirect source rule to
23 set up some oversight, some requirements that
24 could reduce those emissions in those areas?

1 DEC COMMISSIONER SEGGOS: You're
2 right, we have been monitoring air emissions
3 in those areas. We are seeing what you just
4 said, increased emissions in conjunction with
5 some of these big-box retailers and some of
6 the shipping that goes on related to them.

7 Our authority is somewhat constrained
8 to force those last-mile operations to make
9 specific changes. Although we can certainly
10 work with the regulated parties to begin
11 upgrading their fleets and reduce the amount
12 of fossil fuel that they use.

13 Our focus now is certainly putting a
14 light on the level of emissions. I've been
15 down to a few of these communities -- in
16 particular, Red Hook, where {inaudible} in a
17 very acute manner -- and I know the
18 Legislature has considered ways in which to
19 control that over the years, and I would just
20 say that DEC is a willing participant to
21 discuss that with you.

22 ASSEMBLYWOMAN GLICK: If you need
23 additional authority, I think we are prepared
24 to provide some additional support, but would

1 like to have your input on how to best craft
2 that.

3 DEC COMMISSIONER SEGGOS: Be happy to
4 talk with you about that.

5 ASSEMBLYWOMAN GLICK: So the
6 \$25 million that is sort of taken out of the
7 EPF for what seems to be personal services,
8 but there aren't additional FTEs in the
9 budget. So I'm just wondering, what is that
10 money intended for? And why is it in the EPF
11 to begin with?

12 DEC COMMISSIONER SEGGOS: Well,
13 listen, I would say what I think has already
14 been said by the Governor, which is this is a
15 very challenging budget year. And we in the
16 same token have been the beneficiaries of our
17 staff being protected. The Governor
18 recognizes what we do and knows that we need
19 to keep our staff at the level that it's at.

20 So the FTEs, the individuals that are
21 programmed for the -- for work under EPF
22 spending would be helping to carry out the
23 mission of the EPF and the really important
24 work that we do getting dollars out the door.

1 So be happy to discuss that in greater
2 detail with you offline, but -- and we see
3 that there's a direct connection between that
4 fund and the work that they do.

5 ASSEMBLYWOMAN GLICK: Well, along with
6 that, there seem to be cuts that are to
7 things like municipal parks, zoos, botanical
8 gardens and aquaria, land acquisition, and
9 municipal recycling and stuff. So it just
10 seems like we're eroding longstanding and
11 important programs that should not be taken
12 out of the EPF in order to provide for
13 personnel.

14 In the EPF we have, and the Governor
15 has continued -- because of the overuse of
16 our parks that -- like the Catskills and the
17 Adirondacks, there is an overuse and
18 stewardship line in the EPF that was
19 hard-fought for. And a lot of -- and even
20 though this was during the pandemic, we have
21 seen a continued -- people got a taste of
22 nature and seemed to enjoy it, so they're
23 continuing to go.

24 However, it looks like there's -- out

1 of that 8 million, it looks like there's a
2 \$1.25 million piece for road resurfacing.
3 And I'm just wondering why we're using EPF
4 dollars for roadwork.

5 DEC COMMISSIONER SEGGOS: I think
6 you're referring to the Lodge Road paving
7 recommendation. The Lodge Road in the
8 Adirondacks is a gateway to a very popular
9 hiking area for many years. We've been
10 looking at the condition of that road, which
11 in some weekends, as some of the Adirondack
12 legislators would know, is jammed with
13 people. And frankly the road falls apart.

14 And we have been working very closely
15 with the advocates and leadership in the
16 Adirondacks to ensure that we have good
17 parking, good access to those locations so
18 that in fact we can get those New Yorkers
19 back there safely.

20 ASSEMBLYWOMAN GLICK: I appreciate
21 that. And I also appreciate that there was a
22 park-and-ride effort. Is that continuing?

23 DEC COMMISSIONER SEGGOS: It is. We
24 launched it unfortunately just before the

1 pandemic, so people didn't want to get into
2 small buses for the first couple of years of
3 the pandemic as they were accessing the
4 outdoors.

5 But we are going to continue that.
6 Ridership has been a little bit lower, I
7 think in some part due to the education we've
8 put on, just out there getting people into
9 the outdoors to a broader number of places,
10 as opposed to just that High Peaks corridor.

11 But we're doing all kinds of
12 strategies such as a better parking
13 reservation system. We have teams of people
14 educating folks about getting into the
15 southern Adirondacks as well.

16 So we're going to continue that, of
17 course. And we've been working closely with
18 the counties up there to make the visitation
19 of the Adirondacks a safe experience, one
20 that people want to come back to. In the old
21 days of crowds on the roads, it was
22 dangerous, it was tough for us to enforce,
23 and people didn't enjoy themselves.

24 ASSEMBLYWOMAN GLICK: This is for both

1 of you, because I think the Green New York
2 Council is a shared responsibility.

3 DEC COMMISSIONER SEGGOS: Yes.

4 ASSEMBLYWOMAN GLICK: And the budget
5 seems to include \$50 million, and I'm
6 wondering what the funding is for, how it
7 will be allocated, and on what basis, what
8 criteria.

9 And is there a list of projects that
10 are included to be used for this -- for this
11 funding to be used for? And if you don't
12 have that right now, we would like that
13 followed up.

14 DEC COMMISSIONER SEGGOS: I think we'd
15 be happy to get back to you on that, what the
16 specific dollars are for.

17 ASSEMBLYWOMAN GLICK: Yeah. Because
18 it was -- there's money, but it's not clear
19 what it's going to be used for -- always
20 concerning.

21 I'm glad you mentioned the improved
22 safety. We have -- just this past week, I
23 think, somebody had to be rescued at Haines
24 Falls. So those are our Forest Rangers. And

1 how does the -- and I know you've mentioned
2 that you've been increasing staffing. And I
3 don't know if that was for both Environmental
4 Conservation Officers and Rangers, but I'm
5 working in my minute and a half, how does it
6 stack up to the staffing that we had 15 years
7 ago when we didn't have quite as many people
8 interested in going out into the woods?

9 DEC COMMISSIONER SEGGOS: On the
10 Ranger side, I believe we're at our highest
11 number ever. I'd have to go back to the
12 1960s and '70s to see whether or not there
13 were higher numbers.

14 But we are at a very robust level on
15 the Ranger side, and that's due in part to
16 our knowledge of visitation usage, need for
17 rescues over the years. Our ECO numbers are
18 about flat to where they -- from where they
19 were about 15 years ago. We have an academy
20 upcoming; it will be actually my sixth
21 academy, I believe, since I took this job.

22 So we expect to continue increasing
23 the ranks of the ECOs as well.

24 ASSEMBLYWOMAN GLICK: What outreach

1 are you doing downstate, particularly in
2 New York City, where we have very few
3 Environmental Conservation Officers? And I'm
4 just wondering what we can do to get more
5 into the city where they're following up on
6 issues like illegal dumping and the like.

7 DEC COMMISSIONER SEGGOS: That's such
8 a great question. I mean, attracting
9 individuals to the DEC ECO ranks is really
10 important. And I often thought, you know,
11 billboards aren't going to do that, it's
12 going to be do you recognize this person, is
13 this person improving my quality of life.

14 So we've actually begun putting more
15 of a focus into environmental quality in
16 urban areas like New York City, to reduce
17 environmental crimes, to reduce
18 quality-of-life problems. And that way
19 somebody sees perhaps an officer in green,
20 saying what are they doing, why are they
21 serving as an officer in my area? And I
22 think that's actually beginning to turn the
23 corner a little bit. We're telling that
24 story in a more deliberative way. Our leader

1 of our ECOs, Karen Przyklek, has been
2 emphasizing that since she took office.

3 ASSEMBLYWOMAN GLICK: Thank you.

4 DEC COMMISSIONER SEGGOS: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Our next questioner is our ranker,
7 Senator Stec.

8 SENATOR STEC: Thank you, Chair.

9 Good afternoon, both of you. Thanks
10 for being here.

11 Commissioner Seggos, in reference to
12 your remarks about your department's social
13 media, I want to congratulate you. It's been
14 very robust. And I too enjoyed your tweet,
15 and I hope you are ready.

16 DEC COMMISSIONER SEGGOS: We'll see.

17 (Laughter.)

18 SENATOR STEC: We'll see.

19 I'm going to save a little time,
20 because I do have questions for both of you.
21 But I want to reiterate both Chair Harckham
22 and Chair Glick brought up two questions that
23 I wanted to talk about and to express my
24 concern for the proposed Executive's

1 reduction in the clean water from 500 to 250.

2 I heard and I understood what you're
3 saying. I too am concerned with how quickly
4 we get that money out into these local
5 projects. It seems like it's allocated and
6 it sits there. And of course I always get
7 worried when good money sits there unused
8 because in a future bad budget year, it's
9 very tempting for that to get pulled
10 elsewhere.

11 But there's tens of billions of
12 dollars of need in water infrastructure in
13 the state, and so I'm concerned with that as
14 well as both chairs.

15 Also in the EPF, as you know, I'm a
16 big supporter of the work that you do in the
17 EPF, and I think you do a great job with it.
18 But I am concerned that the Executive has
19 \$25 million there allocated for personnel
20 expenses in unallocated funding. I won't
21 bother you with questions on that, but I just
22 want to echo what the two chairs mentioned.

23 But with that said, I do want to build
24 off of what they had said in talking about

1 the -- so there's no increase in full-time
2 equivalents for the department. And yet I've
3 asked this every year, right? It seems like
4 every year the Legislature finds ways both in
5 and out of the budget to burden your
6 department with more work. And I'm concerned
7 that, you know, we're putting too much on
8 your plate where we're doing too much and
9 none of it well.

10 Do you feel like you have sufficient
11 resources not only for what your boss is
12 asking you to do but what my colleagues and I
13 are undoubtedly going to continue to ask you
14 to do?

15 DEC COMMISSIONER SEGGOS: Well, I
16 would correct you in one way, that we're
17 doing a lot and we're doing it well, I think.

18 But I take your point, and the
19 Governor does as well -- again, in a tight,
20 tight budget year, our staffing level is flat
21 at its highest level at least in 15 years.
22 So that tells me, of course, that the
23 Governor is putting the priority on keeping
24 DEC's mission healthy and robust.

1 I believe that will continue this
2 year. Yes, I believe we have the staff
3 necessary to carry out our mission. When we
4 take on new things, like climate, the
5 Bond Act, air monitoring, you know, we've
6 asked for increases in staff. And this
7 Governor has actually given those. When I
8 first started, we were at about 2800 -- 2855
9 staff. Now we're up to 33. So we have made
10 considerable gains because our mission has
11 increased over the years, and thanks in part
12 to the advocacy of this body.

13 SENATOR STEC: Okay. And I too want
14 to express specific support for the
15 Adirondack and Catskill visitor safety and
16 wilderness funding, the \$8 million. And I
17 want to comfort Chair Glick; being intimately
18 familiar with the history of the Adirondack
19 Lodge Road, and a frequent traveler of it,
20 that is a good project. And I know that you
21 and a lot of local partners have been working
22 and negotiating that for many years. So I
23 know that both visitors and residents alike
24 will be very pleased to see that project

1 happen however it gets funded.

2 And President Harris, if I could pivot
3 quickly to you. The current energy generated
4 by renewables, are we on track to meet our
5 targets? I'm curious, if you know, how many
6 customers are currently on natural gas or
7 delivered fuel. And how long do you
8 anticipate this transition to take?

9 NYSERDA PRESIDENT HARRIS: Well,
10 certainly I would agree, and we all
11 recognize, I think, together how ambitious
12 New York's Climate Law actually is as we have
13 set out to implement its provisions.

14 We have had a particularly challenging
15 year in the markets, the renewable energy
16 markets. These challenges are not unique to
17 New York by any means. These are the
18 product, actually, of a global energy crisis
19 that we could really think about how we're
20 exposing ourselves to those volatilities via
21 the system that we have today.

22 But I will say, in the interests of
23 time, our work continues apace. The Governor
24 set forward a 10-point action plan that we

1 have been hard at work in implementing that
2 has allowed us to very quickly -- and major
3 thanks to the NYSERDA team for implementing
4 all of this on a very expedited basis.

5 SENATOR STEC: If I could briefly,
6 with respect to the grid capacity, our latest
7 ISO report shows that the grid is near max
8 capacity and we could potentially be dealing
9 with energy deficits next year.

10 Are we doing anything to correct this?
11 Specifically, should we consider moving back
12 the deadlines and slowing down our retirement
13 of existing energy sources?

14 NYSERDA PRESIDENT HARRIS: Well,
15 certainly the NYISO process is a critical
16 part of how we manage this transition. And
17 we need all of these pieces to work together.
18 So we look carefully at their analyses. It
19 informs the next steps on really your
20 specific question of retirements.

21 SENATOR STEC: Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Assembly.

24 ASSEMBLYWOMAN GLICK: We will hear

1 from Mr. Simpson, the ranker on Environmental
2 Conservation.

3 ASSEMBLYMAN SIMPSON: Thank you,
4 Chair.

5 Great to see you both here. And I'll
6 start with questioning Commissioner Seggos.

7 I think I heard you talk about the
8 funding in the Water Infrastructure Act as
9 some of it being offset maybe by the EPF.
10 And so my question really is, how many
11 programs -- or how many dollars that are in
12 existing programs are being offset now by the
13 Bond Act?

14 DEC COMMISSIONER SEGGOS: Okay --

15 ASSEMBLYMAN SIMPSON: Would you be
16 able to provide -- I would have some concern
17 over the fact that it seems like we're
18 offsetting, you know, current budget --

19 DEC COMMISSIONER SEGGOS: Well,
20 listen, I think the Bond Act is giving us
21 capabilities I believe as intended to do more
22 than ever to protect the state and increase
23 its resiliency -- air, water, climate,
24 communities.

1 So we've been -- while early days with
2 the Bond Act still, again, only \$800 million
3 identified thus far, with the bulk of it to
4 come. We've been looking for ways in which
5 to move Bond Act dollars quickly into
6 projects, projects that we know are
7 shovel-ready or that there's a substantial
8 amount of demand.

9 So that entails identifying specific
10 projects that are enumerated in the Bond Act,
11 like Clean Green Schools, school buses, but
12 also what can we do with Bond Act
13 capabilities for water. And that's where we
14 know that there's a sweet spot.

15 And that's why I believe we're having
16 already an extraordinary commitment from this
17 Executive to put money into water. Already,
18 as I think -- as I noted, \$480 million
19 already conceived this year. So this should
20 be a very busy year for the Bond Act and for
21 all -- frankly, all of our funding buckets.

22 ASSEMBLYMAN SIMPSON: Okay. And
23 related to the Water Infrastructure Act, you
24 know, there's been a great program that your

1 agency has had with the septic replacement
2 program, especially in the area that I
3 represent. You know, you've got Lake George,
4 you've got a lot of small lakes.

5 And, you know, how will that program
6 be affected by the reduction over two years?
7 Will you see any impacts or --

8 DEC COMMISSIONER SEGGOS: We don't
9 expect any impacts to that program. It's
10 been a great \$30 million program, Long Island
11 all the way up to Lake George, as you note --
12 really, 30 counties around the state that
13 want to put money into modernizing or getting
14 rid of septic. So we expect that to
15 continue.

16 ASSEMBLYMAN SIMPSON: That's being
17 fully utilized? You're, I mean --

18 DEC COMMISSIONER SEGGOS: Yes.

19 ASSEMBLYMAN SIMPSON: Okay. And
20 another question I have is related to the
21 30x30 legislation, and where we are at with
22 assessing what is actually the correct number
23 that is conserved in New York, and where we
24 need to be, and whether there's funding in

1 this year's budget to accomplish that goal.

2 DEC COMMISSIONER SEGGOS: There is
3 absolutely money in the budget this year to
4 accomplish that goal. Again, the Bond Act
5 and Clean Water Infrastructure Act, EPF, all
6 enable us to use those funds to do land
7 acquisition, whether it's fee or easements.
8 We're working very closely with land trusts
9 as well, to help them reach their goals.

10 This year we expect about 50 projects
11 total, several tens of thousands of acres
12 protected. So we expect that to continue
13 over the coming 12 months.

14 ASSEMBLYMAN SIMPSON: Okay, thank you.

15 And with my remaining time I would
16 like to ask President Harris a question about
17 the rebate program to homeowners towards
18 electrification, as to how successful that
19 has been. Do you have any kind of data, info
20 of, you know, who's -- who has benefited, how
21 many households, and where we're at with that
22 program?

23 NYSERDA PRESIDENT HARRIS: Yes,
24 certainly. We aggregate funding from

1 multiple sources for those types of programs.
2 Obviously we just discussed the ways in which
3 we're employing the \$200 million from last
4 year's budget toward an expansion of our
5 EmPower program to now EmPower+. But also we
6 utilize ratepayer funds, and now federal
7 funds that we have recently applied for, to
8 really scale this up.

9 The long and short of it is the number
10 of homes that we reach at this point is
11 around 20,000 a year households. We need to
12 scale that up because of the imperative to
13 really get at home electrification as a key
14 means by which we will reduce emissions in
15 this sector.

16 And that's how these federal funds
17 certainly can be leveraged when they come in,
18 but also ways in which we can look to the
19 future. As an example, cap-and-invest is a
20 great potential source for expansion.
21 Buildings are a huge challenge in our state,
22 but we are deploying those funds at scale
23 consistent with the pace of receipt.

24 ASSEMBLYMAN SIMPSON: Yeah, especially

1 in the region that I represent where there's
2 a lot of older homes, you know, we're using
3 other sources of heat -- propane, oil. We
4 don't have natural gas. So it's just -- if
5 you could provide some of that data for me,
6 that would be great.

7 NYSERDA PRESIDENT HARRIS: Certainly.

8 ASSEMBLYMAN SIMPSON: Thank you both.

9 Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Senator Hinchey.

12 SENATOR HINCHEY: Thank you very much.

13 Thank you both for being here.

14 I want to give a quick shout out to
15 our Forest Rangers in the Catskills. Over
16 the last year they've had to do some heroic
17 rescues and saves, and so we're deeply
18 appreciative of their work and being there.

19 In regards to the chair's questions
20 specifically on supplementing versus
21 supplanting for clean water, respectfully, it
22 sounds like very clearly like we are
23 supplanting with the federal funding and the
24 Bond Act funding. And I agree with my

1 colleagues it feels kind of completely in the
2 opposite direction of where we should be
3 going when we know there is extreme need in
4 our communities, especially for things like a
5 program that we actually put in our
6 one-house, which is a swap program that would
7 provide funding to municipalities for water
8 and wastewater upgrades, which is critical.

9 And so I agree with the thoughts of
10 our colleagues and think we could do a lot
11 more in -- as it pertains to funding clean
12 water than what is reflected in the original
13 Executive Budget.

14 But my first question is, as you know,
15 Commissioner, you are currently reviewing an
16 Article 19 state air facility permit for the
17 Iroquois Pipeline Company, which is looking
18 to increase its capacity of a 30-year-old
19 fracked gas pipeline. Which is diametrically
20 opposed to the goals that we have here in the
21 state that we are all, and you all leading
22 the charge, working to hit.

23 These two locations are in Athens and
24 Dover in my district. And I'm wondering if

1 for pipeline expansions like these, do they
2 need to show compliance with the CLCPA before
3 being granted the permit?

4 DEC COMMISSIONER SEGGOS: Yes.

5 Applications that pertain to fossil fuel
6 infrastructure would have to show compliance
7 with the CLCPA. And there's a range of
8 filters that we'd run that through, one of
9 those being not just emissions but also
10 reliability. And we would defer to our
11 partners in the DPS on any reliability
12 questions.

13 SENATOR HINCHEY: Okay. When do you
14 think we'll have an answer to the -- your
15 department reviewing this project?

16 DEC COMMISSIONER SEGGOS: I actually
17 reached out to DPS -- I being DEC. DEC
18 reached out to DPS to ask that very question:
19 Is this pipeline needed to maintain supplies
20 for heating? And I expect that question to
21 be answered soon.

22 SENATOR HINCHEY: Thank you. Please
23 keep us posted.

24 DEC COMMISSIONER SEGGOS: I will.

1 SENATOR HINCHEY: We appreciate it.

2 I don't have much time left, so thank
3 you very much.

4 DEC COMMISSIONER SEGGOS: Thanks.

5 CHAIRWOMAN KRUEGER: Thank you.
6 Assembly.

7 ASSEMBLYWOMAN GLICK: Assemblymember
8 Didi Barrett, chairing Energy.

9 ASSEMBLYWOMAN BARRETT: I got weak
10 sitting here -- I can't even get the light
11 turned on.

12 (Laughter.)

13 ASSEMBLYWOMAN BARRETT: Hi. Thank you
14 so much, both of you, for being here.

15 The -- I'm going to start with just
16 CLCPA questions, which either of you can
17 answer, and then I've got some specifics for
18 each of you.

19 So back to -- you know, we started the
20 conversation about the goals. Can you just
21 talk to us a little bit more about where we
22 are in terms of those goals, specific
23 projects, the impact of the cancellations,
24 the impact of some of the decisions and

1 things. And what does this mean for us as
2 well.

3 NYSERDA PRESIDENT HARRIS: Certainly.
4 So again, I assume we should be talking about
5 the 70 percent renewable electricity goal --

6 ASSEMBLYWOMAN BARRETT: Yes. I'm
7 sorry, yes. Exactly.

8 NYSERDA PRESIDENT HARRIS: -- which is
9 part and parcel to the broader goals within
10 the Climate Law.

11 So as I had said, certainly it has
12 been a challenging year for this industry.
13 We've had an opportunity really to rapidly
14 reset some challenging circumstances upon the
15 Governor's direction, and we've made quick
16 work of really achieving some incredible
17 outcomes in expedited RFPs to really move
18 projects forward.

19 ASSEMBLYWOMAN BARRETT: Could you be
20 specific about what -- you know, what
21 projects have moved more forward and --

22 NYSERDA PRESIDENT HARRIS: Certainly.

23 ASSEMBLYWOMAN BARRETT: -- you know,
24 give us some -- something to get excited

1 about.

2 NYSERDA PRESIDENT HARRIS: Yup. So
3 where we sit today we have contracts and
4 awards that would allow us to get to about
5 63 percent renewables by 2030.

6 We did have upwards of 80 projects
7 actually terminate their agreements with
8 NYSERDA, including two offshore wind projects
9 and the balance land-based renewable
10 projects. As we speak, we're working around
11 the clock with two RFPs to really refill that
12 pipeline, largely with these land-based
13 projects that have recently submitted bids
14 and an expedited offshore wind RFP.

15 So unfortunately, for the moment I'm
16 in a moment of reset. But what I can say is
17 that we have strong momentum. And certainly
18 New York has been a leader in really
19 accounting for these challenges in ways that
20 not only the market is responding to, but I
21 would say other states. It's been
22 extraordinary the ways in which we've
23 responded to these conditions.

24 ASSEMBLYWOMAN BARRETT: And on the

1 offshore wind, do we have any of those -- I
2 mean, I know that there was a reset around
3 that as well. Could you give us where
4 that -- a status report on that, please?

5 NYSERDA PRESIDENT HARRIS: Certainly.
6 Certainly. So while New York has its first
7 operating offshore wind project -- some of
8 you may be familiar with the South Fork
9 project, so that's a huge opportunity to
10 celebrate.

11 In addition, Governor Hochul announced
12 awards for three new offshore wind projects
13 in October, a blockbuster award group --
14 actually, all told, over 6 gigawatts of
15 capacity. So those projects will be moving
16 forward as well.

17 And then the other contracts are
18 really subject to the RFP that we have on the
19 street. We took in bids recently and will be
20 announcing awards by the end of the month.
21 Included in that RFP we received six bids for
22 three different projects.

23 ASSEMBLYWOMAN BARRETT: I see. Okay,
24 thank you.

1 On the subject of electric school
2 buses, the Times Union published an op-ed
3 piece yesterday that I did to try to, you
4 know, just sort of reassure that there are
5 resources out there. But I have to say this
6 morning I started my day with a school
7 district visiting at 9 this morning that said
8 when they talked to NYSERDA about school bus
9 stuff -- and it's a big district and -- they
10 said, you know, they were told basically:
11 You're going to have to figure this out
12 yourself. Your district's too big, it's too
13 sprawling.

14 You know, I think all of us are
15 hearing from school districts in our Assembly
16 and Senate districts about how scared they
17 are. And these are the sorts of things
18 that -- you know, that don't reassure. So
19 what can we -- what can we look to -- for
20 from NYSERDA that really will help these
21 school districts? Including, you know, part
22 of the panic is just the deadline. I mean,
23 it's looming.

24 NYSERDA PRESIDENT HARRIS: I

1 appreciate the opportunity to really speak to
2 this issue. I would say opportunity, but
3 issue nevertheless.

4 Certainly we are hard at work in
5 deploying not only the funds allocated
6 through the Environmental Bond Act toward the
7 realization of electric school buses across
8 our state, but also federal money. The EPA
9 has funds that we are leveraging as well.

10 And really part and parcel to this is
11 indeed education. One thing that we are
12 actually funding is transition plans on the
13 part of these school districts, because we
14 recognize that much like our broader
15 statewide transition, this is a transition
16 that these school districts will need to
17 undertake both in the near, mid- and
18 long-term.

19 And so in the near term, the great
20 thing about these funds is that literally
21 they're going to allow these districts to get
22 a couple of buses, a handful of buses to
23 actually begin their process of understanding
24 how they operate, what routes they want to

1 use and beyond.

2 ASSEMBLYWOMAN BARRETT: The near
3 funding will just get buses for school
4 districts across the state to -- that fit the
5 needs and that are currently being produced,
6 is that --

7 NYSERDA PRESIDENT HARRIS: Yes. So
8 the funds between the Bond Act and EPA funds
9 we estimate can allow us to purchase -- or
10 work with school districts to cover the
11 incremental costs of about 3,000 buses.

12 Now, we have 45,000 buses on the road,
13 so I'm not claiming that to be the be-all and
14 end-all. But relative to this near-term need
15 our focus is really deploying those funds to
16 allow both, number one, the transition plans
17 to be executed so they know what to do when,
18 and then, second, to begin the process of
19 utilizing those buses.

20 So I would ask please that you put
21 this school district in touch with us
22 directly. We've reached -- of the 700 school
23 districts we believe we've touched every one,
24 and about 150 in a very detailed way.

1 Clearly there's work to do. This is a
2 journey, and we need a long-term relationship
3 that we're committed to achieve.

4 ASSEMBLYWOMAN BARRETT: Thank you. I
5 told them that we would arrange a roundtable
6 in the county, so --

7 NYSERDA PRESIDENT HARRIS: Certainly.

8 ASSEMBLYWOMAN BARRETT: I'm glad
9 you'll meet partway on that, so --

10 NYSERDA PRESIDENT HARRIS: Absolutely.

11 ASSEMBLYWOMAN BARRETT: Thank you.

12 Commissioner, I wanted to ask you a
13 question about your comments about the
14 disadvantaged communities. And first of all,
15 I want to thank both of you for all of your
16 leadership, and I know this has been a
17 complicated time.

18 But do you think it's possible --
19 because I see in my district, which is, you
20 know, largely rural, that we have a lot of
21 rural poverty which doesn't get identified as
22 a disadvantaged community because it doesn't
23 seem to have the density.

24 Do you think that the criteria for

1 disadvantaged communities, which is really
2 important in terms of funding and programming
3 and all those things, is being skewed based
4 on density at all? Is that possible?

5 DEC COMMISSIONER SEGGOS: I don't
6 believe it is. I mean, we tried to use the
7 most scientific approach to this, you know,
8 relying on 45 different indicators, a range
9 of indicators -- socioeconomic all the way to
10 quality of life, pollution burdens, things
11 like that. And if you look at the
12 disadvantaged communities maps, I mean, it
13 certainly appears to be more focused in urban
14 areas, but there are rural areas that
15 qualified as well.

16 And just a really important point.
17 That is meant to guide us to hit those CLCPA
18 and now Bond Act targets. But that doesn't
19 mean that the communities that aren't part of
20 those mapped areas aren't eligible. Of
21 course they are, and they're getting enormous
22 sums of investment already through our
23 various programs at the state.

24 And if there are any areas that are

1 feeling the need to have more water money,
2 Climate-Smart Communities monies or the like,
3 they should come to us. For example, on the
4 water side, we're helping -- through EFC
5 we're helping a lot of these smaller
6 communities actually get access to dollars.
7 And this budget would in fact move some of
8 those communities into a better scoring
9 position so that we could actually cover more
10 of their needs up front. I know we've talked
11 about water in the past. That's exactly what
12 that's designed for.

13 ASSEMBLYWOMAN BARRETT: That's a good
14 segue to what I was going to also ask.

15 Is there literally money for new water
16 and sewer systems? Because my district's --
17 I mean, my communities don't have anything to
18 improve, expand, upgrade because there's
19 nothing there. So that initial money, which
20 it's been so hard to find any real source of
21 that in the traditional water funding
22 programs.

23 DEC COMMISSIONER SEGGOS: Yes, that is
24 very much our objective, is to make it easier

1 for smaller communities that are struggling
2 to get access to those dollars.

3 EFC's community assistance teams are
4 there to answer questions and then hopefully
5 we get a change in the way in which we score
6 and grant money so that smaller communities
7 can get access to that.

8 ASSEMBLYWOMAN BARRETT: I mean, and
9 even communities without any infrastructure
10 yet, so that this is startup money, kind of,
11 is really what they're looking for.

12 DEC COMMISSIONER SEGGOS: Yes, but I
13 would just say have them reach out to me
14 directly on that.

15 ASSEMBLYWOMAN BARRETT: Uh-huh. Okay.
16 Thank you.

17 DEC COMMISSIONER SEGGOS: Sure.

18 ASSEMBLYWOMAN BARRETT: And just a
19 final general question about -- the Executive
20 proposal included the six-year extender for
21 the Build-Ready program, and only one
22 project, it seems, has been built so far. Do
23 you have a sense of what the steps are to
24 make this work more productively and what the

1 delays are?

2 NYSERDA PRESIDENT HARRIS: Well, yes,
3 so the Build-Ready program puts NYSERDA in
4 the role of identifying projects, primarily
5 on underutilized property.

6 And it has resulted actually, as you
7 said, in our first project in the Adirondack
8 Park. The Benson Mines project is actually
9 out for auction right now with a really
10 robust response from the industry. And I'm
11 pleased to tell you it does take a while to
12 fill a pipeline, I wouldn't deny it, but we
13 have dozens of projects that we have
14 identified, all the way from Long Island to
15 the North Country, that are in various stages
16 of development.

17 I'm confident that this is going to be
18 a contributor to our goals.

19 ASSEMBLYWOMAN BARRETT: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 We go to Senator Webb.

22 SENATOR WEBB: Thank you both for
23 being here. I have just a few questions.

24 The first question I have, both of you

1 feel free to answer.

2 So as has been shared, there's a
3 company that's cropped up in my district,
4 Southern Tier C02 proposing to burn natural
5 gas and then replace the natural gas with
6 captured carbon.

7 And so my question is -- you know, I
8 sponsor this bill with Senator Krueger, along
9 with Assemblymembers Lupardo and Kelles.
10 We're definitely interested in banning this
11 practice.

12 So my question is, would such a
13 process that would include the construction
14 of potentially 10 fossil fuel-burning plants
15 to capture the carbon for insertion into the
16 wells, even be allowed under the CLCPA?

17 And then my second question is
18 specifically for you, Commissioner Seggos,
19 with respect to the Cayuga Salt Mine, also in
20 my district. Along with Assemblymember
21 Kelles we introduced a bill that would
22 require, upon the sale of the mine or
23 transfer of the deed, that a mandatory
24 environmental impact study would be conducted

1 by your agency.

2 And so it is our understanding that a
3 comprehensive EIS has not been conducted, and
4 one that was done was actually done by
5 Cargill. And so my question is, what is the
6 decision-making behind your department's lack
7 of a formal EIS with respect to the Cayuga
8 Salt Mine?

9 DEC COMMISSIONER SEGGOS: Good
10 questions. Maybe I'll take both of those.

11 So on the Southern Tier CO2 fracking
12 concept, I will just say right now we have
13 not gotten any outreach from the company,
14 there's no application in front of us. All
15 we know is pretty much what we've read in the
16 papers about it.

17 So it's very premature for me to weigh
18 in as to how they would comply with the
19 state's Climate Law, how they would comply
20 with the range of other laws such as water,
21 air, endangered species, and so on.

22 I am skeptical because of that. I'm
23 skeptical of its ability to comply with the
24 law, because we just know nothing about it.

1 And, you know, we went through an exhaustive
2 process when it comes to fracking in the
3 Southern Tier back before my time, 2015 --
4 '14-'15.

5 So on Cargill, recognizing we're short
6 on time, sales of facilities don't trigger a
7 full EIS. They're literally -- they're not
8 permissive. It's considered a Type 2 action
9 under SEQR. Unless there's a change to the
10 operations -- increased rates, expansion --
11 then we would be prohibited, effectively,
12 from forcing an EIS on the company or
13 conducting one ourselves.

14 If that changes, obviously we would
15 look at that. But right now, the sale would
16 go through as a Type 2 action.

17 SENATOR WEBB: I only have a few
18 seconds left. Can you respond with regards
19 to the first question? We can also follow up
20 offline.

21 NYSERDA PRESIDENT HARRIS: Yeah, I
22 wouldn't add anything beyond the
23 commissioner's points.

24 SENATOR WEBB: Thank you.

1 CHAIRWOMAN WEINSTEIN: Thank you. I
2 think you'll follow up on this question and
3 any others.

4 Next we go to Assemblyman Palmesano,
5 the ranker on Energy, for five minutes.

6 ASSEMBLYMAN PALMESANO: Yes. Good
7 afternoon.

8 DEC COMMISSIONER SEGGOS: Good
9 afternoon.

10 ASSEMBLYMAN PALMESANO: As you both
11 know, I'm a strong critic of the CLCPA. I've
12 been very vocal because I believe the likely
13 cost, affordability and reliability are not a
14 part of the equation or a priority. This is
15 not an energy transition. This is a train
16 wreck.

17 Last year, about a year ago, during
18 the budget process, about a month before, the
19 both of you made the TV rounds, you wrote an
20 op-ed talking about -- and saying the right
21 things that we need to focus on affordability
22 and the Governor's going to make it more
23 affordable for everyone with the consumer
24 cost impacts, and if the businesses and

1 people can't afford it, it's not going to
2 work.

3 So what do we know? Your own plan
4 said for full electrification, conversion
5 from natural gas, 20,000 to \$50,000 for a
6 family. The PSC last year approved
7 43 billion, with a B, in future rate
8 increases for New York families, farmers and
9 businesses. The school bus mandate -- we
10 know the cost, 400,000 to \$450,000 for an EV
11 school bus compared to 100 to 125 for a
12 diesel, a clean diesel.

13 But here's the one where I have
14 trouble with. When you were out there
15 talking about this last year, the difference
16 is because the CLCPA calls for a 20-year
17 methodology of emissions. Every other state
18 uses 100. Internationally uses 100.

19 And by your own numbers, you said if
20 we can't change it to a hundred-year, it's
21 going to increase prices at the pump for
22 New Yorkers by 63 cents a gallon and increase
23 natural gas costs 79 percent, or \$600.

24 So President Harris, I'll ask you,

1 because I talked to the commissioner earlier
2 this week. Does the Governor support an
3 increase in the prices at the pump for
4 New Yorkers for 63 cents a gallon and
5 increasing natural gas costs by 79 percent?
6 Or -- is she okay with it? And if not, why
7 did she not put that in her budget?

8 Because, you know, if you get it in
9 the budget, that shows your priority. Why
10 did she not put that provision in her budget?

11 NYSERDA PRESIDENT HARRIS: Thanks for
12 the question.

13 So specific to where we are on
14 cap-and-invest, we --

15 ASSEMBLYMAN PALMESANO: President
16 Harris, with all due respect, does the
17 Governor support a 63-cent price increase at
18 the pump and a 79 percent increase in natural
19 gas costs for New Yorkers? And if not, why
20 did she not put it in her budget?

21 That was one way -- it wouldn't have
22 changed any of the clean energy goals, and
23 then we could have addressed it. It still
24 would have went up if you didn't have

1 100 years; it still would have gone up, but
2 not as much.

3 So if she does, why didn't she put it
4 in her budget?

5 NYSERDA PRESIDENT HARRIS: I see your
6 question. Sorry, I wasn't understanding --
7 so you're specifically tying this to the
8 accounting question?

9 ASSEMBLYMAN PALMESANO: Absolutely.

10 NYSERDA PRESIDENT HARRIS: Understood.

11 ASSEMBLYMAN PALMESANO: Change it to a
12 hundred years and --

13 NYSERDA PRESIDENT HARRIS: So
14 certainly we went about the process of
15 socializing this potential change last year,
16 and I think we can all agree that the
17 resounding answer was that that was not
18 something that the state was interested in
19 taking up, including this body here.

20 ASSEMBLYMAN PALMESANO: Okay, can --
21 I'm going to try --

22 NYSERDA PRESIDENT HARRIS: So I will
23 just say that is not our focus as we speak.
24 We're focusing on implementing --

1 ASSEMBLYMAN PALMESANO: So -- wait a
2 minute, though. I'm sorry, I only got five
3 minutes. And I don't want to interrupt you,
4 but I know you're going to talk.

5 So the Governor's okay, obviously, if
6 she's not putting it in her budget, it's not
7 a priority, she don't want to fight for it.
8 We know it's going to increase prices at the
9 pump for New Yorkers who are watching this,
10 listening, by 63 cents a gallon and increase
11 natural gas costs for New Yorkers by
12 79 percent. That's what's going to happen to
13 families, farmers and businesses.

14 So my next question is for
15 Commissioner Seggos --

16 NYSERDA PRESIDENT HARRIS: Yes, so let
17 me answer that question directly.

18 (Overtalk.)

19 NYSERDA PRESIDENT HARRIS: The answer
20 to that is -- the answer to that is no. The
21 answer to that is no.

22 ASSEMBLYMAN PALMESANO: Well, then,
23 why didn't she put it in her budget?

24 NYSERDA PRESIDENT HARRIS: Because

1 we're not at that point in the process.

2 ASSEMBLYMAN PALMESANO: Well, we are
3 at that point.

4 NYSERDA PRESIDENT HARRIS: The
5 scenarios that we've advanced will --

6 ASSEMBLYMAN PALMESANO: All right.
7 President Harris --

8 NYSERDA PRESIDENT HARRIS: Yeah,
9 certainly. But the answer is --

10 ASSEMBLYMAN PALMESANO: Thank you. We
11 can talk another time. I want to ask a
12 question about reliability.

13 NYSERDA PRESIDENT HARRIS: -- the
14 answer is no.

15 ASSEMBLYMAN PALMESANO: Yeah, well,
16 then, she should have put it in her budget if
17 she doesn't.

18 Reliability. The NYISO, Mr. Seggos --
19 Commissioner Seggos -- says that we're 27 to
20 45 gigawatts short of dispatchable
21 emission-free resources to meet the CLCPA
22 goals by 2040 and with the Climate Action
23 Council plans. But we have no idea --
24 dispatchable doesn't include wind and solar.

1 But there's no technology, there's no
2 resources -- we don't know if we're going to
3 allow renewable natural gas, renewable
4 propane, nuclear. What can be done in that?

5 And you're -- the DEC is responsible
6 for approving air permits. There's a
7 proposal not to allow new natural gas power
8 plants. You've declined permits for new
9 plants. You've denied renewals for air
10 permits. Why are we tearing down -- you
11 don't tear down a bridge before you build a
12 new one, and that's what we're doing. We're
13 shutting down our whole infrastructure before
14 the technology and resources are in place.

15 How are you addressing reliability
16 with this plan? Because it seems like
17 reliability, just like costs, are not part of
18 the equation.

19 DEC COMMISSIONER SEGGOS: There's a
20 lot there. I will just say that we are
21 working hand in glove, in particular with the
22 Department of Public Service, to matters of
23 reliability. We don't make those
24 determinations at DEC. We are air

1 regulators.

2 And I'll maybe let Doreen finish her
3 answer on the first question.

4 NYSERDA PRESIDENT HARRIS: Well,
5 certainly on the first question I'd point you
6 to the scenarios we've produced, none of
7 which would produce a result of the numbers
8 you are quoting. That's really where we're
9 focusing our cap-and-invest program.

10 CHAIRWOMAN WEINSTEIN: Thank you. The
11 time is up.

12 We go to Senator Mattera, ranker, five
13 minutes.

14 SENATOR MATTERA: Great, thank you,
15 Chair. And I heard you gave me your five
16 minutes also, and I thank you for that, so I
17 have 10 minutes then.

18 (Laughter.)

19 SENATOR MATTERA: First of all, I'd
20 like to thank you, Commissioner and
21 President Harris, for being here today. And
22 I know you guys got a tough job ahead of you.

23 And this is just quick for our
24 Commissioner Seggos. I appreciate it very,

1 very much for you having an August listening
2 tour that was very informal for everybody
3 about the Bond Act money and everything like
4 that.

5 Quick question, the Gyrodyne property,
6 I actually -- before, I asked the question
7 but that maybe DEC is looking at the Gyrodyne
8 property to purchase that for the open space.
9 Do you know anything about that, Gyrodyne
10 St. James?

11 DEC COMMISSIONER SEGGOS: I don't know
12 that firsthand, but my staff may. I can get
13 back to you on it.

14 SENATOR MATTERA: All right, get back
15 to me.

16 So to my -- to President Harris, this
17 is going to be very interesting. You know,
18 I'm going to get right away with the battery
19 storage. I'm going to get into this right
20 now going on fire. Zinc8 pulled out because
21 they lost \$68 million, lost 500 jobs. What
22 are we doing about all these fires that are
23 going on in all -- all the different areas?
24 Right now we have battery fires in Warwick,

1 out in Chaumont and even East Hampton,
2 Long Island, with this experiment -- that's
3 what I call this battery storage, an
4 experiment.

5 What are we doing about this, please?

6 NYSERDA PRESIDENT HARRIS: Yes,
7 certainly. And it is true that Governor
8 Hochul made quick work of forming the
9 Inter-Agency Fire Safety Working Group on the
10 third fire in Chaumont, as you had
11 identified.

12 And I'd say there's been a number of
13 work streams that are important to note, one
14 of which is really assessing the initial
15 findings regarding those fires -- air
16 quality, soil, water data. And we released
17 that last year showing that there was no
18 contamination in any respect from those three
19 fires. So I think that's an important
20 deliverable.

21 SENATOR MATTERA: I understand that.

22 But what are we doing about this situation
23 with these fires and this toxin -- are you
24 going to tell me there was nothing, no toxic

1 fumes going up in the air with all these
2 fires that you can't put out?

3 NYSERDA PRESIDENT HARRIS: That's what
4 the analyses showed, and we did release them.

5 SENATOR MATTERA: Really? That is --
6 that is amazing, that in other words all
7 those toxic fumes aren't doing anything to
8 our environment.

9 And what are we doing about that? In
10 other words, they're going on fire. I mean,
11 what are we doing about these battery storage
12 facilities and people pulling out? Just
13 like -- just like the company that lost
14 \$68 million, Zinc8. Five hundred jobs were
15 lost because obviously this is failing
16 miserably. Just like what my colleague just
17 was saying.

18 NYSERDA PRESIDENT HARRIS: So
19 yesterday I do want to point, in case you
20 didn't see, that another deliverable was
21 issued, which is really some recommendations
22 from the working group as to how we can
23 improve both from a siting, a codes
24 perspective, a training perspective, a

1 regulatory perspective and beyond.

2 SENATOR MATTERA: So this is an
3 experiment, then. That in other words all
4 the -- all of us ratepayers are going to be
5 paying triple to quadruple because of what's
6 happening here. So again, this is an
7 experiment.

8 How are we going to implement this
9 plan when all solar arrays are being canceled
10 upstate because of the high cost and
11 interconnection difficulties? The battery
12 projects are being canceled because of the
13 high cost, and offshore wind prices could
14 come in at two to three times the current
15 cost of electricity in New York State.

16 NYSERDA PRESIDENT HARRIS: Well, what
17 you're speaking of is really a situation in
18 which, much like many commodities across the
19 world, we're struggling, right, from
20 inflation, supply chain issues, interest-rate
21 hikes, et cetera.

22 We have upheld the commission's
23 longstanding process of competitive
24 principles. So as we speak, NYSERDA's in the

1 midst of a competitive RFP in which the
2 market will be competing to re-initiate their
3 agreements in that manner.

4 Time will tell on the price
5 implications. Certainly that's --

6 SENATOR MATTERA: And who's going
7 to -- and please, President, who is going to
8 be paying for this? Please let all
9 New Yorkers know who is going to be paying
10 for this experiment.

11 NYSERDA PRESIDENT HARRIS: Well, I
12 would never use the word "experiment" --

13 SENATOR MATTERA: Well, I can.

14 NYSERDA PRESIDENT HARRIS: Okay, but
15 in my world, what I would say is these are
16 technologies that are being deployed at scale
17 across the world --

18 SENATOR MATTERA: No, no, who is --
19 please, just answer it. Please, all
20 New Yorkers need to know because they're
21 going to be losing their natural gas and
22 their propane. Who is going to be paying for
23 all of this, that right now we have no idea
24 where it's going and, guess what, wind, solar

and battery storage is not going to take care of what the CLCPA mandate is looking forward to do.

So who -- please, let all New Yorkers know, who is going to be paying for this?

NYSERDA PRESIDENT HARRIS: Well, in the current world, many --

SENATOR MATTERA: Oh, boy, you're still not answering me. Let us know that, guess what, the ratepayers are going to be paying for this experiment.

NYSERDA PRESIDENT HARRIS: Well, as we described, we're advancing a cap-and-invest program that actually would put the costs on polluters.

So I would say in the transition,
that's where we are heading.

SENATOR MATTERA: So we are saying that the ratepayers -- ratepayers will be paying for this, triple to quadruple their rate -- their pay -- their utility bills.

You can say yes.

CHAIRWOMAN WEINSTEIN: The --

NYSERDA PRESIDENT HARRIS: That it --

1 no. No.

2 (Laughter.)

3 CHAIRWOMAN WEINSTEIN: Okay. So now
4 we go to the Assembly.

5 Assemblywoman Woerner.

6 ASSEMBLYWOMAN WOERNER: Thank you both
7 very much.

8 I want to use my three minutes to ask
9 about something that was in the Governor's
10 State of the State but didn't quite make it
11 into the final budget, and that is a study
12 around the low-carbon fuel standard.

13 You may have read that yesterday the
14 State of New Mexico joined the list of states
15 that are embracing the low-carbon fuel
16 standard as a means to dramatically reduce
17 the emissions from the transportation sector.

18 California has been doing this the
19 longest; they've got now I think -- you know,
20 well over 60 percent of their diesel is
21 renewable diesel. They've taken out hundreds
22 of millions of tons of emissions in the
23 transportation sector.

24 Where is New York on the low-carbon

1 fuel standard?

2 DEC COMMISSIONER SEGGOS: Hmm. Well,
3 the Governor has made it very clear to us
4 that we have to keep affordability in mind in
5 everything that we do when it comes to
6 climate. So as you know, we've launched a
7 cap-and-invest program that's underway right
8 now. The Governor in the State of the State
9 directed us to study how we would pursue a
10 low-carbon fuel standard here in New York and
11 ultimately, as we approach it, the DEC and
12 NYSERDA, we want to see how it can be
13 integrated into all the various programs that
14 we have -- again, keeping costs low and
15 making sure that we're not putting more of a
16 burden on New Yorkers during this transition
17 period.

18 So we will be studying this. We know
19 that the Climate Action Council weighed in on
20 it. But New York is different than
21 Washington and California. We need to -- and
22 New Mexico, to that point. We need to make
23 sure that if this is something the state goes
24 after, that it fits into all of our programs.

1 ASSEMBLYWOMAN WOERNER: So thank you
2 for that.

3 So I assume that you need no
4 additional funds to study this.

5 DEC COMMISSIONER SEGGOS: Correct.

6 NYSERDA PRESIDENT HARRIS: That's
7 right.

8 ASSEMBLYWOMAN WOERNER: Okay,
9 fantastic.

10 So I'm not sure that I agree with the
11 premise that New York is different than these
12 other states. New York has road miles, it
13 has trucks and airplanes and marine vessels
14 that travel on those road miles and in the
15 air and on the water. So under what
16 circumstances do we say that New York is
17 different than California? And certainly the
18 low-carbon fuel standard, coupled with the
19 cap-and-invest in California, has proven to
20 be a successful combination.

21 DEC COMMISSIONER SEGGOS: Understood.
22 I mean, New York is different than California
23 in the sense that more people take mass
24 transit in New York than in California. We

1 have a different fuel mix, we have different
2 winters. We have, you know, concentrated
3 populations. We have very rural areas. I
4 understand that there are very rural areas in
5 California as well. But to the extent
6 that --

7 ASSEMBLYWOMAN WOERNER: -- very
8 concentrated population centers, I would say.

9 DEC COMMISSIONER SEGGOS: To the
10 extent we launched a program like this in
11 New York, it has to be New York-specific, and
12 that's the intent of our study.

13 ASSEMBLYWOMAN WOERNER: Thank you very
14 much.

15 DEC COMMISSIONER SEGGOS: Thank you.

16 CHAIRWOMAN WEINSTEIN: Senate?

17 CHAIRWOMAN KRUEGER: Thank you.

18 Senator May.

19 SENATOR MAY: Thank you.

20 And thank you for -- I missed your
21 testimony, and I hope my questions won't --

22 DEC COMMISSIONER SEGGOS: It was
23 great.

24 (Laughter.)

1 SENATOR MAY: Oh, I'm sure.

2 I had a question for
3 Commissioner Seggos about some language in
4 the State of the State book that said that
5 DEC is poised to begin stakeholder outreach
6 about reforming the SEQRA process for housing
7 construction.

8 Is that true? And can you tell me
9 where you are in that process and what you
10 anticipate?

11 DEC COMMISSIONER SEGGOS: Sure.
12 For -- so in the grand scheme of housing
13 development there are a number of barriers
14 that the Governor wants a number of agencies
15 to explore how to overcome.

16 SEQR is a part of that, so we're going
17 to explore SEQR -- what within SEQR can we
18 do, if there are any tweaks necessary to
19 facilitate the growth of housing, and while
20 respecting the protection of our natural
21 resources.

22 So something will be undertaken this
23 year.

24 SENATOR MAY: Thank you. And you

1 probably know I carry legislation to that
2 effect, and one of the points is to
3 discourage some of the sprawl development
4 that happens when some of these -- some
5 infill housing gets denied or is not able to
6 move forward because of lawsuits and things
7 like that.

8 So I don't know to what extent you can
9 take a broad brush on the environmental
10 impact of a project, but I would love to talk
11 with you about that.

12 DEC COMMISSIONER SEGGOS: We'd welcome
13 the discussion on that.

14 SENATOR MAY: And let me also just
15 talk about PFOS testing. I know that DEC has
16 started doing some -- requiring some
17 disclosures from facilities that might be
18 emitting PFOS into water, New York drinking
19 water sources.

20 Is there a plan to expand that to
21 other sites as well?

22 DEC COMMISSIONER SEGGOS: Very much
23 so. I mean, we are digging everywhere,
24 drilling everywhere and testing everything

1 for PFOS. Unfortunately, we're finding it
2 everywhere. And we're -- that in a way
3 helped launch the renaissance of water
4 investment here in New York State.

5 So that will very much continue. You
6 know, we've looked at the landfills. We're
7 looking now at industrial users, seeing the
8 potential impacts on water supplies, drinking
9 water and otherwise. It would be something
10 that we help to lead in the country until
11 there's truly federal leadership and money on
12 this.

13 We're heartened by the progress of the
14 Biden administration thus far to make this a
15 national problem to be solved.

16 SENATOR MAY: Tremendous.

17 And my last question is last year the
18 Governor had language about expanding the
19 Bottle Bill and EPR in the budget. It's not
20 in the budget now that I've seen. Is that --
21 should I take that to mean she's waiting for
22 us to come up with good legislation and will
23 support it when we do?

24 DEC COMMISSIONER SEGGOS: Well,

1 listen, I think the Governor made clear that
2 we need to do something about solid waste,
3 and that involves reducing the amount of
4 solid waste that we generate. We're in the
5 middle of a needs assessment right now which
6 would ultimately inform -- potentially inform
7 the direction the Legislature goes on this.
8 We'd expect to be at the table with it, with
9 all of you, as that happens.

10 SENATOR MAY: Tremendous. I
11 appreciate that. Thank you, though.

12 DEC COMMISSIONER SEGGOS: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Stern.

17 ASSEMBLYMAN STERN: Thank you,
18 Madam Chair.

19 Commissioner, good to see you.

20 DEC COMMISSIONER SEGGOS: Good to see
21 you.

22 ASSEMBLYMAN STERN: President Harris,
23 good to see you as well.

24 NYSERDA PRESIDENT HARRIS: Likewise.

1 ASSEMBLYMAN STERN: Thank you. Thank
2 you for being here.

3 So, pleased to see that NYSERDA issued
4 an RFI on agrivoltaics research and
5 development last year. These projects are
6 critical to ensure the viability of farmland
7 and help the state achieve its renewable
8 energy goals under the CLCPA.

9 However, there still hasn't -- we
10 haven't seen yet a recommendation from
11 NYSERDA regarding the agrivoltaics adder for
12 the NY-Sun program. NYSERDA was directed to
13 put, you know, something out on this in the
14 PSC order from April 2022. Can you tell us,
15 what's the status of that -- of the NYSERDA
16 proposal and when we may -- we expect to see
17 that information come out on the agrivoltaics
18 adder.

19 NYSERDA PRESIDENT HARRIS: Certainly.
20 I'm glad to hear of your interest in
21 agrivoltaics, first of all. But also the
22 fact that we've got a number of different
23 workstreams underway on the topic of
24 agrivoltaics, including the work going on at

1 Cornell University in that respect.

2 In many ways the RFI is intended to
3 inform next steps. We have \$5 million that
4 we are intending to advance. It could be
5 advanced in a lot of different ways; thus the
6 RFI is the best way to really inform the
7 investments that we will be making, which
8 could certainly bolster the investments at
9 Cornell and beyond.

10 As to the NY-Sun program, I would say
11 I will need to check on the exact timing.
12 But as I'm understanding it, they've been
13 hard at work on various enhancements to the
14 NY-Sun program, and I'm committed to
15 following up with you directly as to the
16 timing of the filing.

17 ASSEMBLYMAN STERN: All right, thank
18 you.

19 NYSERDA PRESIDENT HARRIS: Thank you.

20 ASSEMBLYMAN STERN: One last question
21 for you. We see the storage moratoriums
22 throughout the state. So my question is,
23 what if anything is NYSERDA doing at this
24 point to work with municipalities to provide

1 information and/or guidance as these
2 moratoriums play out across the state? What
3 might we expect to see as NYSERDA's
4 involvement in providing that kind of
5 guidance to municipalities throughout the
6 state?

7 NYSERDA PRESIDENT HARRIS: Yes,
8 certainly. So I had reflected on our work in
9 the Inter-Agency Fire Safety Working Group.
10 I'll leave that to say that that's a very
11 active process to really address some
12 technical issues that we need to consider in
13 siting.

14 But as to the actual engagement with
15 communities, NYSERDA does have a Clean Energy
16 Siting Team. We've worked with 425
17 communities thus far around the state. So
18 it's about a quarter of the communities.

19 The questions used to be about solar
20 in the large portion, but now we expanded our
21 capacity in storage, so we can build on that.
22 We can build on that.

23 ASSEMBLYMAN STERN: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Helming.

2 SENATOR HELMING: Thank you, Chair
3 Krueger.

4 Commissioner, thank you for your
5 testimony. President, thank you for your
6 testimony. I appreciate it. So little time
7 and so many questions. Making sure that we
8 have adequate clean water funding for our
9 small villages, our towns and our counties.
10 The safety, the reliability, and the costs
11 associated with the electric school buses.
12 HABs and protecting all of our Finger Lakes.
13 Building flooding resiliency in Lake Ontario
14 and actually in all of our communities. And
15 something else that is so important to people
16 I hear from: That's giving back the power to
17 make decisions about solar and wind projects
18 to local communities, local elected
19 officials. It impacts their quality of life.
20 They need to have more of a say.

21 But since I have such little time, I'm
22 really going to focus on two questions, and
23 to me it's all about saving upstate jobs,
24 something that we don't talk enough about.

1 I've heard from so many upstate manufacturing
2 companies that are concerned about the
3 uncertainty surrounding the energy-intensive
4 and trade-exposed industries designation.
5 Their question is, when will we know whether
6 or not we're in or we're out? We're trying
7 to make long-term decisions now about our
8 company. Do we keep our jobs here in New
9 York State, or do we go to a more friendly
10 state?

11 So what I'm looking for is what
12 assurance, Commissioner, can you provide to
13 these businesses about their future in
14 New York State?

15 DEC COMMISSIONER SEGGOS: Well,
16 Senator, thanks for raising that. I mean,
17 that's why we're taking a very careful
18 approach to launching this cap-and-invest
19 program so that we actually have a legitimate
20 discussion with the regulated industry about
21 it. Remember --

22 SENATOR HELMING: Are you having
23 this -- I'm sorry, my time is so limited,
24 but --

1 DEC COMMISSIONER SEGGOS: We're having
2 this discussion now. We're having this
3 discussion now.

4 SENATOR HELMING: So I would like to
5 hear from you, and I'd like to talk to you
6 about some specific companies and how you're
7 communicating with them. Because what I'm
8 hearing is there's no feedback. And they're
9 making decisions now on whether to stay here
10 in New York State with their jobs or do they
11 pull out.

12 DEC COMMISSIONER SEGGOS: We'd welcome
13 the discussion.

14 SENATOR HELMING: Okay. Along that
15 line too, I'm hearing from numerous food
16 manufacturers about the extended producer
17 responsibility discussions that are going on.
18 What I'm hearing is that they propose these
19 criteria and implementation dates that are
20 not realistic. They can't possibly meet
21 these. They can't change over as quickly as
22 what's being discussed.

23 Again, it's creating uncertainty among
24 these companies that we need in our

1 communities. Not only do they supply jobs,
2 but there are so many other smaller companies
3 that rely on them. You know, they donate to
4 our Little Leagues and so much more to
5 support our communities.

6 So again, I want to say to you that we
7 need to make sure we're having conversations
8 with them, they're involved in whatever
9 discussions are going on, because we don't
10 need them leaving out of state.

11 So what is being done by DEC to work
12 with food manufacturers to ensure a workable
13 approach to the EPR and, more importantly, to
14 keep more waste out of our landfills?

15 DEC COMMISSIONER SEGGOS: Great
16 question. In my six seconds I'll say that we
17 aren't advancing EPR this year, but we're
18 working with the Legislature on a needs
19 assessment, and we'll make that public and
20 engage the stakeholders along the way.

21 SENATOR HELMING: Thank you.

22 DEC COMMISSIONER SEGGOS: Thank you.

23 CHAIRWOMAN KRUEGER: Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Shrestha.

2 ASSEMBLYWOMAN SHRESTHA: Hi. Thank
3 you. My questions are for Doreen.

4 So what do you think are the risks
5 facing renewable development in our state?
6 You know, the primary reasons for the recent
7 cancellations, I think you said upwards of
8 80. And how is NYSERDA hoping to address
9 these risks going forward?

10 NYSERDA PRESIDENT HARRIS: Yes,
11 certainly. The three primary reasons that
12 we're seeing the challenges in this industry,
13 as I said earlier, relate to what has become
14 a global energy crisis -- inflation, supply
15 chain and interest rates are really the
16 drivers of the challenges that we've seen.

17 And so we've amended our RFPs in
18 particular in ways to account for those
19 risks, still balancing the risks between
20 consumer and developer, notably through
21 including inflation adjusters in our RFPs and
22 including ways in which the interest rate
23 challenges can be hedged.

24 So for all of those reasons, we're

1 seeing a very strong industry response. I
2 mentioned the Governor's 10-point plan. We
3 ran RFPs in an expeditious manner and are
4 seeing the industry respond with what are
5 very late-stage projects, actually, that can
6 move forward quite quickly.

7 ASSEMBLYWOMAN SHRESTHA: And you
8 mentioned previously the new authorization of
9 NYPA to build its energy. Do you think that
10 the publicly built renewables are much more
11 protected from those factors that you
12 mentioned?

13 NYSERDA PRESIDENT HARRIS: Well,
14 certainly President Driscoll could weigh in
15 directly, but I would say there are very
16 specific and important ways that NYPA is
17 advancing their own contributions toward this
18 big -- big goal of ours. I'm sure he'll
19 share some of them this afternoon.

20 However, NYPA is not shielded from
21 those challenges either. These projects are
22 very capital-intensive and they require
23 financing that has impacted NYPA or
24 otherwise. They do have some specific

1 benefits, though, that I hope he'll expand
2 on.

3 ASSEMBLYWOMAN SHRESTHA: Okay. And
4 would you say that NYPA's authorization is
5 part of -- like plays a picture in how you
6 hope to address some of these --

7 NYSERDA PRESIDENT HARRIS: Definitely.
8 And we've seen this year, through their
9 conferral process and through an RFI they've
10 issued, that they're seeing places that they
11 can slot in that is complementary to the work
12 we're doing today.

13 ASSEMBLYWOMAN SHRESTHA: Okay. And
14 then lastly, in light of the rebidding
15 process, what will be the impact on
16 New Yorkers' energy bills? And how does --
17 how do you think NYSERDA will ensure
18 affordability to energy-burdened
19 disadvantaged communities?

20 NYSERDA PRESIDENT HARRIS: Definitely
21 so. And that is -- in fact, the Public
22 Service Commission's denial of the petitions
23 reflected on the need for a competitive
24 process to bring forward the best prices for

1 consumers. So that's just what we're doing
2 now. We have not concluded the RFPs, but
3 when they are concluded, we will release
4 detailed cost numbers for the procurements
5 that we have run.

6 ASSEMBLYWOMAN SHRESTHA: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Senator Gonzalez.

9 DEC COMMISSIONER SEGGOS: Hi.

10 SENATOR GONZALEZ: Hello. So thank
11 you so much for being here today.

12 Commissioner Seggos, this is for you.

13 I want to start off by thanking you
14 for your career of service defending the
15 vulnerable waterways of New York. As a
16 former Riverkeeper attorney who sued
17 ExxonMobil for its actions in and around
18 Newtown Creek, these questions should be
19 familiar to you. I do have the honor of
20 representing Newtown Creek today, and so I
21 wanted to focus on that and ask a few
22 questions about the work that we're doing
23 with EPA.

24 So, you know, my first question is

1 regarding the Superfund site and the
2 integration of DEC with the work of the EPA.
3 EPA has jurisdiction over the creek and
4 waterway, and DEC has jurisdiction over the
5 upland sites, but this division has slowed up
6 the rollout of progress.

7 So could you speak to what the
8 challenges have been working across levels of
9 government with the EPA?

10 DEC COMMISSIONER SEGGOS: Well, I
11 think it's always a challenge working with
12 multiple authorities and agencies at levels
13 of government to effectuate cleanups. But
14 we've been very successful over the last
15 couple of years, certainly with the
16 leadership of Lisa Garcia in Region 2, who
17 has deep knowledge of both DEC and Newtown
18 Creek that's helped to break down some
19 historic barriers.

20 And I believe we are coordinating very
21 well on this. Even though we have different
22 jurisdictions, we certainly are able to
23 exchange information, perspectives. We want
24 whatever we do in the uplands, right -- all

1 that water's going to flow toward the body of
2 water -- to integrate well with what they're
3 doing on the Superfund site. And it is a
4 challenge, but it's one that we can -- we can
5 balance, given the commitment we both have.

6 SENATOR GONZALEZ: A hundred percent.

7 And given that it's the most polluted
8 waterway, you know, definitely a priority for
9 us and I know for you.

10 We're also aware that the Greenpoint
11 energy center Superfund site had a remedial
12 investigation about seven years ago. Do you
13 have an update on when we can expect a draft
14 of this report?

15 DEC COMMISSIONER SEGGOS: Good
16 question. I don't have an update on the
17 timing of the draft report, but I can get
18 that to you.

19 SENATOR GONZALEZ: Thank you so much.

20 And another issue that I hear a lot
21 about from constituents is air pollution in
22 and around the creek. Just two weeks ago DEC
23 issued Green Asphalt a notice of violation
24 for this. So this notice of violation that

1 was issued only after complaints by numerous
2 residents, does DEC have the resources to
3 find and investigate air quality issues like
4 this one?

5 DEC COMMISSIONER SEGGOS: We do. I
6 mean, we -- as I mentioned in my testimony,
7 \$1.75 million in fines last year on air
8 pollution.

9 We rely on reports, though. That's
10 why we have a hotline. So we want to take
11 the reports from the public when they see
12 something, say something, come to us and
13 we'll send our investigators out.

14 SENATOR GONZALEZ: Right. And of
15 course it's great to have folks who are so
16 engaged and accessing that hotline, but we
17 also want to take a proactive approach --

18 DEC COMMISSIONER SEGGOS: Agreed.

19 SENATOR GONZALEZ: -- so we don't get
20 to the point where folks are so frustrated
21 with the air pollution in the area.

22 And then finally, I'm sure you know
23 that, you know, Newtown Creek has faced
24 decades of combined sewage overflows. It's

1 incredibly stressful, especially with the
2 climate crisis worsening.

3 What are you doing about stormwater?
4 As storm amounts increase, what are you doing
5 to address increasingly problematic CSOs?

6 DEC COMMISSIONER SEGGOS: Great
7 question. So the CSO problem is acute in
8 New York City. It's getting extraordinarily
9 better -- billions of dollars invested from
10 the state and the city. And I can give you
11 more breakdown on that.

12 SENATOR GONZALEZ: Great. I
13 appreciate it. Thank you.

14 DEC COMMISSIONER SEGGOS: Thanks.

15 CHAIRWOMAN KRUEGER: (Mic off) -- and
16 any more detail you want to offer us in
17 writing --

18 DEC COMMISSIONER SEGGOS: Happy to.

19 CHAIRWOMAN KRUEGER: -- a very long
20 question and a very short answer --
21 {inaudible}.

22 Assembly.

23 CHAIRWOMAN WEINSTEIN: Assemblyman
24 Epstein.

1 ASSEMBLYMAN EPSTEIN: Thank you both.

2 As our rapid questions continue, for
3 the Bond Act, I want to make sure there's
4 infrastructure available for composting
5 infrastructure. I know we raised that in the
6 questions; if you can get back to me on that.

7 DEC COMMISSIONER SEGGOS: Okay.

8 ASSEMBLYMAN EPSTEIN: I appreciate
9 that.

10 I know you raised the issue about
11 potential buses in the Bond Act, and I think
12 there's a lot of concern on our front that
13 the buses could overtake the \$4.2 billion.
14 So I'm wondering if there's any cap related
15 to the potential buses in the Bond Act, and
16 what that cap might look like. Because we
17 know, we've heard from our colleagues
18 about the costs associated with the -- not
19 just the buses themselves, but the
20 infrastructure for the buses.

21 DEC COMMISSIONER SEGGOS: Maybe I'll
22 have Doreen answer that one.

23 NYSERDA PRESIDENT HARRIS: Yes,
24 certainly.

1 So the amount of funds committed to
2 buses through the Bond Act is \$500 million.
3 So that's where that wedge sits. Does that
4 answer your question?

5 ASSEMBLYMAN EPSTEIN: Yeah. I just --
6 I think we're going to need more money for
7 buses and we're --

8 NYSERDA PRESIDENT HARRIS: Definitely.

9 ASSEMBLYMAN EPSTEIN: But the Bond Act
10 can't be the vehicle for doing that. So I
11 just want to --

12 NYSERDA PRESIDENT HARRIS: Correct.
13 Yeah, we're -- as I had indicated earlier,
14 one major source of funding we're utilizing
15 is the federal EPA grants that's really going
16 to allow us some very major leverage.

17 And obviously cost reductions along
18 the way.

19 ASSEMBLYMAN EPSTEIN: Right. Thanks.

20 Just to go to the EPF, first I can --
21 you know, obviously the -- we note about
22 trying to take -- this divert money to
23 staffing is I think a concern for all of us,
24 just because -- but part of my concern is the

1 really cuts in money for recycling and the
2 really limited number for composting,
3 \$2.5 million for composting of food waste and
4 only 16 million for recycling statewide.

5 So I'm wondering, you know, how
6 important that is, especially with Executive
7 Order 22, especially on our municipal sites,
8 how we get those numbers up to really kind of
9 get to a place where we're doing enough waste
10 reduction that we need to do around the
11 state.

12 DEC COMMISSIONER SEGGOS: Yes, our
13 10-year plan for waste in New York State
14 recognizes waste reduction, reuse, as much as
15 possible diverting from landfills. I mean,
16 that's -- and the EPF will be one small tool
17 to help us get there.

18 Ultimately this is going to be
19 give-and-take between us and the
20 municipalities.

21 ASSEMBLYMAN EPSTEIN: I encourage us
22 to just add to that in the EPF just because
23 we're going to really need some resources,
24 and municipalities are going to need money,

1 we're going to need money to advance that
2 throughout the system.

3 DEC COMMISSIONER SEGGOS: Got it.

4 ASSEMBLYMAN EPSTEIN: Just on the
5 charging infrastructure, I know 13,000
6 stations -- great. But we'd love to know,
7 within that number, how many of those are
8 publicly available to the public who are not,
9 you know, in a building or behind a paywall
10 for a garage. Because this is a concern I
11 know you know that I care about, is like
12 getting enough people who are middle-class
13 folks to be able to move to EV vehicles. If
14 all of these are like in buildings and behind
15 those paywalls, it's going to be really
16 important to kind of move that in a different
17 direction. So I'd love to have that number.
18 I'd love to hear what that might look like.

19 NYSERDA PRESIDENT HARRIS: Totally.
20 So the 13,000 is publicly available,
21 that's --

22 ASSEMBLYMAN EPSTEIN: But publicly
23 available as defined in the statute doesn't
24 mean publicly available like on the street

1 where someone can just drive up. Or in a
2 mall where someone can drive up. So publicly
3 available can mean in a garage or other
4 places.

5 So -- and just quickly, three seconds,
6 indoor air quality, love to hear more about
7 where we are, indoor air quality and
8 regulations on that.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 To the Senate.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Borrello.

13 SENATOR BORRELLO: Thank you,
14 Madam Chair.

15 First of all, Commissioner Seggos,
16 always good to see you. Thank you for your
17 help on our lakes and waterways issues and in
18 our region. Appreciate that engagement.

19 DEC COMMISSIONER SEGGOS: Thank you,
20 Senator.

21 SENATOR BORRELLO: Thank you.

22 And I guess just to both of you, look,
23 I think you've heard from people on both
24 sides of the aisle there are concerns here

1 about reliability and affordability in this
2 push by 2040.

3 But let's talk about the numbers here
4 as far as generating capacity. Okay? Right
5 now, in the last 25 years, we've only brought
6 on 12.9 gigawatts of new power. And we're
7 going to need something like 111 more
8 gigawatts of new power by 2040. Where's that
9 going to come from?

10 Now, the other issue is wind and solar
11 make up 6 percent of our current portfolio,
12 which is about 7.5 gigawatts. And we're
13 looking at 70 gigawatts in order to -- which
14 is projected to be needed in wind and solar.
15 This is just not achievable. It's not
16 practical. But also, we're really throwing
17 out, first and foremost, reliable forms of
18 energy like natural gas. There's nothing in
19 the CLCPA that says we need to eliminate
20 reliable forms of energy like natural gas,
21 which is a lower carbon footprint. But we're
22 also ignoring things like RNG, green
23 hydrogen, you know, other forms of supply,
24 increasing our capacity for hydroelectric

1 power -- New York State's I think number
2 three in the nation for hydroelectric power
3 now.

4 Why are we one-trick ponies with wind
5 and solar?

6 NYSERDA PRESIDENT HARRIS: Thank you
7 for asking that question.

8 I agree that we have had a very clear
9 focus on renewables because of the
10 immediacy of our 2030 goals that are part of
11 the Climate Law. And I'm encouraged by the
12 fact that in the coming year you may have
13 noticed the Public Service Commission has
14 kicked off a proceeding which is asking just
15 your question, which is what does a
16 zero-emission grid in 2040 look like.

17 And in that proceeding we will be
18 analyzing potential contributions from
19 resources like those you indicated, including
20 nuclear power as another example of a
21 resource.

22 SENATOR BORRELLO: Well, I'm glad to
23 hear that, because I think most of my
24 colleagues on the other side of the aisle are

1 not embracing nuclear power, which is going
2 to be needed.

3 Also, when you say zero-emission grid,
4 what are we going to do about the increasing
5 number -- amount of power that we're
6 importing from other states? You know, from
7 places like Homer City, Pennsylvania, which
8 is a dirty, old-fashioned coal plant. We are
9 now ramping up and importing more power than
10 we ever have. Does zero-emission mean we're
11 going to pretend we're zero-emission and
12 still import more power, or are we going to
13 cut those cords and be truly zero-emission?

14 NYSERDA PRESIDENT HARRIS: So one of
15 the first questions before the commission is
16 actually the question you just asked, which
17 is what is a zero-emission resource,
18 according to our law, and how will it be
19 accounted for. So I would just sort of put
20 that in one place.

21 But as to how we count, you're
22 absolutely right, we count imports toward our
23 goals. And if we are importing natural gas
24 or coal or anything like that, it is

1 reflected in the ways we contribute. So we
2 are impacted by the interconnected grid for
3 sure.

4 SENATOR BORRELLO: Importing power is
5 a horrible way to do this, and it's
6 pretending that we're zero-emission, in my
7 opinion.

8 But thank you for your responses.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 I just wanted to alert Assemblymembers
11 that the next handful of members is going to
12 be McDonald, Burdick, Giglio, Fahy, Simon,
13 Lemondes, McMahon.

14 I just want to remind those members if
15 you're not here when we call your name,
16 you'll have to wait till next year --

17 (Laughter.)

18 CHAIRWOMAN WEINSTEIN: -- to ask your
19 question.

20 So now we go to Assemblyman McDonald.

21 ASSEMBLYMAN McDONALD: Present.

22 Doreen and Basil, it's good to see
23 you. Thank you for being here.

24 DEC COMMISSIONER SEGGOS: Good to see

1 you.

2 NYSERDA PRESIDENT HARRIS: Likewise.

3 ASSEMBLYMAN McDONALD: Doreen, I'm
4 going to start with you.

5 You know, as you know, myself and
6 Member Fahy and Senator Breslin have an
7 interest in the Port of Albany, so therefore
8 we have an interest in offshore wind.

9 So you mentioned it earlier when
10 Member Barrett asked a question, but for
11 New York 4, are we pretty confident that
12 there's going to be some awards at the end of
13 February?

14 NYSERDA PRESIDENT HARRIS: Oh, you're
15 making me answer a question I cannot -- I
16 cannot answer.

17 But I will say it was a robust
18 response and we were pleased to see the bids
19 that we took in. We're committed to hitting
20 our deadline, so stay tuned.

21 ASSEMBLYMAN McDONALD: We will, don't
22 worry.

23 So New York 3. Developers, from what
24 I understand, are all under contract now, is

1 that correct?

2 NYSERDA PRESIDENT HARRIS: We are
3 negotiating the contracts now.

4 ASSEMBLYMAN McDONALD: All right. You
5 know, as you know, not just New York,
6 throughout the country there's been problems
7 with these projects going upside-down, for
8 lack of a better term. Are you able to talk
9 about how things are looking with those
10 contracts? Is pricing holding? Are we
11 having any excursions or surprises?

12 NYSERDA PRESIDENT HARRIS: So I'd say,
13 given the nature of the negotiation, I would
14 probably be best not to answer your question
15 directly, other than to say that we negotiate
16 on many, many terms with these
17 counterparties. So that's work in progress,
18 and it's proceeding.

19 ASSEMBLYMAN McDONALD: Okay. Going
20 back to New York 4 -- and this is probably
21 pushing it too, but I'm going to ask the
22 question anyways -- you know, obviously
23 pricing is always important. But also impact
24 on the community and meeting the spirit of

1 the CLCPA and having impacts on disaffected
2 communities is important.

3 Is there a weighting balance of some
4 sort? You know, we're looking at the fact
5 that we have hundreds of jobs ready to go
6 into action in the Port of Albany if we have
7 a suitable partner. How does that look in
8 regards to the scoring?

9 NYSERDA PRESIDENT HARRIS: So we
10 definitely -- this particular RFP is weighted
11 heavily on price for the very reasons we're
12 talking about today, but also on economic
13 development commitments to the state. And
14 so -- and the viability of the project.
15 These projects are quite well advanced, so
16 that's perhaps less relevant.

17 But we do look seriously at the ways
18 in which they will invest in the state. This
19 is part of the major reasons we're committing
20 to offshore wind, because we have facilities
21 like the Port of Albany here in the
22 Capital Region that can benefit --

23 ASSEMBLYMAN McDONALD: Thank you. I
24 want to give Basil some time, give you a

1 break.

2 NYSERDA PRESIDENT HARRIS: All right.

3 ASSEMBLYMAN McDONALD: Basil, you
4 know, I think you've heard enough from
5 people about the fact that there's an
6 incredible disappointment about the reduction
7 in capital funding for the Clean Water
8 Infrastructure Act. And quite frankly, I'd
9 make the argument that particularly with the
10 U.S. president indicating lead pipe
11 replacement needs to happen nationally, we
12 should be adding another \$100 million and
13 getting up to \$600 million.

14 But the one question I have that you
15 can maybe take back to the right people --
16 because EFC's not here -- there still seems
17 to be confusion at the municipal level about
18 the ability, when bonding, to fix private
19 water services. I think that needs to be
20 clarified in a bulletin.

21 Thank you.

22 DEC COMMISSIONER SEGGOS: Thank you.
23 We'll follow up.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 Senate?

2 CHAIRWOMAN KRUEGER: Thank you.

3 Next we have -- I apologize --

4 Senator --

5 SENATOR O'MARA: --

6 Canzoneri-Fitzpatrick.

7 CHAIRWOMAN KRUEGER: Thank you. I'm
8 practicing, I swear.

9 SENATOR CANZONERI-FITZPATRICK: Thank
10 you.

11 And I have to say thank you for both
12 of you being here too, because you've endured
13 so many questions for so long.

14 There are so many questions to ask,
15 and I only have three minutes. But of course
16 clean water, trees, just so much that's
17 within your purview. But I do have to focus
18 on one area because I represent the district
19 that includes Long Beach that was recently
20 the subject of an offshore wind project that
21 the parkland alienation bill was vetoed by
22 the Governor.

23 One of the things that I am very
24 concerned about is ORES is going to work with

1 DEC coming up with regulations that may
2 ignore any local law or regulation if it
3 determines that the local law or regulation
4 unreasonably is burdensome in view of the
5 CLCPA targets.

6 So my question specifically is what
7 types of local law are we going to be
8 overruling? Are we overruling potentially
9 zoning, parkland alienation? And what can we
10 do to protect the communities so that they
11 have input?

12 DEC COMMISSIONER SEGGOS: Well, I'll
13 just weigh in from our -- from our
14 perspective, we're going to continue having
15 that conversation with ORES. I mean, it's
16 early days now. We all have an interest in
17 expanding renewables in New York State, with
18 DEC doing our part, as we have been over the
19 years with ORES. And we'll explore that in
20 conjunction with our state partners. But
21 it's preliminary at this stage.

22 SENATOR CANZONERI-FITZPATRICK: And I
23 also understand that there'll be a Farmland
24 Protection Working Group, and I'm

1 wondering -- I agree with protecting
2 farmland, without question, but I'm wondering
3 why we don't have protection working groups
4 implemented to protect our offshore -- you
5 know, our rivers, our lakes, our beach line,
6 our coastlines.

7 So is there any plan to have any of
8 those working groups to look at those
9 desirable natural resources that we have?

10 DEC COMMISSIONER SEGGOS: Well, I
11 would say DEC would continue to play a very
12 active role in the ORES process. I mean, you
13 mentioned all of those -- all of those
14 resources. That's something that's part of
15 our mission. As I say, we've been at this
16 now with -- several years with ORES, and it's
17 worked quite well on the natural resource
18 front, and we've been able to balance all
19 those objectives.

20 NYSERDA PRESIDENT HARRIS: If I could
21 just jump in on that topic, there actually is
22 an Environmental Technical Working Group that
23 we have formed a number of years ago,
24 focusing on these issues as relates to

1 offshore wind. I'd be glad to brief you
2 separately on the work we're doing, because
3 it is central, much like the Farmland
4 Protection Working Group.

5 SENATOR CANZONERI-FITZPATRICK: That
6 would be great.

7 And then following up on some of the
8 things that my colleague Senator Borrello
9 said, you know, we seem to be off-schedule
10 for the offshore wind goals that we have of
11 9,000 megawatts because of where we are right
12 now.

13 Do you think that it's reasonable that
14 we are going to meet those goals in the
15 period of time that's been set out by the
16 CLCPA, as well as within a parameter that's
17 not going to overly burden our ratepayers?

18 NYSERDA PRESIDENT HARRIS: Well, I
19 would agree it certainly is a balance. We
20 have worked diligently to continue our
21 progress toward the 9 gigawatt goal. That is
22 a goal we are working to achieve for sure.

23 SENATOR CANZONERI-FITZPATRICK: Thank
24 you.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 CHAIRWOMAN KRUEGER: Assembly.

3 CHAIRWOMAN WEINSTEIN: I don't believe
4 Assemblyman Burdick is here, so
5 Assemblywoman Giglio.

6 ASSEMBLYWOMAN GIGLIO: Good afternoon,
7 and thank you for being here.

8 DEC COMMISSIONER SEGGOS: Thank you.

9 ASSEMBLYWOMAN GIGLIO: So as far as
10 the water -- you know, clean water is life,
11 and we have an ask of \$600 million in the
12 budget for water projects this year. And as
13 the EPA has lowered their maximum contaminant
14 levels, there's less money in the budget for
15 funding for water districts to provide clean
16 public water to meet those standards.

17 So the Governor has been very generous
18 in the past, I'm sure with your help, of
19 \$500 million for the last two years. But
20 chopping it down to 250 million when there
21 are still people that are drinking, cooking
22 and bathing with contaminated water from
23 contaminated wells and trying to get those
24 people connected -- is the problem that the

1 EFC can't keep up with the demand and the
2 requests from the water districts? Or is it
3 just that the clean water is not a priority
4 in this year's budget?

5 DEC COMMISSIONER SEGGOS: Well,
6 listen, I would say clean water is very much
7 a priority for us. And I'd said at the
8 outset we expect to continue making
9 investments consistent with the rate of prior
10 years. Now we have the benefit of the Bond
11 Act, so the Bond Act will help us to augment
12 the Clean Water Infrastructure Act money and
13 the federal dollars that have come in. So I
14 think we will have a very robust year of
15 investment to match all of the priorities now
16 that have been put on the State of New York
17 by virtue of either federal law or regulation
18 or the reality of pollution.

19 ASSEMBLYWOMAN GIGLIO: Yeah, it's so
20 important. And the policies that we create
21 in lowering the standards that water
22 districts are expected to comply with --
23 meanwhile, still trying to keep up with the
24 infrastructure to connect people that aren't

1 connected, is -- it should be the number-one
2 priority. And it's something that the state
3 touts, especially with the Bond Act on clean
4 air, water and a healthful environment that
5 was, you know, passed and flew by with
6 numbers and I think people are expecting a
7 lot more from New York State.

8 So I'm hoping that we are going to do
9 something about that.

10 As far as the solar panels and the
11 renewables that are going into my district
12 because the land is less expensive than
13 anywhere else on Long Island, for the most
14 part -- and we do have vast land with farms
15 and other properties that have not been
16 developed as of yet -- the ratepayers in my
17 district are saying, We're not getting any
18 benefit of this. We're not getting a reduced
19 rate by driving by and looking at solar
20 panels instead of industrial development for
21 jobs.

22 So what can you do, President, to make
23 sure that districts that are oversaturated
24 with renewable energies, that they are not

1 only getting the jobs but they're getting the
2 benefit on their utility bills?

3 NYSERDA PRESIDENT HARRIS: Well,
4 certainly. And on a -- I'd say one major
5 objective of ours in the coming year is to
6 expand the Solar for All program. That's a
7 great example of ways in which --

8 ASSEMBLYWOMAN GIGLIO: But you have to
9 be eligible for that, don't you? Solar for
10 All, you have to be income-restricted --

11 NYSERDA PRESIDENT HARRIS: Exactly.
12 And given Long Island, there's
13 obviously differences --

14 CHAIRWOMAN WEINSTEIN: Thank you. So
15 maybe you'll be able to follow up with that.

16 NYSERDA PRESIDENT HARRIS: Let's
17 follow up.

18 ASSEMBLYWOMAN GIGLIO: Yeah --

19 CHAIRWOMAN WEINSTEIN: We go to the
20 Senate.

21 CHAIRWOMAN KRUEGER: Thank you.
22 Senator Palumbo.

23 SENATOR PALUMBO: Thank you,
24 Chairwoman.

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1 | Hello, nice to see you both again.
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2 DEC COMMISSIONER SEGGOS: Senator.

3 SENATOR PALUMBO: Commissioner, I just
4 have a few questions on the recycling issues.
5 I know that DEC issued a report about
6 \$100 million in fraud. I think only -- I
7 think about 40 states don't have bottle
8 bills. And now the EPR, which I supported, I
9 felt -- we thought it was a good idea and
10 needed some tweaks to it. Now that we're
11 expanding -- obviously costs to consumers,
12 costs to handling, costs for distributors --
13 can you comment a little bit maybe on the
14 enforcement side of that? Because New Jersey
15 and Pennsylvania, of course, don't have
16 bottle bills. So I should think that that
17 has been probably the -- it's cultivated an
18 environment where it's kind of rife for
19 fraud. Do you have any comments, either one
20 of you, regarding that?

21 DEC COMMISSIONER SEGGOS: Sure.

22 I mean, enforcement is vital when it
23 comes to the Bottle Bill. Right? There's an
24 incentive to cheat the law. And we found

1 mis-grants in New York, New Jersey and
2 beyond.

3 So our enforcement has been very
4 robust on it. And we often -- some of these
5 cases often take a long time and they're very
6 complicated, as you can imagine, when you get
7 to that level of fraud.

8 SENATOR PALUMBO: Sure. Sure. And,
9 you know, do you think additional resources
10 would be needed to ultimately maybe enhance
11 that a little bit better? Because that's
12 certainly \$100 million that the state and of
13 course, you know, the fraud aspect of that is
14 a real number. It's not like it's, you know,
15 a few million, it's a big number.

16 DEC COMMISSIONER SEGGOS: Well, I
17 would say this. I think we have the
18 resources to do these investigations, but
19 often it's difficult to get the district
20 attorneys interested in some of these cases
21 because they individually are a bit small.

22 But it's a work in progress. We've
23 had some success over the years. And, you
24 know, our focus -- I would agree with you, in

1 the beginning our focus has got to be on
2 reducing waste. And it's been a very good
3 program for many, many decades.

4 SENATOR PALUMBO: Sure. It's probably
5 pretty tough to police as well.

6 DEC COMMISSIONER SEGGOS: It is.

7 SENATOR PALUMBO: Now, Madam
8 President, how are you?

9 NYSERDA PRESIDENT HARRIS: Very good,
10 thanks.

11 SENATOR PALUMBO: I just have a few
12 questions. I know it's been touched on a
13 little bit, is there any sort of a report or
14 empirical data regarding the current load,
15 the grid load, with respect to our expansion
16 into renewables?

17 Because this is something -- it's a
18 goal that we all want to proceed to. We want
19 to get there someday. But I think those
20 CLCPA dates may need to be moved, from what
21 I'm seeing, because it seems as if now that
22 we're making this really bold transition, it
23 looks like the grid is really quite weak in
24 that regard.

1 Can you comment on that?

2 NYSERDA PRESIDENT HARRIS: Well,
3 certainly the Climate Action Council
4 integration analysis -- if you didn't read
5 the 300 pages, I won't blame you, but I will
6 tell you it revealed exactly --

7 SENATOR PALUMBO: Can you read it for
8 us today?

9 NYSERDA PRESIDENT HARRIS: -- what
10 you're describing.

11 SENATOR PALUMBO: In my next
12 20 seconds?

13 (Laughter.)

14 NYSERDA PRESIDENT HARRIS: It is going
15 to necessitate a rough doubling of our grid's
16 capacity in the coming number of decades.
17 And that is exactly what we need to be
18 planning for in order to realize this
19 transition. It's well known, and it is what
20 we are executing against.

21 SENATOR PALUMBO: Great. Thank you
22 both.

23 CHAIRWOMAN KRUEGER: Thank you.
24 Assemblymember Fahy.

1 ASSEMBLYWOMAN FAHY: Thank you. Thank
2 you, Chair.

3 And welcome, so great to see both of
4 you, and always a pleasure to get the
5 updates.

6 A couple of questions, and I just want
7 to start with Commissioner Seggos. And first
8 a comment. I share the concerns -- I
9 know we've already talked about the water
10 infrastructure and the cuts. So I share the
11 concerns expressed on that, and I won't -- I
12 won't dwell any further on it as I watch the
13 clock.

14 But if you would, I didn't see mention
15 of the 30x30 goals. As you know, that was a
16 bill that I helped work on for a number of
17 years with former Senator Kaminsky. And
18 haven't seen any updates on that. I think
19 the plan is due at the end of the year or end
20 of September. And I know land acquisition is
21 hitting a low as well.

22 Any quick updates you could do on
23 that? And then I can get to President
24 Harris.

1 DEC COMMISSIONER SEGGOS: Sure.

2 We're excited by 30x30. It's a great
3 program. I mean, we do expect a robust year
4 on acquisitions, fee and easement,
5 50 projects, 28 -- potentially 28,000 acres.
6 So that's a big deal for this calendar year,
7 and we're looking to get creative with our
8 land trusts as well on that front to hit
9 those numbers.

10 ASSEMBLYWOMAN FAHY: Okay. And the
11 report, then, the 30x30 report, the plan?

12 DEC COMMISSIONER SEGGOS: We expect it
13 to be coming this year. I'm not sure on the
14 exact date, but we can get back to you on
15 that.

16 ASSEMBLYWOMAN FAHY: I'll check again
17 as well. But okay, we'll keep an eye out,
18 thank you so much.

19 And President Harris, thank you, I
20 know you've addressed this a little bit
21 today. But I think you said, in response to
22 Ms. Barrett, that you expect the NY4, the
23 rebid, the rapid rebid process, to know
24 something by the end of the month. And you

1 said you have six major bids?

2 NYSERDA PRESIDENT HARRIS: That's
3 right. We took in three bidders submitting
4 six bids. And we are committed to concluding
5 that RFP this month.

6 ASSEMBLYWOMAN FAHY: Okay. As you
7 know, the Albany Port is -- I know you can't
8 see me without hearing about the Albany Port,
9 which we are so interested in in terms of the
10 wind projects.

11 Can you tell us with regard to those
12 decisions, is it cost that is driving the
13 project? And I know it's, you know, added to
14 the hurdles here. Or is it how the project
15 contributes to the goals of the CLCPA? Like
16 what is the --

17 NYSERDA PRESIDENT HARRIS: Are you
18 referring to the offshore wind project or the
19 port?

20 ASSEMBLYWOMAN FAHY: For NY4, for the
21 current rebid. Is it cost driving it, or is
22 it -- do you know what weighs in more
23 heavily?

24 NYSERDA PRESIDENT HARRIS: Cost is the

1 primary method -- evaluation criteria. But
2 we do look at the economic benefits to the
3 state as well.

4 ASSEMBLYWOMAN FAHY: Okay, so it's a
5 bit of a mix, then, still.

6 I've got 22 seconds. Any -- once
7 those rebids are cast -- and again, we're
8 still hopeful for the Albany Port -- what's
9 next? Thirteen seconds. (Laughing.) No
10 pressure.

11 NYSERDA PRESIDENT HARRIS: We have
12 on-budget funds we're really going to be
13 looking to deploy to advance additional
14 supply chain investments across the state.
15 So that would be a very important next step
16 we'd be taking.

17 ASSEMBLYWOMAN FAHY: Thank you.

18 Thank you, Chair.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Senator Tom O'Mara, ranker, five
21 minutes.

22 SENATOR O'MARA: Thank you.

23 Thank you for putting up with us for
24 hours here, and your answers. I wish we had

1 more clarity on where we're going with this
2 energy plan.

3 You know, Basil, you started out
4 talking about all the great reductions we've
5 had in New York State in lowering emissions,
6 and it's been fantastic. And we have been
7 doing the right thing, and we will continue
8 to do the right thing. And we need to
9 continue to do the right thing.

10 A big problem in this discussion is
11 that whenever you ask questions about
12 reliability and affordability, all of a
13 sudden you're a climate denier, you don't
14 care about the environment. And I can tell
15 you that can't be further from the case.
16 Certainly with all my colleagues on my side
17 of the aisle, that that's not the case. And
18 we're here to do what we can, responsibly,
19 feasibly, affordably, and reliably.

20 But you're not giving us that comfort.
21 You know, April 3rd last year you gave
22 everybody in this room whiplash with your
23 20-versus-a-hundred-year op-ed that you put
24 out. And Mr. Seggos here, your comments that

1 day were if we don't switch from 20 to a
2 hundred years, these costs are going to be
3 extraordinary.

4 Ms. Harris, you said New Yorkers will
5 pay substantially more out of their pockets
6 at the pump and to heat their homes and
7 beyond. Yet you're providing us no pathway,
8 no plan here, other than we got these goals
9 and we're going to meet it.

10 You know, as of some stats I've got
11 from a couple of years ago -- I think they're
12 maybe two years stale, but probably still
13 consistent -- New York consumes less total
14 energy per capita than all other states, and
15 it consumes less energy per capita on
16 transportation. In 2020, New York State's
17 per capita energy-related emissions were
18 lower than any other state.

19 And this is what concerns me about the
20 planning that we're in. At that point,
21 New York State and our energy leaders decided
22 to close Indian Point nuclear facility.
23 Since then, our emissions have risen from
24 energy production in the state. In the

1 New York City metropolitan area that Indian
2 Point served, my understanding is emissions
3 have risen by over 40 percent in these last
4 three years. Not the direction that we want
5 to be going in.

6 And most concerning about your
7 April 3rd comments was there was no cost
8 analysis completed. And you wait till four
9 years after the CLCPA to tell us that -- when
10 we've been claiming that all along -- and you
11 come up four years later and say, Oh, these
12 costs are going to be extraordinary if we
13 don't do something about it.

14 Well, we're going to save the day on
15 everybody, your heat's not going to go up 80
16 percent, your cost of gas isn't going to go
17 up 60 cents a gallon, we've got this thing
18 called cap-and-invest that we're going to
19 come up with. And we still have really
20 nothing on that from either of you. So the
21 track record's not good, and our faith in
22 this process is not good. And we want it to
23 work, we need it to work without bankrupting
24 the state and running businesses out of the

1 state.

2 Two questions. How many more
3 megawatts of energy production do we need
4 before 2040 in New York State? And what is
5 the total amount you plan to raise through
6 cap-and-invest from New Yorkers, or New York
7 businesses?

8 Because you're going to put these fees
9 on polluters -- who are permitted emitters,
10 by the way. These are manufacturers and
11 industry in this state that provide goods and
12 services to New Yorkers. So those -- either
13 the fee or the tax you put on them is going
14 to raise those costs of goods for everybody.

15 So how much energy do we need by 2040
16 more than we have? And cap-and-invest, how
17 much are you going to raise and who are you
18 going to raise it on? Who are the chosen few
19 going to be, and who's not going to be
20 chosen?

21 NYSERDA PRESIDENT HARRIS: So on the
22 first question around grid needs, as I said,
23 we're looking at a rough doubling of our
24 grid's capacity. So we're about 150 terawatt

1 hours a year of load. So between now and
2 2050, that would roughly double. I hope that
3 answers your question as to the grid
4 buildout.

5 And then on the topic of analysis, I
6 would point you to the recent publication of
7 our NYCI pre-proposal, which lays out very
8 clearly various scenarios focusing on
9 affordability and ways in which that can
10 achieve -- or contribute to our goals as well
11 as impacts.

12 SENATOR O'MARA: You haven't
13 identified who's going to pay or how much
14 they're going to pay. My constituents are
15 very concerned over what these costs are
16 going to be.

17 CHAIRWOMAN KRUEGER: Thank you. I'm
18 sorry, the answer will have to come to the
19 question a little later. Thank you.

20 Assemblymember Simon.

21 ASSEMBLYWOMAN SIMON: Okay, thank you.
22 Well, I have lots of questions, so I'll be
23 quick.

24 So first of all, Commissioner Seggos,

1 thank you for your town hall. Fortunately
2 everyone kept their shirt on and
3 nevertheless, important issues were raised --
4 they're laughing in the back because they
5 know what I'm talking about.

6 Two things. The sewage retention tank
7 that the DEP, City DEP delayed for way too
8 many years, besides the current work smelling
9 a lot, they're building a lot of new housing
10 and it threatens the additional CSOs, which
11 of course is critical to the cleanup of the
12 canal.

13 So I wanted to know what DEC is doing
14 to control for that in its brownfield cleanup
15 efforts, and also what is DEP doing to
16 enforce the cleanup of the sites which
17 National Grid is responsible for, without
18 increasing the burden to ratepayers.

19 DEC COMMISSIONER SEGGOS: Good
20 questions. So very complicated area, very
21 small area with 49 brownfields and a lot of
22 CSO discharges into a very small location.

23 So we're in a bit of a balancing act,
24 moving us forward as far as we can, as we

1 know we need housing, of course, downstate.

2 In terms of CSO discharges, we're
3 looking at that issue very carefully, into
4 what the buildout of that area, what effect
5 it will have on the city system. We're
6 grateful for the investments that the city
7 has made and is prepared to make in the
8 region. But we always need to ask ourselves,
9 is it going to be enough.

10 And how we integrate our brownfields
11 work with the canal itself, it's a
12 relationship between DEC and EPA and ensuring
13 that we're doing the appropriate level of
14 cleanup within the canal, we're not making it
15 worse by forcing more water, more dirty water
16 into the canal itself and ultimately
17 undermining that cleanup.

18 So it is a big balancing act. We're
19 down there a lot, from myself, exec dep and
20 beyond, asking these very questions, as we
21 know we need to get this right the first time
22 and not have to dig up problems and fix them
23 again in the future while the area is built
24 out.

1 ASSEMBLYWOMAN SIMON: And then another
2 quick question I have is, you know, I have a
3 bill with Senator Krueger and Assemblywoman
4 Kelles to stop climate polluter handouts,
5 which is the eliminating the subsidies that
6 New York gifts to the most harmful parts of
7 the fossil fuel industry. And clearly it's
8 time to cut some of the \$1.6 billion in
9 fossil fuel subsidies that New York offers.

10 What can you do to help support this
11 effort in the budget that will generate
12 revenue and help us meet those CLCPA goals?

13 DEC COMMISSIONER SEGGOS: Good
14 question. We can certainly answer the
15 questions as to who is polluting and who is
16 not. We have that information at DEC. And
17 we're happy to inform your office of that, to
18 the extent you advance that legislation.

19 ASSEMBLYWOMAN SIMON: Could you inform
20 the Governor's office and the budget?

21 DEC COMMISSIONER SEGGOS: I think you
22 just did.

23 (Laughter.)

24 ASSEMBLYWOMAN SIMON: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 So I think I'm the next Senator.

3 So I actually would like you to follow
4 up where you couldn't answer with
5 Senator O'Mara's questions. Because I see
6 this all as -- first off, I think the entire
7 energy and climate team of this Governor is
8 trying to do an extraordinary job. And yes,
9 we don't have all the answers. And yes,
10 we're behind. And yes, I have lots of more
11 questions that I think I've tried to raise
12 with both of you and will continue to do so.

13 But we don't have a choice. We've got
14 to do this. I think that's the critical
15 issue. Even if we don't have all the
16 answers, we have to keep pushing ahead.

17 So please, help me understand. How
18 are we going to continue to move forward?
19 Because we don't have a choice, we have to
20 meet these targets. And somebody is going to
21 pay for some of this cost, although I am
22 totally confident that green energy will be
23 less expensive -- forget long-term, in the
24 mid-term.

So just tell me what we should know about things that you both are doing that are going to help us get the targets met and not bankrupt the state.

DEC COMMISSIONER SEGGOS: Maybe I'll start and kick it off to you.

NYSERDA PRESIDENT HARRIS: Sure.

DEC COMMISSIONER SEGGOS: So listen, I mean, I think your point is a very important one. We have to do this. We have to do it right. I said this last year: This will be the biggest challenge that we ever undertake. This is the biggest, boldest law economy-wide, that the state's ever passed, in my view.

So we have to get this right. So it's an enormous challenge to do so across government, across many levels of government.

The Governor's been very clear, we've got to do this in an affordable manner. Doreen and I are out there regularly, speaking in a transparent manner about the concerns that we have about doing this the right way. That's why we spoke last year

1 openly about the concerns. And that's
2 frankly informed our approach in a very
3 powerful way since then.

4 So when we talk about the new
5 cap-and-invest that we're advancing right
6 now, that's with all of those concerns built
7 in. Right? Advancing a program, ultimately,
8 that's below where we were concerned last
9 year, so that we're not putting this on the
10 backs of New Yorkers, we're not driving
11 New York businesses out of state, that we're
12 ultimately creating the revenue streams
13 necessary to make this transition in a way
14 that protects New York, puts us in a better
15 position to compete nationally for the best
16 minds and the best jobs.

17 So that's really where we -- how we
18 approach this. We invite the public to
19 participate in our very -- admittedly very
20 wonky discussions and webinars when we get
21 into these details, because we really dive
22 deep into them. We ask and answer every
23 question of us. And we're going to be
24 putting out an enormous amount of information

1 for the public to digest.

2 Keep in mind, we were supposed to
3 finish by the end of the last calendar year.
4 We both determined there is no way we can do
5 that. We need to do this in a way that's
6 transparent, open, and fully engaging of the
7 public.

8 So that's been our -- very much our
9 posture. The concerns that you all feel are
10 the concerns that the Governor and we feel,
11 internalize, every single day when we advance
12 this very challenging concept. But we have
13 to do it.

14 I'll let Doreen handle --

15 NYSERDA PRESIDENT HARRIS: Well, I'd
16 say as we have worked to implement the
17 Climate Law, we're obviously all learning
18 more and more about what it takes. The
19 Climate Law is ambitious in scale, but also
20 in time. Right? It has very near-term
21 goals. We've been talking a lot today about
22 how we're going to get to 2030. But I think
23 what we really need to be thinking about more
24 often is how we get to 2040 and 2050, given

1 that this is a multi-decade transition.

2 And I'd say that this is something
3 that is sometimes lost in the sauce, so to
4 speak, because of the fact that over decades
5 is a very different planning horizon than
6 over, you know, next year or even to 2030.
7 And that's what I'm particularly excited
8 about in the coming number of years and even
9 this year, is when we start to talk about
10 this transition, we can start talking about
11 it in ways that allow us to think about not
12 just these near-term issues but the
13 longer-term issues. Which is what many of
14 you are bringing to bear.

15 We are not, you know, asking all of
16 this change to happen tomorrow. And that's
17 something that sometimes gets lost but is
18 critical to the transition, and that there
19 are technologies like those 2040
20 zero-emission technologies that are going to
21 help us along the way.

22 So I would say, for me, it's really
23 getting tangible about the outer years of
24 this transition that will help us all as

1 well.

2 DEC COMMISSIONER SEGGOS: Can I make
3 another point, Madam Chair?

4 CHAIRWOMAN KRUEGER: Yes.

5 DEC COMMISSIONER SEGGOS: I think it's
6 really important and should not be lost is
7 that we are already experiencing these costs
8 right now. They're just hidden elsewhere in
9 society, right?

10 The \$37 billion of damage that we
11 sustained post-Sandy, right? The \$55 billion
12 of damage that we expect to receive as a
13 state because of climate change in the next
14 10 years -- 55 billion. That's based on a
15 nonprofit independent study.

16 The 1500 people a year that die early
17 because of emissions in urban areas. I mean,
18 those are real costs that we are all bearing.

19 So it's really important, as we try to
20 shift these costs over the course of decades,
21 right, to resolve problems, to generate
22 economic activity, to bring new jobs into
23 this state, we have to be honest about how
24 that cost is being transitioned over time,

1 and do it in a responsible manner.

2 So I know this is a very long-winded
3 explanation to say that we agree, but we are
4 very aware that we need to do this the right
5 way.

6 CHAIRWOMAN KRUEGER: Well, I agree.
7 And I don't think it's because we passed a
8 climate law. If we hadn't passed the
9 Climate Law, we'd still be facing the exact
10 same crisis, even a worse crisis. So it's
11 not even somebody wants to propose we reverse
12 the Climate Law -- that won't reverse the
13 climate crisis. And that's actually the
14 target.

15 So I will ask you both, again, why
16 don't you love my Climate Superfund Act --
17 (Laughter.)

18 CHAIRWOMAN KRUEGER: -- which would
19 get us \$3 billion a year from the oil and gas
20 polluters, not from the taxpayers and
21 ratepayers in New York State. Because we
22 don't have enough money and we hear we don't
23 want to have to raise more money than we need
24 from people. Let's take a leap and try that

1 law.

2 NYSERDA PRESIDENT HARRIS: Well, I'd
3 say obviously you understand our focus has
4 been on cap-and-invest as a means by which --

5 CHAIRWOMAN KRUEGER: They're not
6 competing proposals.

7 NYSERDA PRESIDENT HARRIS: Just to
8 give you a couple of the numbers, though,
9 from our analysis, I think it's important to
10 note -- obviously we recognize the Climate
11 Action Council had brought forward
12 cap-and-invest as a means by which to create
13 these enforceable limits, right. That's a
14 critical part of achieving this law.

15 But also to create the scale of
16 investment necessary to realize both the cost
17 reductions that you have laid out, or that
18 are realizable, but also sort of the behavior
19 shift, right, over decades that can be more
20 nimble in the design of this program.

21 So the analysis, the scenarios we just
22 presented do reveal that under different
23 scenarios we are looking at revenues being
24 raised on the order of \$5.5 billion to

1 \$12 billion a year. We recognize this is not
2 the be-all and end-all, but rather a tool in
3 our toolbox. So I want to note that these
4 are the types of investments we're looking at
5 through the scenarios that we've laid out for
6 feedback.

7 CHAIRWOMAN KRUEGER: I'm going to jump
8 to the Clean Water Fund and the concern that
9 people have that the Governor proposed a
10 reduction, and yet the argument is that
11 there's, you know, money sitting in an
12 account that isn't being spent fast enough.

13 We keep hearing that there are lots of
14 proposals from all over the state for those
15 funds that don't get through. Is it because
16 you don't have enough staff to process these
17 applications? I mean, apparently there is
18 demand for that \$1 billion that's already
19 sitting there. How come we're not able to
20 get it out?

21 DEC COMMISSIONER SEGGOS: Listen,
22 there's no doubt that there's demand. And
23 quite often it isn't -- it isn't always on
24 the state, on the state as a grantor or

1 loaner of these dollars. You know, we have
2 to get good applications. Sometimes we don't
3 get good applications, and that's the result
4 of give-and-take over time with developers.

5 So, you know, for us to tap into more
6 dollars, I just point back to the past
7 dollars. I mean, we've had -- we had the
8 most -- two of the most robust years in a row
9 in New York history. So money is getting out
10 the door. EFC is doing a tremendous job --
11 DOH, DEC. As we score these projects
12 together, we are moving money very quickly.

13 Is there some money left over? Yes.
14 Are we going to over time, as the Bond Act
15 allows, bring Bond Act money into this
16 program? Yes. Federal money, yes.

17 So again, I believe we're in the
18 middle of this renaissance right now in water
19 spending. That is going to continue, and we
20 have EFC community assistance teams that will
21 help reduce errors in application, which is a
22 really big problem.

23 CHAIRWOMAN KRUEGER: Okay. And I
24 believe you said this earlier also. So you

1 referenced, when talking about these funds,
2 that we had Bond Act money. I'm a little
3 confused between what we thought the Bond Act
4 was for, which was other costs that weren't
5 being paid for through state money, and I'm
6 concerned that we're not substituting state
7 budget money with Bond Act money, because
8 that wasn't the goal in the Bond Act.

9 So maybe you don't have sort of
10 tracking right now, but I really would like
11 to hear back from you how we're not doing a
12 replacement, as opposed to a maintenance of
13 effort of state money and additional, very
14 specific projects with the Bond Act money.

15 DEC COMMISSIONER SEGGOS: I can just
16 tell you right now the Bond Act had a
17 specific category for water. We put out the
18 criteria, the eligibility criteria for it,
19 built it into our existing funding pots, and
20 received a considerable number of
21 applications based on that.

22 So I would say let's follow up after,
23 and I'll get some clarity on that for you.

24 CHAIRWOMAN KRUEGER: Great.

1 And I ran out of time, even though I
2 had more questions, so thank you very much.

3 DEC COMMISSIONER SEGGOS: Thank you.

4 CHAIRWOMAN KRUEGER: The next speaker
5 is Assemblymember Lemondes.

6 ASSEMBLYMAN LEMONDES: Thank you,
7 Madam Chair.

8 Thank you, Commissioner Seggos,
9 President Harris. Nice to see you both.

10 I'll like to start out with a simple
11 question. Do either of you recognize that
12 New York has attained the title again, for
13 the third consecutive year in a row, of
14 highest out-migrating state in the country?

15 DEC COMMISSIONER SEGGOS: I've heard
16 that.

17 NYSERDA PRESIDENT HARRIS: Yeah, as
18 have I.

19 ASSEMBLYMAN LEMONDES: Oh.

20 DEC COMMISSIONER SEGGOS: I'm not sure
21 who issues the title, but I've heard it.

22 ASSEMBLYMAN LEMONDES: So taking that
23 in light, my question is about the
24 \$47 million allocated to 25 million trees in

1 New York, with respect to the usage of our
2 land mass. So I'm talking about land use
3 efficiency. And it seems inconsistent to me.

4 Let me go through a couple of facts.
5 In the 1700s, New York State was completely
6 forested. By the early 1900s, we were
7 20 percent forested. Today we're 65 percent
8 forested. Our harvesting -- our regeneration
9 is three times faster than our harvesting,
10 forests lost because of disease and/or land
11 cleared for other usage.

12 Recognizing that, this 25 million
13 trees would take roughly -- at 100 trees per
14 mature forest acre, would be approximately
15 250,000 acres, or more than the entire land
16 mass of New York City, two-thirds of Albany
17 County, and one-half of my county, Onondaga.

18 Taking all of that into account, with
19 respect to the proliferation of solar,
20 seemingly everywhere, and its impact on
21 agricultural land, prime and/or otherwise, do
22 you think this is the best use of our land
23 mass? Either one of you.

24 DEC COMMISSIONER SEGGOS: I'll just

1 weigh in on trees and then I'll let you talk
2 about solar.

3 NYSERDA PRESIDENT HARRIS: Sure.

4 DEC COMMISSIONER SEGGOS: So I think
5 it's a fantastic investment for a few
6 reasons.

7 First of all, we're going to be very
8 strategic about where these trees go. I
9 mean, going into a heavily forested region
10 might not make the most sense for tree
11 regeneration, but going into areas like the
12 South Bronx or parts of Buffalo where you
13 have no street trees and no tree mass
14 whatsoever, that can serve a very public
15 purpose in a very quick way. So we will be
16 very strategic about that over time.

17 Now I'll maybe let Doreen weigh in on
18 the solar issue before time's up.

19 NYSERDA PRESIDENT HARRIS: Yes,
20 certainly. On the topic of solar, couldn't
21 agree with you more that land use is likely
22 the most significant impact of solar siting,
23 and recognizing that we need to think about
24 the scale of penetration across our state,

1 right, like to keep that under control, but
2 also to direct these projects in the
3 underutilized lands, as you may have heard
4 Commissioner Ball referencing earlier today.

5 ASSEMBLYMAN LEMONDES: Right.

6 NYSERDA PRESIDENT HARRIS: We see the
7 industry responding according to the
8 directives we've set. But I would say you
9 are -- I agree with you that we need a
10 diversity of resources to get from here to
11 there, and we need to look at resources
12 other -- you know, in addition to solar, for
13 sure.

14 ASSEMBLYMAN LEMONDES: Thank you.

15 Madam Chair, thank you very much.

16 Thank you both.

17 DEC COMMISSIONER SEGGOS: Thank you.

18 CHAIRWOMAN KRUEGER: Three minute
19 follow-up for Chair Harckham.

20 SENATOR HARCKHAM: Thank you very
21 much, Madam Chair.

22 We left off I believe at the Office of
23 Just Transition. But before we get to that,
24 two quick comments.

1 First, Commissioner Seggos, thank you
2 for eloquently a few moments ago stating that
3 essentially the costs to do nothing are
4 greater than the costs to make this
5 transition. So very well said.

6 DEC COMMISSIONER SEGGOS: Thank you.

7 SENATOR HARCKHAM: Having said that,
8 now I have to give you a polite ding. To
9 Senator Krueger's point -- and you've said
10 several times to folks the Bond Act is
11 augmenting the cuts in clean water funding.
12 I just want to remind everybody here that the
13 legislative intent of the Bond Act was to
14 supplement, not to supplant.

15 So, you know, we can agree to
16 disagree, but I just want to, you know,
17 level-set for the folks here about what the
18 legislative intent of the Bond Act was.

19 DEC COMMISSIONER SEGGOS: Noted.

20 SENATOR HARCKHAM: And with that, the
21 last two minutes I'll give to both of you to
22 give us an update on the Office of Just
23 Transition.

24 NYSERDA PRESIDENT HARRIS: Yes,

1 certainly. I'm glad that you're interested
2 in our progress.

3 I must say I cochaired the Just
4 Transition Working Group with
5 Commissioner Reardon, and last year you know
6 that this office was established at the
7 Department of Labor. So I'll give you what
8 I -- you know, the awareness I have as a
9 partner, but I would like to follow up with
10 the DOL team.

11 So they did establish the office last
12 spring, using initial budget funding, which
13 is now proposed to expand the office and --
14 in time and in scale. And I'd say the
15 progress that many agencies have worked with
16 them in establishing this office is quite
17 marked, because we did, I think effectively,
18 have funds really looking at cessation
19 mitigation, we have funds that look -- at
20 NYSERDA we're investing in these
21 transitioning communities, helping with reuse
22 plans for the sites themselves.

23 But now we have an ability to look at,
24 through this office, both transitioning

1 workers as well as new clean energy workers.
2 And so they've established a new -- not only
3 a team working at the office, but web
4 resources, public engagement, and ongoing
5 programming that they are going to be
6 expanding.

7 So it's well underway.

8 SENATOR HARCKHAM: All right, thank
9 you. Thirty seconds, New York lags in EV
10 sales behind states that publicly don't even
11 believe in climate change, that it's real.
12 We're far behind Texas, far behind Florida.
13 We are not close to the compact goals that we
14 meant when we signed the compact. What is
15 the Governor's plan to jump-start EV sales in
16 New York?

17 NYSERDA PRESIDENT HARRIS: Well,
18 obviously we have one of the most efficient
19 transportation systems in the country, so
20 that's one of the realities behind those
21 numbers. But our EV sales for November were
22 almost 12 percent.

23 I'm feeling that our inflection point
24 is solid and will be increasing over time.

1 SENATOR HARCKHAM: All right. I'd
2 like to follow up with you on that offline,
3 please.

4 NYSERDA PRESIDENT HARRIS: Please.

5 SENATOR HARCKHAM: Thanks. Thank you
6 both.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Next is Assemblymember McMahon.

9 ASSEMBLYWOMAN McMAHON: Okay, here I
10 am.

11 (Laughter.)

12 NYSERDA PRESIDENT HARRIS: Oh, sorry.

13 DEC COMMISSIONER SEGGOS: You moved.

14 ASSEMBLYWOMAN McMAHON: Thank you so
15 much, both of you, for your testimony today.
16 I really appreciate it.

17 I just have a couple of quick
18 questions for you, Commissioner Seggos.

19 DEC COMMISSIONER SEGGOS: Okay.

20 ASSEMBLYWOMAN McMAHON: I understand
21 that the department has recently proposed
22 regulations eliminating some refrigerants.
23 I'm fully supportive of our efforts to
24 eliminate toxic or harmful refrigerants in

1 our environment. I just wanted to flag a
2 concern that's been raised with me from a
3 constituency -- namely, small grocers.

4 And as we work to bring healthy food
5 options to underserved communities, there's a
6 concern that significant costs to grocers
7 would lead to closing of stores and just
8 exacerbating the problem of food deserts.

9 So my question is, is the department
10 focusing on refrigerants that are most
11 harmful to the environment? And is there a
12 way to possibly give small businesses like
13 grocers flexibility as we transition away
14 from these harmful chemicals?

15 DEC COMMISSIONER SEGGOS: Good --
16 really good question.

17 So we are right now considering this
18 through regulation. There's a public comment
19 period that's open right now on it. So I
20 would highly recommend the grocers
21 associations, concerned individuals, weigh in
22 with us, please, during the public comment
23 process.

24 There's a range of directions we can

1 go. We're obviously looking at the most
2 dangerous chemicals that have this
3 super-pollutant nature, right -- they're far
4 more damaging for climate purposes than
5 carbon dioxide, for example. So we aim to
6 create a program that's both consistent with
7 where the federal government is going on
8 this, but also one that works for New York
9 and ultimately doesn't put a squeeze on small
10 businesses.

11 ASSEMBLYWOMAN McMAHON: Great, thank
12 you. I have one more question.

13 Of course last year we were all
14 affected by those Canadian wildfires. My
15 understanding is that the Governor deployed
16 some Forest Rangers to help with putting out
17 the fires in Canada. And given the increased
18 effects of climate change and crazy weather
19 events, has there been any additional
20 training or preparations that's being offered
21 to state Forest Rangers to help prepare for
22 crises like this, whether it's in New York or
23 out of state or out of the country?

24 DEC COMMISSIONER SEGGOS: I would

1 speak very parochially and say that the
2 Rangers, our Forest Rangers, are the best in
3 the country on this. I mean, they really
4 are -- I've said this before -- the
5 Swiss Army knife of DEC. They do everything
6 from police work to putting out fires, not
7 just here but out of country, even.

8 They're trained as well as anybody.
9 They know how to do this really challenging
10 job. They do it for many days on end. And
11 we've sent several crews to Canada and then
12 crews into Western states. And they have the
13 best training possible on this.

14 We are going to be challenged in an
15 increasing, increasing way. I talked about
16 the existing costs of climate change; I think
17 we will be challenged in an increasing way on
18 this issue. Last year was a big wake-up call
19 for everybody. The cleanest air in 60 years
20 to the dirtiest air in the world in one day.
21 That was a big paradigm shift, I think, for
22 New Yorkers and those caring about the
23 environment.

24 ASSEMBLYWOMAN McMAHON: Thank you.

1 DEC COMMISSIONER SEGGOS: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Okay, we're going to stick with the
4 Assembly, because I think we've actually
5 gotten through the Senate. Thank you.

6 We are next going to hear from
7 Assemblymember Flood.

8 ASSEMBLYMAN FLOOD: Thank you. And
9 this is for both you guys on the panel. This
10 is going to deal with the transition to EV
11 school buses. You know, I know we touched on
12 this slightly briefly, and you mentioned it.

13 Can you just briefly describe the
14 timeline districts have to upgrade their
15 fleets?

16 NYSERDA PRESIDENT HARRIS: Sure.
17 Thank you for the question. I'm glad you
18 asked, because I want to make clear this is a
19 transition that is not happening tomorrow for
20 these buses.

21 The current requirement is for 2027
22 for purchases of buses to be zero-emission.
23 And so what we have today is, between the
24 Bond Act funding as well as EPA funding, we

1 have the ability to fund up to 3,000 school
2 buses, sort of the incremental cost of those
3 buses for these districts, as well as the
4 chargers themselves, as well as transition
5 plans.

6 ASSEMBLYMAN FLOOD: Okay. But
7 briefly, you had said we have about 45,000
8 buses statewide, right?

9 NYSERDA PRESIDENT HARRIS: That's
10 right.

11 ASSEMBLYMAN FLOOD: So that's
12 basically a drop in the bucket. I'm not good
13 at math, but that's roughly like 6 percent of
14 the school buses.

15 So again, we're going to talk about
16 the cost. Each one of these buses costs
17 about \$400,000. I think to replace a
18 battery, I've seen estimates between 40,000
19 and 60,000. Also under this Executive
20 Budget, as you may or may not be aware, total
21 school aid increased; however, many suburban
22 and rural areas actually took significant
23 decreases. And specifically, several
24 districts that I represent have gotten hit

1 with massive Foundation Aid cuts.

2 So while we're trying to, you know,
3 implement this, who's going to pick up the
4 rest of that tab? Because, you know, where
5 is this money coming from?

6 NYSERDA PRESIDENT HARRIS: Well,
7 certainly. One thing that I did want to
8 note, that the Governor's budget amends
9 Transportation Aid to exclude these grants.
10 So just in case you were unclear on that
11 aspect of it.

12 As to the funding, this is exactly
13 what we're intending to fund, is the
14 differential cost of a diesel bus versus
15 these buses. Which is the reason why we're
16 allocating up to \$280,000 per bus for these
17 school districts.

18 You know, our goal is fundamentally to
19 sort of launch the transition with these
20 first handful of buses in each school
21 district, recognizing, of course, that we're
22 going to learn, we're going to see the cost
23 compression that we see in other markets
24 advance, and we will better understand,

1 through these transition plans, the path to
2 2035, which is the broader goal of the state.

3 ASSEMBLYMAN FLOOD: All right, and
4 just -- so I'm just going to jump in quick
5 because I don't have much more time.

6 Now in terms of reliability, in
7 November we saw out in San Francisco one of
8 these buses just stopped, rolled backwards,
9 caused massive amounts of damage, and sent
10 some people to the hospital. In Chicago we
11 had -- just last month you had people, you
12 know, outside the charging stations for
13 eight, 10 hours because the buses freeze.

14 What are we doing to -- what measures
15 are being taken for the safety of our
16 children and our bus drivers so that this
17 doesn't happen during implementation?

18 NYSERDA PRESIDENT HARRIS: I'd be glad
19 to follow up with you. Thank you.

20 ASSEMBLYMAN FLOOD: Thank you.

21 CHAIRWOMAN KRUEGER: {Mic off;
22 inaudible.}

23 ASSEMBLYMAN MAMDANI: Thank you very
24 much.

First, I have to say I loved the video.

DEC COMMISSIONER SEGGOS: Thanks.

ASSEMBLYMAN MAMDANI: President Harris, good to see you. In your testimony you wrote that, quote, NYSERDA is advancing work towards the state's 70 percent goal by 2030 of renewable electricity.

This morning, however, Politico reported that there are, quote, simply not enough existing awarded and contracted projects in the pipeline to hit the 2030 target.

Furthermore, as you said yourself today, New York's current renewable portfolio is anticipated to provide 63 percent of statewide electricity in 2030, which is the same exact figure that was anticipated two years ago.

How can we describe a prediction of 63 percent to a prediction of 63 percent as evidencing, quote, advancing work?

NYSERDA PRESIDENT HARRIS: Well,
certainly. I should have made a video, I

1 think. I didn't have as good of a morning as
2 this guy did.

3 (Laughter; overtalk.)

4 NYSERDA PRESIDENT HARRIS: Sorry,
5 don't count me against me on the time.

6 So ultimately we are in the midst of
7 an industry reset. That's the facts on the
8 ground. And what I am here to say is that we
9 have made quick work, under the Governor's
10 leadership, to do just that.

11 ASSEMBLYMAN MAMDANI: But we haven't
12 actually made progress in our anticipated
13 goals in the last years.

14 NYSERDA PRESIDENT HARRIS: As we sit
15 today, we have -- those numbers that you are
16 referencing reflect the contracts that have
17 terminated that in some parts are actually
18 competing for new contracts as we speak.

19 So once that settles out, we'll have a
20 new number and certainly can report as such.

21 ASSEMBLYMAN MAMDANI: Okay, thank you.

22 And just to follow up on Assemblywoman
23 Shrestha's earlier question, while NYPA may
24 also have to weather supply chain issues and

1 inflation, it does not have to deal with any
2 issue of a profit margin. Is this -- and
3 President Driscoll's description of NYPA as
4 having, quote, unparalleled knowledge of the
5 grid -- not evidence of the state being
6 uniquely situated to meet the gap between the
7 anticipated 63 percent and the law of
8 70 percent?

9 NYSERDA PRESIDENT HARRIS: Well, I'll
10 certainly point you to the next panel.

11 But I'm excited. NYPA has been
12 working hard to advance transmission projects
13 across our state which I believe are central,
14 really, and not talked about enough, as to
15 aiding in the transition. We now have,
16 through their process, ways in which they're
17 going to be proposing to contribute on the
18 generation side --

19 ASSEMBLYMAN MAMDANI: I'm sorry,
20 President Harris --

21 NYSERDA PRESIDENT HARRIS: -- and with
22 unique value.

23 ASSEMBLYMAN MAMDANI: Thank you so
24 much. Just because of the lack of time.

1 NYSERDA PRESIDENT HARRIS: Yup.

2 ASSEMBLYMAN MAMDANI: Commissioner
3 Seggos, I just want to move over to you for
4 the last 30-odd seconds.

5 DEC COMMISSIONER SEGGOS: Sure.

6 ASSEMBLYMAN MAMDANI: You know, I was
7 quite moved by your taking leave from your
8 position to volunteer in Ukraine.

9 DEC COMMISSIONER SEGGOS: Thank you.

10 ASSEMBLYMAN MAMDANI: And I've read of
11 how you helped deliver ambulances to the
12 frontlines of Ukraine, sorely needed given
13 Russian targeting of emergency vehicles.
14 I've appreciated your clear-eyed description
15 of the deliberate targeting of apartment
16 buildings and homes as, quote, war crimes on
17 an epic scale, as well as the moral,
18 political and economic implications for
19 Americans.

20 Are there any other reflections you
21 can share from your time in Ukraine?

22 DEC COMMISSIONER SEGGOS: Indeed, but
23 I see the clock has run out.

24 ASSEMBLYMAN MAMDANI: We can catch up

1 later. Thank you very much.

2 DEC COMMISSIONER SEGGOS: Thank you
3 for asking.

4 CHAIRWOMAN KRUEGER: Assemblymember
5 Steve Otis.

6 ASSEMBLYMAN OTIS: Thank you. Thank
7 you.

8 First I'm going to start with a
9 thank you to DEC related to flood response,
10 the watershed studies that you're doing in
11 Westchester, the resiliency plan and new
12 projects that are coming out in the State of
13 the State and in the budget. That's all
14 great work, and so thank you and your team.
15 Jim Tierney, Tom Snow, Kelly Turturro --
16 they've all been great and very responsive.
17 And you've been responsive when we've had
18 these issues come up in Westchester County.

19 Question. The stormwater grant
20 program that was in the Bond Act, that's not
21 been launched yet. What are the plans,
22 timelines? Because through Ida, stormwater
23 deficiencies were really the number-one sort
24 of new cause of damage around the region.

1 DEC COMMISSIONER SEGGOS: Thank you
2 for the compliments to my staff. They are
3 awesome.

4 We expect to put out some guidelines
5 on that this year. I mean, we are trying to
6 mete the Bond Act out in a way that is good
7 for project-makers, the construction industry
8 and the demand in the field. And that's
9 going to be a really important location for
10 those investments because stormwater
11 ultimately is creating all these other
12 sources of havoc in community and daily life.

13 ASSEMBLYMAN OTIS: That is great.

14 On the clean water -- you know I'm a
15 devotee of the clean water -- you know, I'd
16 say the simplest way I think to look at this
17 is even with the new federal money and with
18 the Bond Act money, given the enormity of the
19 need, which is expanding because of
20 heightened requirements and everything else,
21 the simplest case to make for restoring the
22 other 250 is to keep that in the pipeline and
23 keep the healthy nation-leading expenditure
24 of money for clean water going in New York.

1 And so I'd say a very simple way of
2 looking at that, as we have the budget
3 discussions, is hopefully everyone can say
4 yes to adding back the other 250 because
5 we're going to need it and it -- and I'd also
6 say some of the money not out the door is
7 because projects that have been approved are
8 not ready to go, municipalities are not
9 ready. So it's not all on the state. EFC
10 does a fantastic job of moving the money.

11 So that's my pitch on that, but I
12 think hopefully we can all get to the same
13 place.

14 DEC COMMISSIONER SEGGOS: Noted.

15 ASSEMBLYMAN OTIS: And then President
16 Harris, on the conversations you're having
17 with school districts related to technical
18 assistance on EV buses, is that related
19 simply to the cost of purchase or are you
20 into the infrastructure, technical expertise?
21 Because what we're hearing from school
22 districts, they're sort of going it alone.

23 Betty Rosa had a proposal there should
24 be a better working group to provide

1 technical assistance to school districts.
2 But it sounds like you're sort of doing part
3 of that already.

4 NYSERDA PRESIDENT HARRIS: Yeah, I
5 appreciate that feedback.

6 Certainly we are seeking to provide
7 broad insights over a series of years through
8 these transition plans that look both at the
9 buses and the infrastructure, but I can see
10 more to do.

11 ASSEMBLYMAN OTIS: We'll talk later.

12 NYSERDA PRESIDENT HARRIS: Thank you.

13 ASSEMBLYMAN OTIS: Thank you.

14 Appreciate it.

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Brown.

17 ASSEMBLYMAN KEITH BROWN: Thank you,
18 Chair.

19 Hello to you both. Nice to see you.

20 DEC COMMISSIONER SEGGOS: Good to see
21 you.

22 ASSEMBLYMAN KEITH BROWN: I want to
23 first thank you, Commissioner Seggos, for
24 your help with the deer problem in

1 Huntington, and I look forward to getting you
2 out to that site tour when you come down to
3 the Island.

4 DEC COMMISSIONER SEGGOS: Let's do it.

5 ASSEMBLYMAN KEITH BROWN: I want to
6 ask you about Region 1 administration. We
7 recently lost our deputy director. Just
8 wondering about plans to replace him. He was
9 excellent at his job. He's moved on to
10 bigger and better places.

11 But with regard to the budget, do you
12 have enough staff in Region 1 under the
13 budget to provide good-quality services to
14 Nassau and Suffolk counties?

15 DEC COMMISSIONER SEGGOS: Good
16 question. You didn't lose Rob Calarco; he
17 didn't go far. He's going to help make us
18 even stronger down there. And yes, we will
19 replace him, hopefully soon on that.

20 I believe we do have the staff down
21 there. As I noted really since my first year
22 in this job, 2800-and-change staff; we're now
23 up to 3313. So we've made increases all
24 across the board, not just central office but

1 crucially, out in the regions, especially
2 Region 1. And to the extent there's anything
3 that your constituents are frustrated by,
4 please just come directly to me and tell us
5 and we'll address that.

6 ASSEMBLYMAN KEITH BROWN: Great.
7 Appreciate that.

8 DEC COMMISSIONER SEGGOS: Thank you.

9 ASSEMBLYMAN KEITH BROWN: Recently I
10 held a panel discussion for Touro Law School
11 on solid waste. It's the second one I've
12 done. increasingly there is a growing need.
13 Our county executive's been asking for a
14 regional plan for solid waste. It seems to
15 be something that has never been addressed by
16 DEC. Long Island's number-one export is
17 garbage, as you know, and we're losing
18 Brookhaven Landfill in 2026 now.

19 What are the chances of our addressing
20 that regional plan in the near future?

21 DEC COMMISSIONER SEGGOS: I think very
22 strong. We clearly have to. It's a major
23 priority of DEC as well as the region, and we
24 feel that on every transfer station, every

1 landfill issue statewide. It's a Long Island
2 issue. And we've started the dialogue with
3 the municipalities down there on that.

4 ASSEMBLYMAN KEITH BROWN: Great.
5 Thank you.

6 DEC COMMISSIONER SEGGOS: Thank you.

7 ASSEMBLYMAN KEITH BROWN: President
8 Harris, if I could ask you just a couple of
9 quick questions on EV charging.

10 I've heard from the libraries in my
11 district that they are looking for grant
12 money to install EV charging stations. It
13 seems to be a very good use; people going to
14 libraries spend a considerable amount of time
15 in the libraries, usually.

16 Is there anything out there that's
17 available for them?

18 NYSERDA PRESIDENT HARRIS: Yes, there
19 certainly is. There are parallel programs
20 that are run by the Long Island Power
21 Authority. So depending on the jurisdiction,
22 there's different programs. But the
23 Charge Ready program is really designed for
24 these we would say semipublic areas.

1 I'll have my team reach out.

2 ASSEMBLYMAN KEITH BROWN: Great. That
3 will be great.

4 And the last thing is, I have a pet
5 peeve with the travel plazas. All of them
6 are being redone. None of them have EV
7 charging facilities in them. I know that in
8 the leases that they're supposed to have
9 three, then I heard four recently. But I
10 just don't understand why it wasn't, you
11 know, put in the construction that the lines
12 be run before they're built, because now
13 they're going to have to be torn up.

14 So what's your take on that? You can
15 get back to me on that.

16 NYSDERDA PRESIDENT HARRIS: Thank you.

17 ASSEMBLYMAN KEITH BROWN: Thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 We move on to Assemblywoman Kelles.

20 ASSEMBLYWOMAN KELLES: Thank you both
21 for your grace and patience with all of us.

22 I'm going to make a few comments, out
23 of the interests of time. They could have
24 been questions, but -- one with the Bond Act.

1 It would be great to see some of the
2 money go to resiliency and adaptation
3 specifically, because the Scoping Plan noted
4 we have, you know, 200 -- 300 million base
5 funding that we need for adaptation. Things
6 like dredging in Ithaca, for example. We're
7 like one storm away from what they saw in
8 Vermont recently.

9 Another point for the environmental
10 officers, Conservation Officers, they
11 actually bring in more money than it costs
12 us. I mean, you know, they have fines that
13 they do on the corporations for their illegal
14 dumping, for example. But also when you say
15 they go to firefighting in Canada and
16 California, California pays New York for the
17 work that they're doing in California. So I
18 just want to note that we are -- it's a great
19 investment. I'd love to see more in that.

20 My one greatest concern in that is the
21 enforcement, because they don't have enough
22 enforcement officers to in fact do all of the
23 follow-through with the crimes that are
24 happening. So that was one point.

1 The 3 million from Ag & Markets going
2 into EPF -- as you've seen here, EPF is way
3 overextended already. I just personally hope
4 that that doesn't end up in the final budget.

5 So those were just a few comments.
6 One last one that I did want to make was I'd
7 just like to note on record that we are in
8 the place that we are with climate change
9 because of deferred maintenance. You know,
10 many, many decades of deferred maintenance
11 for polluters that should have been taking
12 care of it from the very beginning because we
13 now have documentation that they knew from
14 the '40s that they were actually the cause of
15 climate change.

16 So I just want to acknowledge here
17 that we're trying to do catch-up, and so the
18 Superfund, for example, is retrospective,
19 saying let's have you pay for the damages
20 you've already done. Cap-and-invest is
21 prospective, saying now you should pay for
22 the continued contributions. So I just want
23 to make that distinction. And I think it's a
24 valid distinction and important to include

1 both of them.

2 So now to a couple of questions,
3 President Harris, please, two of them in
4 particular. These are numbers you may not
5 have, so if you don't, just -- we'll follow
6 back up.

7 But do we have any sense of how many
8 households that apply for the incentive
9 programs get inspected and do not qualify
10 because they need like to fix the roof, they
11 have mold they have to take care of and they
12 therefore don't qualify? If we don't have
13 it, you can get back to me.

14 NYSERDA PRESIDENT HARRIS: I don't
15 have the percentage, but it is a very real
16 challenge in certain segments of our
17 population, to actually make the home
18 electrification-ready. Right?

19 ASSEMBLYWOMAN KELLES: Yeah, I'll
20 follow up with you. But I definitely want to
21 know that.

22 Do you know what percentage of funding
23 for your New Efficiency: New York programs
24 are put towards gas efficiency and LED

1 light bulbs versus the more effective
2 upgrades like weatherization and heat pumps?

3 NYSERDA PRESIDENT HARRIS: So the
4 commission proceeding that's underway is
5 actually looking at just that, how to get
6 past those initial investments and into
7 deeper -- deeper --

8 ASSEMBLYWOMAN KELLES: Saved by the
9 bell, because I was going to get into HABS
10 with you. We'll do it offline.

11 (Overtalk.)

12 ASSEMBLYWOMAN KELLES: Thank you so
13 much.

14 CHAIRWOMAN WEINSTEIN: We'll go to
15 Assemblyman Gray.

16 ASSEMBLYMAN GRAY: Thank you very
17 much, Madam Chair.

18 And so first, Commissioner, nice to
19 see you.

20 DEC COMMISSIONER SEGGOS: Good to see
21 you.

22 ASSEMBLYMAN GRAY: I just wanted to
23 thank you for your diplomacy to Ukraine.

24 And I just want to plant three things

1 with you. Invasive species, right, in
2 waterways. We have a tremendous invasive
3 species station situation in northern
4 New York in our waterways.

5 Boat launches, take them over from
6 Parks, please, so they can be staffed and
7 operated properly.

8 And thank you to the Governor for the
9 support for Blind Bay yesterday. So --

10 DEC COMMISSIONER SEGGOS: Thank you.

11 ASSEMBLYMAN GRAY: And President
12 Harris, so the state is on -- for EVs. The
13 state is on a track of I believe 2040 rolling
14 out for their heavy-duty vehicles. And yet
15 the schools are on a 2027 track for school
16 buses. Shouldn't it be the other way around?
17 Shouldn't the state -- shouldn't there be
18 parity there and the state be leading versus
19 forcing other entities to lead the way?

20 NYSERDA PRESIDENT HARRIS: So there
21 are different timelines that do apply
22 depending on the sort of aspect of -- you're
23 right, different types of transportation are
24 subject to different timelines.

1 You know, in many instances it's
2 really having to do with the market readiness
3 and the applicability of electrification as a
4 technology. So a school bus, as we learned,
5 runs about 80 miles a day and is really well
6 suited for electric vehicle charging because
7 of the ways in which they go to the depot at
8 night, the bus garage at night, and can be
9 charged.

10 Whereas medium and heavy-duty
11 transport in part is long-haul trips, right,
12 that are less sort of subject to those types
13 of -- I'd say applications.

14 So I think it is the case that we need
15 to sub -- I'd say separate the segment into
16 multiple applications for those very reasons.

17 ASSEMBLYMAN GRAY: So I would just say
18 in that regard, then, they should be on some
19 parity, right, should be on the same
20 timeline, the state and the schools. We
21 should not expect anything different from the
22 school districts that we're not prepared to
23 do ourselves. Right?

24 And in many cases, and I believe some

1 of the legislation reads "if feasible" for
2 the state. So let's talk about "if feasible"
3 for bus -- for school districts. Because as
4 you know, capital projects are being rejected
5 time and again. Right?

6 And I had one district up north had a
7 \$16 million facility to house the buses and
8 it was rejected by the voters. And you say?

9 NYSERDA PRESIDENT HARRIS: Well, I'd
10 say that we are recognizing ever more so that
11 we need to scale up our engagement on this.
12 We feel very good about the ways in which
13 we're working with school districts. But the
14 depth of that engagement needs to be
15 expanded.

16 ASSEMBLYMAN GRAY: But the voters
17 aren't prepared to support this, right,
18 through a referendum. So how can we expect
19 them to accomplish the task?

20 NYSERDA PRESIDENT HARRIS: I'd say
21 that there are many areas of support, but we
22 have more work to do.

23 CHAIRWOMAN WEINSTEIN: We'll look
24 forward to seeing some of those answers.

1 CHAIRWOMAN KRUEGER: Again, you can
2 write them down and share them with both
3 committees. We'll make sure everybody gets
4 the answers.

5 NYSERDA PRESIDENT HARRIS: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 CHAIRWOMAN WEINSTEIN: Next,
8 Assemblyman Ra.

9 ASSEMBLYMAN RA: Thank you.

10 Just a question for NYSERDA going back
11 to somewhat of what my colleague from
12 Long Island was talking about earlier in
13 terms of, you know, siting processes. We're
14 going through renewable projects. We know we
15 exempted the major renewable facilities from
16 the Article 10 siting process. Obviously
17 this has an impact on local communities
18 having the ability to weigh in on siting.

19 So am I correct that now we would be
20 doing the same thing for transmission
21 infrastructure?

22 (Off the record.)

23 NYSERDA PRESIDENT HARRIS: I'd say
24 when one looks at the RAPID Act, which is the

1 topic that I would assume the next panel will
2 be talking about in more detail, we do need
3 to recognize that there needs to be strong
4 standards and strong community engagement as
5 really part of the siting process that
6 remains. I'd say ORES is a good example of
7 the process, perhaps, but transmission siting
8 being unique from generation, it will
9 necessitate specific approaches for the very
10 reasons you describe.

11 ASSEMBLYMAN RA: As my colleague
12 mentioned, you know, we had this issue last
13 year with, you know, a bill being brought up,
14 somewhat a local bill disguised as a
15 statewide bill. And obviously I think it
16 created a lot of distrust with regard to that
17 project. Obviously we know what has happened
18 since.

19 But these are issues that are going to
20 continue to pop up anytime we have that type
21 of, you know, infrastructure going in and
22 having to come through communities from an
23 offshore project. So I think continued
24 engagement with local governments and

1 communities is essential to that process.

2 NYSERDA PRESIDENT HARRIS: I couldn't
3 agree more. And for successful projects as
4 well.

5 ASSEMBLYMAN RA: Sure. With regard
6 to -- you know, this came up earlier with the
7 cost-benefit analysis. Am I correct there
8 was a CLCPA cost-benefit analysis that was
9 done? Is that public?

10 NYSERDA PRESIDENT HARRIS: Yes. Back
11 last year -- or the year before last, as we
12 were finalizing our Scoping Plan, we
13 conducted what was called an integration
14 analysis that looked at the very metrics that
15 Commissioner Seggos was referencing, which is
16 that we see massive benefits coming from
17 these investments, on the order of
18 \$115 billion.

19 And so now as we seek to implement the
20 Climate Law, knowing that we can recognize
21 those benefits, we look at each policy
22 against that lens, which we are now doing
23 with cap-and-invest.

24 ASSEMBLYMAN RA: Okay. And

1 Commissioner Seggos, just going back to the
2 clean water infrastructure issue, I know like
3 many of my colleagues, right, I've had local
4 water districts that benefited from that
5 funding in dealing with what we all know has
6 been very expensive remediation of many of
7 these new chemicals.

8 So I understand you're saying we'll be
9 able to continue to keep up given other
10 sources of funding, but are -- is basically
11 that the idea, that some of the federal
12 infrastructure money or the Bond Act money is
13 going to, going forward, be maybe somewhat
14 replacing this? Or do you envision in future
15 budgets continuing to, you know, have funding
16 for this program?

17 DEC COMMISSIONER SEGGOS: Well, I
18 think we will -- we will maximize our ability
19 to invest every single year, depending on the
20 state's fiscal picture. You know, this year,
21 again, a difficult budget year with huge
22 demands on the state that really didn't exist
23 a couple of years ago. We've talked about
24 the migrant crisis, for example, and how that

1 impacts the larger budget.

2 So I think we would go year to year
3 planning ahead, planning as we do every year
4 on investments and getting money out the
5 door, turning to every pot of money that we
6 have, moving quickly with it. And, you know,
7 being an advocate for municipalities and
8 water districts to please come to us, seek
9 that money out, and seek ways in which to
10 overcome bureaucratic hurdles which really
11 have existed for many years.

12 ASSEMBLYMAN RA: And I know I only
13 have 30 seconds left, but perhaps if it's
14 something you could follow up with, just
15 where we are from a more global picture of
16 around the state with regard to, you know,
17 getting those types of facilities in our
18 local districts that need the remediation.

19 DEC COMMISSIONER SEGGOS: Happy to
20 follow up with you on that, yup.

21 ASSEMBLYMAN RA: Thank you.

22 DEC COMMISSIONER SEGGOS: And then
23 everyone.

24 CHAIRWOMAN WEINSTEIN: So I have a

1 couple of questions, particularly for
2 Commissioner Seggos. And I think every year
3 we've been having a discussion about some of
4 the disbursement levels. So why don't I
5 start with the Clean Water Infrastructure Act
6 of 2017.

7 So wondering if you could update us on
8 the status of the various programs in that
9 act, disbursements made so far and what you
10 anticipate in the coming fiscal year, and how
11 much of the reappropriations still remain
12 unencumbered. And obviously providing this
13 information as you have in the past, in a
14 later -- in a report at a later date, would
15 be helpful as we move forward.

16 DEC COMMISSIONER SEGGOS: Sure. We'd
17 be happy to get that to you as a detailed
18 table.

19 I mentioned some of the numbers up
20 front in my remarks, but -- past, looking at
21 about \$11.9 billion awarded between grants
22 and loans over the last seven years. And we
23 can give you a full breakdown on that and
24 where we're trending this year.

1 Already I'd mentioned about
2 \$480 million between DEC and EFC grants and,
3 thus far, 2.6 in loans. And this is just
4 February at this stage, so I expect those
5 numbers to increase considerably.

6 CHAIRWOMAN WEINSTEIN: And as to the
7 Bond Act, I know the capital plan shows
8 775 million in disbursements over the first
9 six years. When do you expect the Bond Act
10 to be substantially completed?

11 DEC COMMISSIONER SEGGOS: We expect
12 most of the spending is going to happen
13 between Years 2 and 4, really 2 and 3. We've
14 committed just over \$1 billion thus far.
15 That doesn't mean we've put that out, but
16 we've committed over a billion dollars. And
17 that's the range of programs we've been
18 discussing today and those that are
19 encapsulated in the Governor's budget as
20 well. Or State of the State, between that
21 and the resiliency initiative.

22 So I think most of the spending will
23 happen as -- again, as quickly as possible,
24 and that's really in the first, say, three

1 years of the Bond Act.

2 CHAIRWOMAN WEINSTEIN: Great.

3 Thank you.

4 And we're going to now, for our last
5 questioner, her second round,
6 Assemblywoman Glick.

7 ASSEMBLYWOMAN GLICK: Quickly, first
8 of all, I appreciate your comments on the
9 costs of inaction.

10 President Harris -- and maybe there
11 will be more in the next panel, but I don't
12 have a grasp on exactly where we are in our
13 needs for transmission in terms of the plan.
14 Obviously all of the offshore stuff goes to
15 the -- just gets to the shore, and then we
16 have to be prepared to get it directly to the
17 consumer.

18 So I'm wondering where we stand in
19 some of the large projects that are underway,
20 the timing of that.

21 NYSERDA PRESIDENT HARRIS: Thank you.
22 I appreciate the question. Because
23 transmission is certainly the unsung hero of
24 this transition. And ways in which we as a

1 state are, I would say, a nation-leading
2 example of smart planning have really come
3 forward as a model for others.

4 So we have not only a robust planning
5 process as a state, we have also a way in
6 which we are using federal processes to
7 really advance major transmission projects as
8 we speak. In fact, four bulk transmission
9 projects are advancing through these federal
10 FERC processes, in addition to the two major
11 transmission projects that we're advancing,
12 the Champlain Hudson Power Express and the
13 Clean Path NY project.

14 But also on the planning process --
15 and you'll probably hear more about this at
16 the next panel -- there is the coordinated
17 grid planning process that really looks at
18 both bulk investments and distributed
19 investments. Because we need both to really
20 realize that reliable grid of the future.

21 The commission approved 62 distributed
22 projects last year, utility scale projects, I
23 would say. And really when we look at these
24 projects, they're both in construction now

1 advancing 350 miles of transmission
2 investments as we speak, but then in the
3 coming number of years we'll see those big
4 projects, the bulk projects, move forward as
5 well.

6 So literally the way we are advancing
7 transmission has gotten the attention of not
8 only other regions but the federal government
9 in a very impressive way.

10 ASSEMBLYWOMAN GLICK: Thank you.

11 CHAIRWOMAN KRUEGER: Well, you thought
12 it wouldn't happen --

13 (Laughter.)

14 CHAIRWOMAN KRUEGER: -- but we
15 actually ran out of people to ask you
16 questions. Not out of questions, but out of
17 time for more people.

18 So I want to thank you both very much
19 for spending a decent amount of your day with
20 us. We definitely had questions that need
21 follow-up from you both, so we're looking
22 forward to those. And thank you very much
23 for your work. Appreciate it.

24 NYSERDA PRESIDENT HARRIS: Thank you

1 so much.

2 DEC COMMISSIONER SEGGOS: Thank you
3 all. Appreciate it.

4 CHAIRWOMAN KRUEGER: Thank you.

5 And we're going to call up Panel D,
6 the New York State Public Service Commission,
7 Rory Christian; the New York State office of
8 Renewable Energy Siting, Houtan Moaveni; and
9 the New York Power Authority, Justin
10 Driscoll.

11 And I know everyone needs to stretch,
12 but let's do that relatively quickly and then
13 take the conversations out to the hall.

14 (Brief recess.)

15 CHAIRWOMAN KRUEGER: Okay, everybody
16 who's continuing with us get in your seats,
17 or be quiet. If you want to stand up, that's
18 okay also.

19 So we are back to our hearing. We are
20 on Panel D. Good evening, gentlemen. Is it
21 evening yet? No, it's not evening. It's
22 afternoon. It's early in the day.

23 So we're joined by the New York State
24 Public Service Commission, Rory Christian;

1 the New York State Office of Renewable Energy
2 Siting, Houtan Moa -- Moaveni, and he'll
3 pronounce it for me correctly; and the
4 New York Power Authority, Justin Driscoll.

5 Do you want to go in that order, or do
6 you have a preference? Okay, then you're up.

7 Good afternoon. Oh, your mic needs to
8 be green. These buttons are a challenge to
9 push -- there you go. Thank you.

10 PSC CHAIR CHRISTIAN: As I was saying,
11 good afternoon, Chair Krueger,
12 Chair Weinstein and other distinguished
13 legislative members. My name is
14 Rory Christian, and I am the chief executive
15 officer of the Department of Public Service
16 and the chair of the Public Service
17 Commission.

18 The welfare of all New Yorkers and the
19 operation of the state's economy depend on
20 safe and reliable access to affordable
21 energy, water, steam, telecommunications, and
22 cable services. The department and the
23 commission were established by statute to
24 oversee the utility companies that own and

1 operate the infrastructure through which
2 customers receive these essential services.
3 The commission is charged with ensuring that
4 these companies provide safe and reliable
5 service at just and reasonable rates, and
6 doing so in a way that protects natural
7 resources and looks ahead to the future needs
8 and constraints.

9 The commission's regulatory
10 jurisdiction extends over New York's
11 investor-owned utilities, which includes six
12 major electric/gas utilities, five major gas
13 utilities, two major water companies, one
14 major steam utility, and 39 telephone
15 companies.

16 The department, the investigative and
17 advisory arm of the commission, also provides
18 regulatory oversight of electric utility
19 operations on Long Island.

20 The department supports the
21 commission's oversight of the state's
22 utilities, including its rate-making
23 functions, and undertakes planning and
24 permitting functions related to the

1 construction and operation of power sector
2 facilities.

3 Public statement hearings, both
4 in-person and virtual, are a vital tool for
5 public engagement in rate cases, siting and
6 permitting reviews, and other proceedings.
7 Last year we held 98 public statement
8 hearings and meetings, attended by thousands
9 of New Yorkers, and we received well over
10 29,000 public comments in 2,450
11 proceedings -- comments that played a key
12 role in our decision-making. We fielded
13 roughly 270,000 consumer calls, handled
14 approximately 68,000 consumer inquiries and
15 complaints, and the Office of Consumer
16 Services returned more than \$7 million in
17 utility consumer refunds in 2023, up
18 55 percent from 2022.

19 Together, these interactions inform
20 our approach to our mission and to the
21 companies we regulate.

22 Over the last few years the commission
23 took action to update and tighten utility
24 oversight and enhance consumer protections.

1 For example, in the emergency response plans
2 that electric utilities submit to the
3 commission for approval each year, they must
4 now include plans for managing large-scale
5 outages caused by cyberattacks. They must
6 also provide bill credits and reimbursements
7 to residential and small-business consumers
8 that experience a widespread, prolonged
9 outage lasting at least 72 hours. These
10 plans serve as the yardsticks by which
11 utilities' performance is measured in the
12 face of emergencies.

13 The department wholeheartedly embraces
14 Governor Hochul's commitment to transparency,
15 accountability and public participation in
16 New York State government. Public input has
17 a significant impact on commission decisions.
18 To meet our Governor's commitment, the
19 department is working to make information
20 more accessible and participation in the
21 department's proceedings easier, as recent
22 updates to the department's website reflect.

23 In addition, department staff monitor
24 utility customer service quality, oversee

1 utility low-income assistance programs, and
2 conduct outreach programs to ensure public
3 awareness of initiatives to assist customers.

4 The commission and the department also
5 play a central role in achieving the
6 objectives of the Climate Leadership and
7 Community Protection Act. We must do this
8 while maintaining our energy systems'
9 reliability and improving their resiliency to
10 disruption -- and without compromising the
11 affordability of energy solutions for
12 consumers.

13 Make no mistake, this is a challenging
14 endeavor. We, as a state, have faced
15 headwinds and barriers, bottlenecks and
16 conflicts, and a variety of challenges in our
17 efforts to deliver on the clean energy and
18 climate targets that you have tasked us with.
19 And we will continue to face difficult
20 decisions as we balance the priorities of
21 reliability, affordability, and achieving the
22 mandates of the Climate Act.

23 The Governor has proposed a budget
24 that will help us to serve New Yorkers'

1 interests as the energy transition proceeds
2 and new issues arise. There are several
3 examples of that the commission and the
4 department have done to implement the
5 Climate Act over the past year. The
6 department and commission are taking a
7 systematic approach to the work of hitting
8 our climate targets while maintaining
9 reliability.

10 In 2023, taking into consideration
11 feedback received through our engagement
12 processes, the commission adopted a strategic
13 framework for the state's energy efficiency
14 and building electrification programs. That
15 framework will minimize redundancy and
16 improve program design and access, especially
17 for low- to moderate-income consumers.

18 The commission made major changes to
19 New York's Electric Vehicle Make-Ready
20 Program, to speed up the transition to
21 zero-emission electric vehicles so that
22 New Yorkers have access to the convenience
23 and reliability of EV charging. These
24 changes include changing the overall

1 ratepayer-funded EV Make-Ready Program from
2 700 million to \$1.24 billion. In
3 disadvantaged communities that will mean an
4 increase from over 200 million to
5 \$372 million.

6 Department staff provided the first
7 Annual Informational Report on overall
8 implementation of the Climate Act to the
9 commission in July of 2023. It included a
10 summary of recent efforts and outcomes in
11 relation to several key areas of the Climate
12 Act implementation, including renewable
13 energy and energy storage, transmission,
14 energy efficiency, building electrification,
15 thermal energy networks, and transportation.

16 This report further builds upon our
17 commitment to transparency and
18 accountability.

19 Governor Hochul's '24-'25 Executive
20 Budget includes another \$140 million in
21 funding to support the department's
22 operations and pursuit of its strategic
23 objectives, including the implementation of
24 clean energy initiatives to achieve the

1 targets set out in the Climate Act.

2 And Governor Hochul continues to
3 demonstrate leadership in her support for the
4 development of a clean energy economy, one
5 that will create economic opportunities and
6 spur growth while also directly benefiting
7 consumers. The initiatives laid out in her
8 State of the State address and Executive
9 Budget reflect this leadership and will
10 enable clean energy planning and investments
11 that enhance energy system reliability while
12 making energy more affordable.

13 In 2024 we will continue doing our
14 part to support Governor Hochul's commitment
15 to striking a balance between energy
16 affordability and progress towards energy and
17 environmental goals. Governor Hochul has
18 called upon the department to expand its
19 efforts to deliver an affordable and reliable
20 clean energy future. The department has
21 already undertaken proceedings to identify
22 zero-emission resources, map out the future
23 of renewable energy, and deploy electric
24 vehicle charging stations, to name a few.

1 And this year we will initiate the
2 Grid of the Future Proceeding: Its aim, to
3 improve both flexibility and affordability by
4 deploying smart-grid technologies and
5 enabling the operation of virtual power
6 plants, which tap the potential of small,
7 dispersed resources by coordinating their
8 outputs and integrating them seamlessly into
9 the operation of the electric grid.

10 This new proceeding will build on past
11 and ongoing commission efforts and will
12 identify cost-effective paths to achieving
13 meaningful deployment targets.

14 Another new program, the Smart Energy
15 Savings Initiative, will complement the Grid
16 of the Future Proceeding by better enabling
17 New Yorkers to manage their energy use. This
18 initiative will help residual customers
19 achieve savings of between \$100 and \$500 each
20 year.

21 Recognizing that consumer decisions to
22 electrify buildings and vehicles are already
23 having an impact on the direction and pace of
24 investments, the Governor also proposed the

1 Renewable Action through Project
2 Interconnection and Deployment, or the RAPID
3 Act, as has been mentioned earlier, and the
4 Affordable Gas Transition Act. The RAPID Act
5 would transfer the Office of Renewable Energy
6 Siting from the Department of State to the
7 Department of Public Service. This move
8 would create a one-stop shop within the
9 Department of Public Service for renewable
10 energy generation and transmission
11 permitting. If enacted into law, New York
12 would have streamlined siting and permitting
13 processes that emphasize transparency,
14 continue to prioritize environmental
15 protection, and enable faster decision making
16 to get projects in the ground.

17 Integrating the Office of Renewable
18 Energy Siting into the department would
19 result in multiple efficiencies. In
20 particular, it would locate the entity
21 responsible for siting of clean energy and
22 transmission infrastructure projects with the
23 staff responsible for overall energy system
24 planning and implementation.

1 The department has several efforts
2 underway to ensure planning for transition to
3 a cleaner energy system is coordinated well
4 when it comes to electricity transmission and
5 natural gas distribution.

6 CHAIRWOMAN KRUEGER: Thank you.
7 That's your 10 minutes. Appreciate it.

8 PSC CHAIR CHRISTIAN: Okay, thank you.

9 CHAIRWOMAN KRUEGER: And which of you
10 is next?

11 ORES EX. DIRECTOR MOAVENI: I think
12 I'm next.

13 CHAIRWOMAN KRUEGER: Thank you.

14 ORES EX. DIRECTOR MOAVENI: Good
15 afternoon, Chair Krueger, Chair Weinstein --

16 CHAIRWOMAN KRUEGER: One second, I'm
17 sorry. Will you two turn yours off because
18 you're not speaking? Because then it avoids
19 feedback. Great, thank you.

20 ORES EX. DIRECTOR MOAVENI: Good
21 afternoon, Chair Krueger, Chair Weinstein,
22 and other members of the New York State
23 Legislature. My name is Houtan Moaveni, and
24 I am the executive director of the New York

1 State Office of Renewable Energy Siting.

2 Thank you for the opportunity to
3 appear before you today to discuss the
4 important work of the office and its
5 accomplishments during the past year, and the
6 matters the office expects to focus on during
7 state fiscal year 2024-'25.

8 To begin, I would like to thank
9 Governor Kathy Hochul for continuing to make
10 combating climate change a priority of her
11 administration. Also, I would like to
12 recognize the staff at ORES and our state
13 partner agencies for their dedication to
14 New York's renewable energy mission and the
15 protection of the state's environment.

16 In April 2020, the Legislature
17 squarely confronted the state's need for a
18 coordinated and timely permitting process for
19 major renewable energy facilities needed to
20 meet the Climate Leadership and Community
21 Protection Act by creating ORES, which is the
22 first state agency in the United States
23 solely devoted to the siting of major
24 renewable energy facilities.

1 Since its creation, ORES has developed
2 and implemented a fact-based decision-making
3 process that stands as a national model to
4 efficiently and effectively enable a clean
5 energy transition while protecting
6 environmental and community resources. Under
7 Governor Hochul's continued leadership, and
8 through the diligence and dedication of our
9 staff, ORES has met or exceeded all its
10 statutory deadlines.

11 I'm pleased to report the following to
12 the members of the New York State Legislature
13 regarding the office's performance and
14 implementation of the Executive Law 94-c as
15 measured through the metrics of scale, speed,
16 and quality of environmental reviews.

17 With respect to the scale of permitted
18 major renewable energy facilities in the
19 state, the office began working with
20 prospective applicants on all new
21 applications for major renewable energy
22 facilities from Executive Law 94-c's
23 effective date. To date, the office has
24 issued 15 final siting permits, totaling over

1 2.3 gigawatts of renewable energy capacity.
2 To put this in perspective, ORES has
3 permitted more projects in just under
4 three years than the prior siting process
5 approved in over nine years. Regarding
6 speed, a majority of the 15 permitted
7 facilities were approved less than eight
8 months from the date on which applications
9 were deemed complete, marking the most rapid
10 pace of major renewable energy facility
11 approvals in the state's history.

12 While the scale and speed of the
13 siting process are essential to meet the
14 goals of the CLCPA, we cannot address climate
15 change at the expense of our natural
16 resources or communities. In making its
17 final decisions, the office must consider a
18 variety of interests and must balance
19 competing impacts to multiple resources of
20 local and statewide concern, with the state's
21 need for major renewable energy facilities
22 and the environmental benefits that they
23 provide.

24 Those benefits extend to agriculture

1 resources and ecosystems, which are already
2 being adversely affected by climate shifts
3 and extreme weather.

4 When we think about the state's clean
5 energy transition, it comes with a strong
6 commitment to getting it right. Far from a
7 rubber stamp, the Executive Law 94-c process
8 provides for a coordinated review of proposed
9 major renewable energy facilities on a
10 case-by-case basis, without compromising the
11 integrity of environmental standards or
12 sacrificing community engagement.

13 As demonstrated by the final siting
14 permits issued to date, the office conducts
15 detailed, transparent site- and project-
16 specific environmental reviews, with robust
17 public participation, to ensure that the
18 proposed facilities meet or exceed the
19 requirements of Executive Law 94-c and its
20 implementing regulations.

21 ORES' record of decisions confirm that
22 local governments and community stakeholders
23 have fairly and meaningfully participated in
24 the permitting proceedings and their concerns

1 have been incorporated into the final
2 decisions. For a majority of the permitted
3 facilities, host municipalities, applicants,
4 and the office staff took a cooperative
5 approach that resolved local concerns without
6 the need for full administrative hearing
7 procedures.

8 Through intervenor funding, local
9 agencies and community groups had access to
10 over \$2.3 million to facilitate their
11 participation in the permitting process. For
12 the 15 permitted facilities, the office
13 considered over 2,000 public and municipal
14 comments and held 24 in-person and virtual
15 public comment hearings.

16 With the objective to leave the host
17 communities stronger than they were before
18 these projects were developed, these
19 facilities are expected to provide over
20 \$280 million of benefits to the host
21 communities over their lifetimes. Further,
22 these facilities are expected to create more
23 than 3,500 full-time equivalent jobs during
24 construction and operation. As these

1 projects proceed, ORES will continue to work
2 collaboratively with the host municipalities
3 and community stakeholders throughout the
4 construction phase.

5 ORES expects significant application
6 activity to continue in the upcoming fiscal
7 year. The Executive Budget proposes
8 \$26 million in new appropriation authority to
9 support the office and its work. The
10 \$26 million is needed to ensure ORES has
11 adequate resources to accomplish its mission
12 and to continue to advance renewable energy
13 development in the state.

14 As part of the comprehensive agenda
15 within the Executive Budget, the Governor has
16 introduced the Renewable Action through
17 Project Interconnection and Deployment, or
18 RAPID Act. This proposal consolidates the
19 environmental review and permitting of major
20 renewable energy as well as electric
21 transmission facilities into a single forum
22 in which ORES will conduct a coordinated and
23 timely review of these facilities needed to
24 advance the CLCPA goals. The RAPID Act will

1 modernize the permitting process for
2 transmission facilities by incorporating the
3 best practices established by the state's
4 prior siting and permitting processes.

5 Under the leadership of
6 Governor Hochul, ORES stands ready to help
7 the state deliver clean, reliable and
8 affordable energy for all New Yorkers. The
9 state is at the forefront of a successful and
10 equitable clean energy transition, which
11 requires a massive buildout of wind and solar
12 facilities. Connecting these facilities to
13 the grid requires a larger and more robust
14 electric transmission infrastructure to link
15 generators to where electricity is needed.
16 This transformation is dependent on the
17 responsible siting of these facilities.

18 Over the past four years, ORES has
19 demonstrated that it is possible to
20 streamline and expedite permitting approvals
21 for major renewable energy facilities without
22 compromising on community or environmental
23 protections. We have the team, the
24 experience, and the expertise to urgently

1 accelerate the buildout of much-needed
2 transmission infrastructure through the
3 RAPID Act.

4 I want to thank you for your crucial
5 partnership in supporting the office as we
6 work to reduce greenhouse gas emissions,
7 protect our natural resources, and provide
8 lasting economic development opportunities
9 for the state. We look forward to continuing
10 to work hand-in-hand with all stakeholders as
11 these facilities are developed and
12 constructed.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Last but not least.

15 NYPA PRESIDENT DRISCOLL: Yes, thank
16 you.

17 Chair Krueger, Chair Weinstein,
18 Chair Barrett, Chair Harckham and other
19 distinguished members of the joint
20 committees, my name is Justin Driscoll and
21 I'm the president and chief executive officer
22 of the New York Power Authority. And I want
23 to thank you for the opportunity to appear
24 here today to discuss the Governor's

1 Executive Budget proposal.

2 I will also take this opportunity to
3 discuss our progress on implementing the new
4 authority and responsibilities provided to
5 NYPA in last year's enacted State Budget to
6 advance goals of the Climate Leadership and
7 Community Protection Act, or the Climate Act.

8 The Power Authority continues to be
9 guided by the strong leadership of Governor
10 Kathy Hochul and this Legislature, as we seek
11 to create a greener, more prosperous, and
12 more equitable New York. In 2021, NYPA
13 updated our organizational strategy to ensure
14 that every decision we make supports
15 New York's transition to a clean economy.
16 Whether at our administrative offices in
17 White Plains, or inside our St. Lawrence
18 Power Project in Massena, we proudly display
19 our vision statement: "A thriving, resilient
20 New York State powered by clean energy."

21 I would like to begin by summarizing
22 the broad reach of NYPA's work and how it
23 contributes to the state's transition to a
24 clean energy economy, and I will focus on

1 three broad components of the Power
2 Authority's work: as a developer, owner and
3 operator of energy infrastructure; as a
4 supplier of energy and energy services; and
5 as a leader in the just and equitable
6 transition to a green economy.

7 Starting with our role in energy
8 infrastructure, as I think you know, the
9 authority owns and operates 16 generating
10 facilities throughout the state, generating
11 nearly 25 percent of all power produced in
12 the state. And more than 80 percent of the
13 electricity we produce is clean, renewable
14 hydropower. We also operate natural
15 gas-powered plants in New York City and the
16 Long Island area, and most of those units are
17 referred to as peaker plants, and NYPA will
18 take those units offline by 2030, subject to
19 specified reliability and environmental
20 considerations.

21 Additionally, under our expanded
22 authority from last year, the Power Authority
23 is working to develop new renewable
24 generation throughout the state, and I look

1 forward to providing more detail on that
2 later in my testimony.

3 In addition to generation, NYPA owns
4 and operates and maintains approximately
5 one-third of the high-voltage transmission
6 lines in New York State. These assets are
7 essential components and form the backbone of
8 the statewide energy grid for electric power
9 transmission, and are critical to integrating
10 existing and new renewable energy throughout
11 New York.

12 NYPA's also supporting the grid of the
13 future. There's no organization in the
14 state, public or private, that's doing more
15 to support the development of New York's
16 transmission system than the Power Authority.
17 We've already committed to six large-scale
18 projects throughout the state, and we're
19 pursuing additional opportunities to leverage
20 our unparalleled knowledge of the New York
21 grid to bring innovative and cost-effective
22 solutions to New Yorkers.

23 Two projects that came online just
24 last year -- Central East Energy Connect and

1 Smart Path -- were delivered on-time and
2 on-budget.

3 In addition to our work to build out
4 the generation transmission grid of the
5 future, the authority serves more than 1
6 thousand energy supply customers in
7 accordance with federal and state law. Our
8 customers include local and state government
9 entities, municipal and rural cooperative
10 electric systems, and large, small and
11 not-for-profit businesses across the state.

12 Our economic development power
13 programs leverage NYPA's low-cost hydropower
14 to incent businesses to locate and hire in
15 New York. And through these programs, NYPA
16 has supported the creation and retention of
17 more than 450,000 jobs and nearly \$54 billion
18 in capital investment commitments by
19 businesses throughout New York State.

20 NYPA energy supply customers are also
21 eligible for energy services programs, and to
22 date NYPA has invested more than \$3.9 billion
23 in energy efficiency projects at publicly
24 owned facilities throughout New York. Our

1 energy services programs have resulted in
2 more than \$302 million in annual taxpayer
3 savings.

4 NYPA's clean energy advisory services
5 have enabled over 62 megawatts of solar and
6 2.5 megawatts of storage at our customer
7 facilities, 40 megawatts of that coming
8 online since I took on my role in 2021.

9 In support of electric vehicles,
10 NYPA's facilitated the development of
11 725 charging stations at government and NYPA
12 customer facilities throughout the state.

13 NYPA's partnering with the New York
14 State DOT to help leverage federal funding
15 under the National Electric Vehicle
16 Infrastructure, or NEVI, formula program,
17 which provides funding to the states to
18 deploy EV charging stations and establish an
19 interconnected national EV charging network
20 within designated corridors. With the launch
21 of the program in late 2023, NYPA constructed
22 two NEVI-eligible sites, for a total of eight
23 ports, making New York State one of the first
24 states with NEVI-funded chargers in operation

1 in the nation.

2 In addition to leadership in energy
3 infrastructure in the support of customers,
4 NYPA continues to support communities around
5 the state and is advancing initiatives to
6 invest in disadvantaged communities. I'll
7 mention just a few of NYPA's many
8 environmental justice initiatives.

9 One initiative is our recent
10 \$1 million energy efficiency project at the
11 Tuscarora Elementary School in Western
12 New York, which supports the Tuscarora First
13 Nations people who live adjacent to our
14 Niagara Power Project.

15 Since 2021, NYPA has also supported
16 the Pathways in Technology Early College
17 High School Program, or P-TECH, with the goal
18 of increasing the number of diverse students
19 who pursue studies and careers in the utility
20 industry.

21 NYPA provides energy expertise to
22 align technical skills and workplace
23 competencies with curriculum and course
24 offerings, provides paid internships,

1 mentorship opportunities, college and career
2 readiness workshops, and dedicated staff to
3 participate on the grades 9-14 steering
4 committees and working groups. And we're
5 proud to report that the program has grown
6 from supporting three programs in 2019 to the
7 current eight programs across New York State.

8 NYPA also supports 82 paid summer
9 internships, and summer interns are trained
10 and obtain industry-recognized certifications
11 in a variety of utility-related technologies.

12 NYPA has also committed EJ funding to
13 support the NYCHA Clean Energy Academy, and
14 the first cohort of 24 NYCHA residents
15 graduated in August 2023.

16 Last year we launched initiatives with
17 NYCHA and NYSERDA to install modern induction
18 electric stoves and window heat pumps in
19 NYCHA properties in New York City. We also
20 awarded funding to Bronx Community College to
21 develop a cleaner, greener college
22 sustainability program, and an expanded
23 rooftop garden at the Variety Boys and Girls
24 Club in Queens.

1 Finally, the Power Authority has
2 completed its work under the state's
3 ConnectALL program to make high-speed
4 internet available to residents in rural
5 communities using our excess fiber on our
6 system. Under ConnectALL, over 3,000 homes
7 have now been connected. And this month
8 Governor Hochul announced federal funding to
9 connect tens of thousands of homes to
10 high-speed broadband internet based on the
11 ConnectALL model.

12 Now I'd like to turn to our efforts
13 regarding the expanded authority provided to
14 NYPA last year. In December of 2023, NYPA
15 completed its first annual conferral process.
16 We had the privilege of conferring with over
17 50 stakeholders from diverse backgrounds and
18 received insightful feedback on stakeholder
19 views of the state's progress toward
20 achieving Climate Act goals, the timing of
21 the power grid operator's interconnection
22 process, and NYPA's proposed role in
23 developing new renewable generation.

24 NYPA will continue to solicit

1 stakeholder engagement through this annual
2 process and through our
3 NYPARenewablesConferral email account. All
4 feedback will be compiled and published on
5 our website. And through our biannual
6 Renewables Strategic Plan, NYPA will
7 highlight how specific insights from
8 stakeholder engagement have informed the
9 plan.

10 Since last year, NYPA has been
11 actively pursuing renewable energy projects.
12 Each of our projects will be identified in
13 the Renewables Strategic Plan, the first of
14 which will be published no later than January
15 2025, preceded by written comments and at
16 least three public hearings on the draft
17 report.

18 And to move quickly, I've hired a vice
19 president of renewables to lead our work to
20 develop new renewable projects, and we are
21 actively recruiting additional staff.

22 We're grateful at NYPA to the members
23 of the Assembly and Senate who have reached
24 out to our team to suggest projects or

1 locations that may be a good fit for us. And
2 let me say we invite more of these
3 suggestions from members. We're also
4 partnering with our sister agencies, such as
5 OGS, to look at opportunities to develop on
6 state land projects that might not have been
7 possible before NYPA's authority to own
8 additional renewable assets. And this is
9 just one part of our whole-of-government
10 approach to advancing clean energy in
11 New York State.

12 Key to the success of NYPA renewables
13 will be leveraging NYPA's resources, time,
14 people and money to maximize the amount of
15 renewable energy we can enable. And last
16 month we issued a Request for Information to
17 private industry to understand potential
18 interest and opportunities for us to
19 collaborate.

20 In addition to building renewables,
21 last year's enactment granted NYPA additional
22 authority that we've organized into four
23 buckets -- I'll have to go quickly here --
24 retirement of our peaker plants, leading the

1 Decarbonization 15, launching the REACH
2 program -- we filed our petition with the
3 Public Service Commission just last week --
4 and investing \$25 million in workforce
5 training.

6 And finally, thank you to the Governor
7 for including \$50 million for the
8 Canal Corporation in her budget for
9 infrastructure repairs. These are very
10 important for us to keep the canal safe and
11 secure for the next hundred years.

12 Thank you.

13 CHAIRWOMAN KRUEGER: Thank you all
14 very much.

15 Our first questioner will be Pete
16 Harckham, 10 minutes.

17 SENATOR HARCKHAM: Thank you very
18 much, Madam Chair. And thank you all for
19 your testimony. Much appreciated. And
20 please thank your teams for everything
21 they're doing.

22 I'm going to bounce around with my
23 questions, so following the bouncing ball.

24 First, Chair Christian, just a quick

1 parochial question about Indian Point.

2 First, thank you very much. The team who
3 works on the Indian Point Decommissioning
4 Oversight Board, they do a terrific job, and
5 you should know that they really are
6 first-rate. And it can be a challenging
7 environment down there, so we thank you for
8 that.

9 But as Holtec has announced a revised
10 schedule for the decommissioning, as we learn
11 more about that, is the PSC willing perhaps
12 in the future, as we get more details about
13 Holtec's plans, to open the discussion of the
14 Cessation Fund and the timeline thereof?

15 PSC CHAIR CHRISTIAN: I think the
16 simple answer would be yes. We have regular
17 meetings with Holtec, and I think the most
18 recent update was the moving of the
19 radioactive material into dry cask storage,
20 which is far safer.

21 So we do periodic reviews and updates
22 with them, and I'm more than open to
23 continuing that dialogue and sharing whatever
24 information is needed to ensure safety, so --

1 SENATOR HARCKHAM: All right, thanks.
2 But this would be about the Cessation
3 Fund --

4 PSC CHAIR CHRISTIAN: Yup.

5 SENATOR HARCKHAM: -- that provides
6 funding to the municipalities. Thank you.

7 All right, let's go over to ORES.
8 Executive Director Moaveni, thank you for
9 your testimony. Just to help me clarify the
10 numbers.

11 So since ORES has been in existence,
12 you've greenlighted 15 projects.

13 ORES EX. DIRECTOR MOAVENI: Correct.

14 SENATOR HARCKHAM: Okay. How many
15 have you declined?

16 ORES EX. DIRECTOR MOAVENI: One.

17 SENATOR HARCKHAM: One. And how many
18 are in your pipeline?

19 ORES EX. DIRECTOR MOAVENI: It's
20 really hard to count. We are actively
21 working on four complete applications, and we
22 are like reviewing another five full
23 applications submitted for completeness
24 review. And there is another pipeline of

1 projects that are going through the
2 pre-application process.

3 The office does not have any control
4 over the timing of when, you know, those
5 applications are submitted.

6 SENATOR HARCKHAM: All right. How
7 long is -- what's involved with the
8 pre-application process?

9 ORES EX. DIRECTOR MOAVENI: So a
10 critical part of the 94-c process is to
11 identify major local concerns as well as like
12 major environmental, generally speaking,
13 resources concerns at the earliest point of
14 an application development.

15 So the idea that we have is that if
16 environmental issues are not part of the
17 design problems for these facilities, they
18 cannot be part of the design solution. So --
19 and this historically in the state has been a
20 big issue with a lot of back and forth with
21 incomplete applications and poorly sited
22 projects in some instances.

23 In our -- again, the approach that we
24 are taking is we are in a binding manner

1 identifying those critical impacts as early
2 as possible so developers can put together
3 better, more complete applications.

4 SENATOR HARCKHAM: All right, thanks.
5 I asked because I'm just trying to gauge
6 capacity, in that the Governor is now
7 proposing to add transmission to your
8 portfolio of work without adding increased
9 budget or increased staff.

10 So is this something that you feel
11 that your team can realistically take on?

12 ORES EX. DIRECTOR MOAVENI: So this is
13 the second time in four years that I'm going
14 through this experience. I'm confident with
15 the current resources that we have at ORES,
16 and continued support from our sister
17 agencies -- DPS, DEC, Ag & Markets, Office of
18 Parks -- we'll be able to manage the current
19 and expected workload.

20 SENATOR HARCKHAM: And do you think
21 being in Public Service is really the place
22 where that's the best fit, versus Department
23 of State, where you are now?

24 ORES EX. DIRECTOR MOAVENI: So I look

1 at this as an opportunity for the State of
2 New York: (A) is to modernize the permitting
3 process for transmission, and (B) is to bring
4 all the human resources and experts in two
5 different agencies under one roof.

6 So from that perspective, certainly we
7 are gaining some efficiency.

8 SENATOR HARCKHAM: All right, thank
9 you.

10 I open this question up to all three
11 of you, but we'll start with President
12 Driscoll. It's about the grid and
13 transmission. If you've been listening,
14 there have been a lot of questions from
15 colleagues today, Are we going to have a grid
16 that's going to be able to live up to this
17 transmission? I was speaking with the
18 president of one of the utility companies
19 from my district in the Hudson Valley, and we
20 were lamenting that if you look outside and
21 you look at the grid, it doesn't look a heck
22 of a lot different than it did a hundred
23 years ago. Maybe some of the technology's
24 more advanced.

1 So given the increased issues on
2 load -- which will be a good thing, that
3 means more electrification -- but adding new
4 renewables in, the sheer volume and
5 resiliency, what are we doing and are you
6 confident that we will be able to provide the
7 grid that will meet the challenges we're
8 going to be facing?

9 NYPA PRESIDENT DRISCOLL: Well, thank
10 you for the question.

11 I think, you know, this is obviously a
12 subject that's much debated. I can tell you
13 that the area that we practice and operate
14 in, the bulk system, the big grid, we have
15 over six projects that we're engaged in
16 currently, two actually have been energized.
17 And one of the things that we're doing there,
18 which potentially goes to your question
19 around why it's not -- why it doesn't look
20 any different, what we're doing is we're
21 working within our own existing rights-of-way
22 in many cases and actually upgrading the
23 capacity of the line.

24 So the line in the North Country,

1 Smart Path Connect and Smart Path, both in
2 existing rights-of-way where the capacity was
3 increased from 230 kV to 345 kV in order to
4 unbottle the renewable generation that's
5 been -- that's been difficult to get out of
6 the North Country in particular.

7 There are other pockets like that
8 around the state, so the other example of
9 that is our Clean Path line, which is largely
10 in our right of way, 100 of the 190 miles is
11 in our right-of-way. So you're going to see
12 upgrades to existing rights-of-way and
13 existing transmission facilities in order to
14 be able to move more power around the state.

15 I'll also say that -- and I heard the
16 discussion earlier about some of our
17 successes, and it's very true that New York
18 State is really leading in implementation of
19 transmission development through the
20 Federal Order 1000 process that's run by
21 FERC. We have -- there have been three
22 solicitations so far, two of which NYPA has
23 been awarded, and a fourth that's coming down
24 the pike very soon, going into New York City.

1 We're also working on the Long Island
2 upgrade of the Long Island grid with our
3 partner Transco. That was also awarded by
4 the NYISO through the FERC process. So a lot
5 of great work being done, at least at the
6 bulk level. And so I'm encouraged that we'll
7 be able to have the grid of the future ready
8 when the projects are built and in operation.

9 SENATOR HARCKHAM: Thank you. And
10 Chair Christian, same question.

11 PSC CHAIR CHRISTIAN: So I couldn't
12 agree more with President Driscoll.

13 And what I will add to that is we at
14 the commission, recognizing the need for more
15 transmission, and in response to the
16 Accelerated Growth in Renewable Energy Act
17 {sic}, we have moved forward with directing
18 the utilities to do a number of analyses and
19 have identified significant needs throughout
20 the North Country and the rest of the state.

21 And we've approved investments -- I
22 want to say in excess of \$6 billion for both
23 bulk transmission needs, which Justin was
24 just describing, but also local transmission

1 needs, to make sure the power gets to the
2 individuals and homes and businesses that
3 need it most.

4 So these investments are underway, but
5 most importantly, in addition to identifying
6 our current needs, we've established a
7 process to prospectively look ahead over
8 three-year periods to identify future needs
9 well in advance of them becoming critical.
10 And we call this the coordinated grid
11 planning process, or CGPP.

12 And it's an iterative process. The
13 first part of it has begun this year, and it
14 will continue every three years periodically,
15 ad infinitum. So we view this as a good step
16 forward in ensuring that our plans keep up
17 with our actions.

18 SENATOR HARCKHAM: Thank you.

19 And if I could, Director Moaveni, if
20 you move over and take on transmission, how
21 do you see your office helping in this
22 effort?

23 ORES EX. DIRECTOR MOAVENI: It will be
24 primarily focusing on streamlining and

1 expediting the permitting process for these
2 transmission facilities. That's really where
3 we are focusing on, primarily. That will be
4 the ORES role under the RAPID Act.

5 SENATOR HARCKHAM: All right, thank
6 you. I'm going to be running out of time,
7 but I may have some follow-ups when
8 everyone else is finished.

9 Thank you, Madam Chair. Thank you.

10 CHAIRWOMAN KRUEGER: Assembly.

11 CHAIRWOMAN WEINSTEIN: The -- our
12 Energy chair in the Assembly,
13 Assemblywoman Barrett, 10 minutes.

14 ASSEMBLYWOMAN BARRETT: Thank you.

15 And thank you all for being here.
16 Thank you for operating on legislative time,
17 which means you start the day at 5 in the
18 afternoon.

19 But I wanted to try to follow where
20 Senator Harckham was going and understand a
21 little bit more about this new merger or this
22 new alliance. It certainly makes sense --
23 more sense than being in the Department of
24 State, that's for sure.

1 The RAPID part is just the
2 transmission and the merger is another -- I
3 mean, are these two separate things that are
4 going on for ORES at this point?

5 ORES EX. DIRECTOR MOAVENI: So under
6 the RAPID Act, basically we are transferring
7 ORES, which is housed currently within
8 Department of State, to be housed within
9 Department of Public Service -- sorry, Rory.
10 And next would be transferring basically the
11 current Executive Law 94-c under
12 Article VIII.

13 And then would be, if you will, like a
14 new addition for transmission siting, which
15 is currently governed by Public Service Law
16 Article VII, and that law has been -- was
17 enacted in 1970. And so after 50 years this
18 is an opportunity for the state to try to
19 modernize the way that we are doing the
20 permitting process -- for multiple reasons,
21 but just like one of them is over the last
22 50 years, the experience and the best
23 practices that we have already learned
24 through various permitting processes. And

1 second is just like the different level of
2 technology that we are talking about today
3 that was not really envisioned in 1970.

4 So again, so I would say, to
5 summarize, it's just the transmission piece
6 is the only new part of the RAPID Act. The
7 rest of it essentially is expected to be the
8 same as currently is under 94-c.

9 ASSEMBLYWOMAN BARRETT: So it will be
10 the -- basically the 94-c protocols, the way
11 that's operated --

12 ORES EX. DIRECTOR MOAVENI: My
13 colleagues from the chamber may not like it;
14 I would call it like 94-d, imagine. So 94-c
15 for transmission, 94-d for --

16 ASSEMBLYWOMAN BARRETT: 94-c.2 or
17 something --

18 ORES EX. DIRECTOR MOAVENI: --
19 transmission, yes.

20 ASSEMBLYWOMAN BARRETT: Okay, 94-d.

21 And do you see -- I mean, you know
22 from my, you know, legislation and all that
23 -- making sure that communities are involved
24 in this decision-making process, because it

1 certainly doesn't make things go faster when
2 they're resisting and when you're fighting,
3 so -- you saw that on Long Island, we've seen
4 it in other parts of the state.

5 Is this also going to include, you
6 know, a robust public communications and
7 public hearing process in the transmission
8 part and under the PSC? How is that going to
9 play out?

10 ORES EX. DIRECTOR MOAVENI: Exactly.
11 The idea really here is -- more than anything
12 else, is to make sure that we have more
13 robust community engagement and community
14 participation in the process, in a binding
15 manner as early as possible for these
16 projects.

17 The same thing goes about the
18 environmental review, that something has to
19 happen. Just to give you an example of that,
20 like basically under the current proposal the
21 office will not deem any application complete
22 without the proof of meaningful consultation
23 with localities for the proposed facility.
24 So that's kind of one provision of the

1 current proposal.

2 I kind of go back to the record of
3 ORES over the course of the last four years.
4 Despite the notion that might be out there,
5 local government and communities are actively
6 participating in our process. And their
7 concerns are addressed.

8 Again, as I indicated in my remarks,
9 in the majority of the cases in front of the
10 office, towns actually actively work
11 collaboratively with developers and staff to
12 address issues without the need to go through
13 the full administrative hearing process
14 available to them.

15 In the cases that actually the towns
16 decided not to go that far, that approach,
17 and they wanted to, for example, raise an
18 objection about the project or an office
19 determination -- I go off the top of my
20 head -- like in most cases, like essentially
21 the process has agreed or accommodated the
22 town's position and community's position.

23 So that's -- again, the idea here is
24 to bring that kind of lesson learned,

1 community engagement, that currently we have
2 under 94-c, to -- and actually build it on
3 the success that we had so far under
4 Article VII.

5 ASSEMBLYWOMAN BARRETT: Okay, thank
6 you.

7 Chair Christian, I have a question for
8 you specifically. So in March of 2020 the
9 New York Public Service Commission launched a
10 Natural Gas Planning Proceeding, and that was
11 intending to harmonize the state's natural
12 gas policies with our -- what we always call
13 ambitious climate goals of the CLCPA. The
14 commission's order (reading) recognized that
15 regulators and utilities need to find
16 innovative pathways to ensure safe and
17 reliable service that align with the state's
18 goals.

19 What's the status of that gas
20 transition order? Do we have a date in mind?
21 Is this -- because it obviously comes up in,
22 you know, in a lot of different policies at
23 this point.

24 PSC CHAIR CHRISTIAN: That's a great

1 question. And, you know, I want to highlight
2 that the proceeding itself is a wholesale
3 look at the gas system, and it's a
4 complicated thing looking at everything from
5 interstate transmission all the way down to
6 local distribution level and then end-use.

7 And the purpose of it at the end of
8 the day is identifying what it -- what path
9 are we going to follow to ensure the
10 continued reliability and safety of the gas
11 system during the transition. And as the
12 transition takes place, how do we ensure that
13 customers continue to receive the services
14 that they need.

15 So embedded within that you can
16 consider the Utility Thermal Energy Network
17 and Jobs Act, and the resulting proceeding
18 that we activated in response to that, as
19 part of the gas planning, and that that is a
20 potential alternative to continuing gas
21 service that utilities that currently provide
22 gas service can explore.

23 And many of those utilities have --
24 most of those utilities, forgive me, have

1 provided pilot programs for us to review that
2 we will be overseeing and evaluating
3 implementation over time.

4 One of the key things to remember, not
5 all gas utilities are the same. Some are gas
6 only, some are combined gas/electric. In
7 some cases you have a gas utility that's in a
8 different electric utility service territory.
9 So there's lots of different considerations
10 to take into account in understanding the
11 direction of the gas system in the future.

12 But the proceeding is intended to
13 examine all of those things, look at a
14 variety of alternatives, and then provide
15 recommendations and direction for utilities
16 to take in moving forward with the
17 transition.

18 ASSEMBLYWOMAN BARRETT: And when are
19 we likely to have some results out of that?

20 I mean, obviously what the Governor's
21 put in part of the NY HEAT Act, there's
22 questions -- I mean, the different parts of
23 the state, as you say, operate differently.
24 So for those of us who are trying to create

1 some one-size-fits-all model or policy, when
2 can we count on that important information?

3 PSC CHAIR CHRISTIAN: So we're -- I'll
4 have to double-check my calendar, to be
5 perfectly honest. It's -- we have a number
6 of different milestones that we're trying to
7 achieve with that. I definitely recall
8 seeing something around Q3 of this year, but
9 I'll get back to you with exact dates on
10 milestones.

11 ASSEMBLYWOMAN BARRETT: That would be
12 great. Thank you. Thank you.

13 And President Driscoll, I can't leave
14 you out of this here. Can you just tell us a
15 little bit more -- I mean, I know you
16 mentioned the -- you know, the things that
17 we're moving forward on the EV charging
18 program and -- but how about the state
19 buildings decarbonization? Where are we on
20 that project?

21 NYPA PRESIDENT DRISCOLL: So we've
22 launched the process of soliciting for the
23 contractors who are going to do that work.
24 This is highly specialized work doing master

1 planning work for big -- big footprints like
2 this. So we're close to selecting the
3 contractors that are going to do that work.

4 One thing we have working in our favor
5 here is we had master plans underway already
6 for several of the buildings such as the
7 Empire State Plaza, which is coming to a
8 conclusion, actually. So we have a head
9 start with several of the 15.

10 But we'll be -- we've had kickoff
11 meetings with all of the -- all 15 sites. As
12 you probably know, many of them are SUNY,
13 some correctional facilities, and some state
14 office buildings. And so we've met with all
15 the SUNY members of the 15, if you will, and
16 so we're -- I think we're well underway and
17 we're encouraged by the response, certainly,
18 that we got from the solicitation.

19 ASSEMBLYWOMAN BARRETT: Is there --
20 are there any sort of timetable benchmarks on
21 that? I know we get in trouble with our
22 setting dates and goals, I get that. Because
23 there are so -- people who understand that.

24 NYPA PRESIDENT DRISCOLL: I think it

1 will -- you know, I don't remember the due
2 date of actual filing of a report, but I
3 suspect that we'll be finished with this
4 planning process and conferring with the
5 relevant state agencies and campuses and so
6 forth within the next year.

7 ASSEMBLYWOMAN BARRETT: Okay, great.
8 Thank you.

9 And then I know -- I'm not sure which
10 of you can answer this, but clearly we have
11 generation and we have transmission, but
12 there's also storage, which is a critical
13 piece. That doesn't seem part of the
14 Governor's budget or Article VII language
15 around this. Has that been something that
16 was deliberately left off right now, or is
17 there discussion about what we're doing for
18 storage?

19 ORES EX. DIRECTOR MOAVENI: I'll do
20 one part and you can do the other part, so in
21 the interests of time.

22 So currently ORES has jurisdiction
23 over battery energy storage projects that
24 they are connected to a proposed wind and

1 solar facility. Right? So that those
2 projects, that they go through the -- if they
3 are proposed, ORES has jurisdiction over
4 them.

5 But ORES doesn't have jurisdiction
6 over stand-alone battery energy storage.

7 Anything else you want to add?

8 PSC CHAIR CHRISTIAN: You kind of
9 covered it all.

10 Yeah, there are other considerations.
11 Much of the permitting happens at the local
12 level for many of the battery storage
13 projects. So -- but ultimately what we are
14 doing with battery storage is aligned with
15 the overall 6 gigawatt target, to ensure that
16 we have a certain level of battery storage to
17 support the renewable energy being deployed.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 ASSEMBLYWOMAN BARRETT: Thank you.

20 CHAIRWOMAN WEINSTEIN: To the Senate.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Our ranker, Mr. Mattera.

23 SENATOR MATTERA: Great. Thank you,
24 Madam Chair. And thank you, everybody, for

1 your testimonies here today for something
2 that's so, so important for all New Yorkers
3 and everybody has a lot of questions.

4 President Driscoll, I just got a quick
5 question for you also too. What is the
6 current state of implementation of public
7 renewables?

8 NYPA PRESIDENT DRISCOLL: I'm sorry,
9 could you repeat the question?

10 SENATOR MATTERA: What is the current
11 state of the implementation of public
12 renewables?

13 NYPA PRESIDENT DRISCOLL: The
14 legislation from last year?

15 SENATOR MATTERA: Yes.

16 NYPA PRESIDENT DRISCOLL: Right. So
17 as you may recall, there's a specific
18 timeline set forth in the statute. The first
19 work that we had to do was within the first
20 180 days we had to launch and complete the
21 referral process. So we met with over
22 50 stakeholders; we finished that and we
23 filed that in December.

24 The next step is the preparation of

1 our strategic plan, which we will spend 2024
2 doing, and that strategic plan is due on
3 January 31, 2025.

4 We've already -- even though we're in
5 the strategic planning process, we've already
6 issued an RFI, that we've gotten a very
7 robust response to, for partnership
8 opportunities with the private sector. And
9 we've also bid on a project in the city, on
10 Staten Island, just to preserve our
11 optionality as we get going with these
12 efforts in January 2025.

13 SENATOR MATTERA: Great. Don't mind
14 me, I'm trying to get a couple in there.

15 Are we on track with the CLCPA's
16 mandates?

17 PSC CHAIR CHRISTIAN: So I believe at
18 this time the early target for 2030, the goal
19 is to achieve 70 percent by 2030 renewable
20 energy, and we are currently under contract
21 with 63 percent capacity towards that goal,
22 and additional contracts and RFPs are
23 pending. It will be close, but the plan to
24 get there is underway and we're moving with

1 intent to hit that goal.

2 SENATOR MATTERA: I just want to say
3 something to you. Thank you so much; over
4 the summer you actually attended my green
5 hydrogen tour, which meant a lot to me.
6 There was 150 people that showed up. We had
7 elected officials -- and I thank Senator
8 Krueger also for attending.

9 And it was something very important, I
10 think it was very interesting for you,
11 especially with your background and
12 everything like that.

13 But can you give me a little bit of a
14 heads up how you feel -- you know, wind,
15 solar and battery storage, you know, I've
16 been beating this to death in a lot of ways.
17 Tell me, what about other renewable energies
18 like, you know, geothermal, green hydrogen,
19 carbon capture, nuclear. Can you -- sewage
20 heat recovery expansion. Can you give me a
21 little bit of heads up what your feelings
22 are -- and especially with your background --
23 that we need to have other sources of
24 renewable energy for our future.

1 PSC CHAIR CHRISTIAN: Well, my
2 feelings don't really matter that much. It's
3 the facts. What I can say is the CLCPA
4 actually recognizes how we're going to
5 achieve these goals right in its language.
6 Seventy percent renewables by 2030; the
7 remainder is going to have to come from other
8 sources. And that could be any number of
9 resources. And we at the commission are
10 charged with identifying what those resources
11 should be.

12 In an effort to do so, we started the
13 Zero Energy Emissions Proceeding where we're
14 taking feedback from industry, concerned
15 citizens and others -- I believe individuals
16 from Brookhaven and Stony Brook that we met
17 have likely already submitted comments on
18 that. And we're taking that feedback into
19 making determination of what technologies
20 will best serve the needs of New Yorkers to
21 ensure the continuity of the system, ensure
22 the emissions-free nature of our goals is
23 met, while also ensuring affordability,
24 reliability and safety.

1 So very much appreciated the
2 invitation and -- yeah.

3 SENATOR MATTERA: Absolutely, that
4 we've got to make sure that we invest in
5 other renewable energy. Battery storage,
6 what's happening, what's going on with the
7 fires? Give me a little bit of a heads up.
8 You think this is a good investment? How is
9 this a good investment if we're having
10 nothing but issues?

11 And again, I did say this: Wind,
12 solar, what happens on these days? We had
13 a -- we had the worst -- we had no sun in
14 January, we had nothing. How is this moving
15 forward, you know, with us with this battery
16 storage, going on fire, the investment,
17 companies that don't even know what to do
18 because they're asking for us to invest in
19 New York State, and look what's happening.

20 PSC CHAIR CHRISTIAN: Well, battery
21 storage in particular plays a unique role in
22 helping balance the system as a whole. The
23 ability to store energy when it's produced
24 and displace it when it's needed is a huge

1 asset to the grid in any form in the future.
2 So the goals that we have in place with the
3 targets I think are supportive of our overall
4 transition plans.

5 Now that said, we are going to need
6 other assets. We are going to need other
7 resources for the risks you identified --
8 when the sun doesn't shine and the wind
9 doesn't blow, what are we going to do? Which
10 is exactly why the commission began its
11 Zero-Emissions Proceeding, to identify those
12 dispatchable resources, those resources we
13 can turn on and off as needed that will
14 provide us that energy and reliability we so
15 value.

16 SENATOR MATTERA: Please, we need to
17 look into other renewable energies also, too,
18 for jobs for people that are going to be
19 losing their jobs, especially like in the
20 plumbing industry. We need to make sure of
21 that, and we need to make sure we have a
22 plan, not a ban, with our natural gas.

23 CHAIRWOMAN KRUEGER: Thank you.

24 SENATOR MATTERA: Thank you.

1 CHAIRWOMAN KRUEGER: Gee, I missed
2 that sentence for a couple of years.

3 (Laughter.)

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly. Oh, I'm sorry, I'm the
6 Assembly at the moment.

7 (Laughter.)

8 CHAIRWOMAN KRUEGER: Let's try
9 Senator -- Assemblymember Palmesano.

10 ASSEMBLYMAN PALMESANO: Yes, my
11 questions are for Chairman Christian.

12 The first one's pretty simple, a yes
13 or no answer. Didn't last year -- last
14 summer, fall -- the PSC approve \$43 billion
15 in future rate increases, costs that would be
16 recovered over several years from utility
17 ratepayers? That was approved last year,
18 correct?

19 PSC CHAIR CHRISTIAN: (No response.)

20 ASSEMBLYMAN PALMESANO: Yes, it was.
21 Okay.

22 PSC CHAIR CHRISTIAN: Okay. Sorry,
23 I'm not sure which proceeding you're
24 referring to, but --

1 ASSEMBLYMAN PALMESANO: -- the public.
2 Forty-three billion, okay?

3 PSC CHAIR CHRISTIAN: Okay.

4 ASSEMBLYMAN PALMESANO: My next
5 question is for you, that the CLCPA doesn't
6 have an off-ramp for costs but does have an
7 off-ramp for reliability concerns. The NYISO
8 has stressed much in the area of reliability
9 concerns relative to the grid. I guess from
10 that perspective I hope the PSC is looking at
11 the grid reliability, consulting with the
12 NYISO, because we're hearing tremendous
13 concerns.

14 School districts, for example -- I
15 know a lot's come up on the EV school bus
16 mandate. They're being told by the utilities
17 that they -- that the buildout's going to be
18 expensive. One school district was told
19 they'd need to spend \$30 million to put a
20 transformer in to bring them -- that's going
21 to be borne on the property taxpayers.

22 Another school district has told us
23 that they were told it would be \$10 million
24 just to bring the power from the grid to

1 their school. These are significant costs.
2 So -- and reliability concerns, because the
3 grid -- so I hope you're looking at that and
4 have a plan for that, because it's important,
5 as you know, to have a safe, reliable,
6 efficient grid.

7 And my concern, as a lot of them, is
8 we're in the process of dismantling -- the
9 goal of many people is to dismantle a
10 reliable, safe, natural gas infrastructure,
11 supply and delivery system. And we're doing
12 that -- we're going to do that at a breakneck
13 pace. Because even in 2040 the reliability
14 changes -- NYISO said we don't have the
15 resources yet, the technology's not there.

16 I'll say it again, you don't tear down
17 a bridge before you build a new one. But it
18 seems like this administration and others
19 want to go on apace -- tear down the bridge
20 and we'll build it as we go. It doesn't work
21 that way. We cannot jeopardize the
22 reliability of the grid, and we can't bear
23 these costs on ratepayers.

24 So with the \$43 billion, I know the

1 budget has a proposal to help with energy
2 affordability, a 6 percent income cap. How
3 would that -- if you're not in that cap,
4 isn't that basically just going to shift
5 those additional costs to other ratepayers
6 regardless of what that person uses for
7 energy, if they're considered lower whatever
8 income? And won't that just shift that cost
9 to other ratepayers?

10 PSC CHAIR CHRISTIAN: So there was a
11 lot there I'm going to try to unpack. I'll
12 start with the costs and I'll work my way
13 back.

14 ASSEMBLYMAN PALMESANO: Okay.

15 PSC CHAIR CHRISTIAN: So the 6 percent
16 I think is what you're referring to as the
17 affordability goal, the target we're trying
18 to achieve. We have a program in place where
19 we are attempting to work with funding from
20 the state to provide that guarantee to
21 individuals who have fully electrified their
22 home -- income-eligible individuals who have
23 fully electrified. The goal there being it's
24 far more efficient to identify and

1 administratively easier to identify
2 individuals through a single use of energy
3 and provide them that guarantee based on
4 that. It's hard to do that for gasoline,
5 oil, propane and other fuels. But electric,
6 one bill, one account, fairly straightforward
7 administratively.

8 So we're working our best to set that
9 up through a pilot program that we will
10 hopefully be able to expand and identify
11 opportunities for future expansion through
12 whatever successes we yield. So that's on
13 the affordability side.

14 You're -- in terms of dismantling, I
15 want to argue that that is not necessarily
16 what we are doing. I look at what we're
17 doing in our energy transition as continuing
18 to build the bridge that the commission has
19 played a role in building with respect to
20 natural gas. Looking back on our records
21 going back into the '40s and the '50s, it's
22 clear to me that this commission has played
23 an outsized role in helping to ensure energy
24 security through working with the

1 then-Federal Power Authority and other
2 federal agencies to bring resources for
3 energy, particularly natural gas, into
4 New York State and the New England region.

5 That effort I look at as a template
6 for the success we can achieve today. And it
7 was recognized at that time that we were
8 building a bridge, and I see the work we're
9 doing today with electrification as a
10 continuation of that effort.

11 ASSEMBLYMAN PALMESANO: Can I ask you
12 another question? I'm sorry, I know you were
13 talking --

14 PSC CHAIR CHRISTIAN: I'm sorry.

15 ASSEMBLYMAN PALMESANO: -- but I only
16 get a little time.

17 With the proposal -- plans of a NY
18 HEAT Act in the budget and pushes for that,
19 wouldn't the obligation -- when the
20 obligation to serve is eliminated, doesn't
21 that mean -- won't that jeopardize incentives
22 to maintain a safe and reliable,
23 energy-efficient natural gas system? And
24 also really abandon -- could potentially

1 abandon large parts of the natural gas
2 system, and then leaving people with the
3 opportunity to just fully electrify their
4 homes, which some of us are going to say is
5 \$50,000 -- you said there's a rebate if
6 people electrify, but it's up to \$50,000 to
7 electrify your home. How do you account for
8 that?

9 PSC CHAIR CHRISTIAN: With my five
10 seconds, the first question, no. Second
11 question, no. And third, we're working on
12 plans to identify opportunities to
13 incentivize that.

14 ASSEMBLYMAN PALMESANO: Thank you,
15 Mr. Chairman.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Senator Gonzalez.

18 SENATOR GONZALEZ: Hi. Thank you guys
19 so much, and thank you, Chairwoman.

20 I just want to direct my questions
21 regarding the REACH program. So the
22 Governor's proposed budget emphasizes an
23 interconnection reform -- oh, my goodness,
24 I'm sorry, you guys, it's late in the day. I

1 was reading a separate set of questions.

2 Soaring energy costs are a burden for
3 New Yorkers across the state. How will NYPA
4 structure the REACH program to ensure that
5 low-income households see a substantial
6 difference on their bills?

7 NYPA PRESIDENT DRISCOLL: So thank you
8 for the question.

9 As I think I mentioned in my
10 testimony, we just filed our petition last
11 week with the Public Service Commission. So
12 that will be on Rory's desk here soon. And
13 they'll establish the guardrails around which
14 the bill credits actually get passed on to
15 the residents of the disadvantaged
16 communities.

17 But I think the way that we look at
18 the program is really in two ways: The
19 construction of large-scale renewable
20 projects that would be dedicated to the REACH
21 program -- and the idea with doing a
22 larger-scale project is that it will actually
23 provide more revenues that we can then pass
24 through the REACH program.

1 But at the same time, more localized
2 projects. Because what we've heard
3 particularly through the conferral process is
4 that a lot of communities actually want to
5 feel like they actually own and are a part of
6 their renewable project. They want to be
7 able to see it in the neighborhood. We've
8 done projects where we've aggregated solar on
9 top of a number of different buildings, and
10 the community feels like, you know, that
11 they're participating, I guess, in the
12 transition.

13 So we look at it in those two ways.
14 And that's sort of how we hope to launch it.
15 But again, we'll be waiting on the Public
16 Service Commission's guidance on that.

17 SENATOR GONZALEZ: That's great to
18 hear. We certainly want to support
19 low-income New Yorkers who are struggling
20 with the soaring cost of energy.

21 And just a little bit more information
22 there. How are you ensuring a timely
23 implementation of the REACH program? Not
24 just how you're approaching it.

1 NYPA PRESIDENT DRISCOLL: On the time
2 frame of doing it?

3 SENATOR GONZALEZ: Mm-hmm.

4 NYPA PRESIDENT DRISCOLL: Yeah, so the
5 REACH program will proceed at the same pace
6 and on the same track as the larger
7 renewables effort. So it will be in our
8 strategic plan and it will be -- it will be
9 obviously made public, the draft plan will be
10 made public in the fall. There will be an
11 opportunity to comment. We'll do public
12 hearings and then, you know, we'll be
13 finalizing it and filing it with the
14 Legislature on or before January 31 of 2025.

15 SENATOR GONZALEZ: Amazing. Thank
16 you.

17 And I just -- as someone who
18 represents a downstate district, I want to
19 speak to or ask you a question about the
20 peaker plant closures. Are we on track -- I
21 think you had mentioned that yes, we are.
22 But are there any challenges there or any
23 support you need from the Legislature?

24 NYPA PRESIDENT DRISCOLL: So -- yeah.

1 So on the peakers, as I think you and I have
2 had this discussion --

3 SENATOR GONZALEZ: Yeah.

4 NYPA PRESIDENT DRISCOLL: -- it's not
5 an all-or-nothing exercise, right? There are
6 going to be some locations that we think we
7 can retire sooner than others. And a lot of
8 this will be dependent on what we hear from
9 the NYISO and Con Edison in terms of their
10 system requirements.

11 But certainly our intention and our
12 desire is to have them all offline by 2030,
13 as is required by last year's legislation.

14 SENATOR GONZALEZ: Thank you so much.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Assemblyman
18 Zebrowski.

19 ASSEMBLYMAN ZEBROWSKI: Thank you.

20 Chair Christian, I want to spend most
21 of my time trying to answer some questions
22 that I have, other members have and folks
23 have regarding the gas transition part of the
24 Governor's Article VII language.

1 How -- let's assume it's adopted as
2 is. How would you -- what could you tell an
3 average New Yorker as to what they could
4 expect both in the near term and over maybe
5 the next decade or several decades -- an
6 existing natural gas customer of what they
7 can expect?

8 PSC CHAIR CHRISTIAN: So an existing
9 natural gas customer, what they can expect.
10 If they're using natural gas today, they will
11 continue to use natural gas if they wish.

12 The efforts are voluntary. I'm not
13 going to go into anyone's home and take their
14 stove, contrary to what some people have
15 said. I don't have the upper body strength
16 for that anymore. But, you know, the goal is
17 to create the right array of incentives to
18 allow individuals who choose to take action
19 the ability to take action that's aligned
20 with our climate goals.

21 So if you are renovating your home, if
22 you need to purchase a new stove because your
23 existing stove or water heater or furnace has
24 broken, the incentives are there and

1 available for you to convert to electricity
2 more easily than you could currently do.
3 That's the goal.

4 ASSEMBLYMAN ZEBROWSKI: Okay, so you
5 see it more as -- you see it as an incentive
6 structure and that the language wouldn't give
7 the Public Service Commission the power to
8 force somebody who's an existing customer to
9 convert.

10 PSC CHAIR CHRISTIAN: That is -- we're
11 talking the HEAT Act, correct, or the --

12 ASSEMBLYMAN ZEBROWSKI: Well, there's
13 the HEAT Act of the bill, and there's the
14 Governor's language, which is similar.

15 PSC CHAIR CHRISTIAN: Right. So I --
16 my understanding of it at this time, the main
17 thrust would be to align the overarching
18 state policy towards electrification. So
19 it's not so much taking away from anyone that
20 currently is a gas user; it's more ensuring
21 that as new people wish to come on to -- as
22 you're building a new home, as you're adding
23 a new service, if you -- the obligation to
24 add that service, we're changing that. That

1 hundred-foot subsidy for any new gas
2 customer -- or all existing gas customers who
3 pay for that first hundred feet -- would go
4 away.

5 And in doing this, what we do is we
6 remove the built-in incentives that we're --

7 ASSEMBLYMAN ZEBROWSKI: Can I just
8 pause you, I've only got 29 seconds for one
9 more question.

10 PSC CHAIR CHRISTIAN: Okay.

11 ASSEMBLYMAN ZEBROWSKI: How would this
12 affect, like, if a manufacturing industry
13 wanted to move into a place in New York and
14 needed it in the future? How would it affect
15 that?

16 PSC CHAIR CHRISTIAN: So this is
17 aligned with what was discussed in the
18 Climate Action Council plan, the
19 energy-intensive trade-in to exposed
20 industries. Again, we want to make sure that
21 gas is used in the most efficient and
22 economic way. We do not want to
23 disincentivize industry from coming to
24 New York.

1 CHAIRWOMAN KRUEGER: Thank you.

2 ASSEMBLYMAN ZEBROWSKI: Thank you.

3 CHAIRWOMAN KRUEGER: Senator Borrello.

4 SENATOR BORRELLO: Thank you,
5 Madam Chair. Thank you all for being here.

6 I'm going to start with
7 Chair Christian. You said something that was
8 a little unique. You actually said in your
9 opening statement "safe, reliable and
10 affordable energy."

11 Congratulations, you're the first
12 person that's in charge of New York's power
13 and reliability to say that in this
14 hearing -- and I'm very disturbed by that,
15 your being the only one. But thank you for
16 doing it.

17 You mentioned that, you know, we need
18 to have, obviously, safe, reliable and
19 affordable. But natural gas is going to be
20 eliminated. You just said that it's not, but
21 if you're going to build a new home,
22 according to the current rules, you will not
23 be able to use natural gas. The HEAT Act,
24 whether it comes in the form of a piece of

1 legislation or it comes in the form of the
2 Governor, gives the PSC the ability to
3 eliminate infrastructure for natural gas.

4 So how can you say that people that
5 want to keep natural gas will be able to do
6 that if you can't even build a new home
7 powered by natural gas?

8 PSC CHAIR CHRISTIAN: So I'll have to
9 take a closer look at the language and make
10 sure I'm understanding it and looking at the
11 same -- but just to be clear, the natural gas
12 that we use today, there seems to be this
13 perception that it is cheap and affordable.
14 In my decades in the energy industry, I have
15 seen gas prices double, triple, quintuple in
16 some instances, due to hurricanes in the
17 Gulf, geopolitical conflicts and other things
18 that have happened.

19 And we just saw what happened with the
20 invasion in Ukraine and the resulting actions
21 to begin exporting massive quantities of
22 natural gas that are domestically produced to
23 support our European allies, who are no
24 longer purchasing Russian natural gas.

1 Seventeen per --

2 SENATOR BORRELLO: Yeah, and I
3 understand those impacts are there. But you
4 also have similar issues with renewables.
5 And I will also mention the fact that we're
6 importing a lot of power, which makes us
7 susceptible to those same spikes in other
8 areas, especially in peak hours.

9 So I don't mean to cut you off, but
10 I'm short and I want to get to some other
11 issues. You brought up that right now you
12 have under contract 63 percent to get to the
13 70 percent goal of renewable energy by 2030,
14 is that correct?

15 PSC CHAIR CHRISTIAN: That is my
16 understanding, yes.

17 SENATOR BORRELLO: Okay, all right.
18 But does that include still having imported
19 power? So this is talking -- we're talking
20 about energy that's originated here. Are we
21 still going to be importing power in 2030 in
22 order to power New York State, even with this
23 70 percent goal?

24 PSC CHAIR CHRISTIAN: I believe we

1 will be importing and exporting power well
2 beyond 2030.

3 SENATOR BORRELLO: So we're going to
4 be importing power from coal plants in other
5 states. You know, let's face it, that's
6 what's happening now, right? We're actually
7 going to go backwards as far as our carbon
8 footprint, because we're going to say --
9 we're going to pretend that we're actually
10 generating clean power here, but we're
11 importing it from other states with the
12 transmission lines.

13 Which will bring me to the New York
14 Power Authority. How many millions --
15 hundreds of millions of dollars have been
16 spent in the last decade to run transmission
17 lines to other states like Pennsylvania,
18 Ohio, Ontario, Canada, things like that?

19 NYPA PRESIDENT DRISCOLL: Yeah,
20 Senator, I apologize, I'm going to take --

21 SENATOR BORRELLO: I'm sorry, I wasn't
22 watching the clock, my mistake.

23 NYPA PRESIDENT DRISCOLL: I'll get
24 back to you with that number.

1 SENATOR BORRELLO: Please do.

2 CHAIRWOMAN WEINSTEIN: Assemblyman
3 McDonald.

4 ASSEMBLYMAN McDONALD: Thank you.

5 And Rory, my questions are for you.

6 First of all, I want to thank you and
7 the department. Recently we had
8 correspondence about a large energy-intensive
9 manufacturer in my district. You guys have
10 been very responsive, and there's a
11 willingness to try to work.

12 But it reinforces a concern that I
13 just want to make as a statement, that there
14 are many energy-intensive businesses,
15 manufacturers particularly. Member Woerner
16 will -- would have said this; I will say it.
17 She represents Saratoga County. Three
18 facilities plus one in Warren County, a
19 thousand jobs gone. Not solely related to
20 energy, but it played a role in regards to
21 future needs. And I get it, everyone wants
22 to be off gas, I get it. I support the
23 notion. But for some of these manufacturers
24 like ours, they don't have any other options

1 right now, and we need to be mindful of that.
2 Because those thousand families don't have
3 jobs right now.

4 My question -- and Member Zebrowski
5 actually answered most of it. Basically if
6 you've got gas right now, if you choose to
7 keep it, even with all the incentives that
8 are coming your way, that's your decision.

9 My question is this. I represent
10 cities. I used to have Albany. There are
11 neighborhoods where there's several vacant
12 and abandoned buildings for several years, no
13 service has been running through those
14 houses. It's not that anyone hasn't paid
15 their bills, there's just no service going
16 on.

17 Those properties are upside-down that
18 we want to try to bring back on to deal with
19 the housing challenges in the state. So my
20 question is, down the road, although this
21 property hasn't had gas going into it, but it
22 has a line connected, is the new owner going
23 to have to change that house over or can they
24 continue to use natural gas? Because that

1 adds potentially another cost.

2 PSC CHAIR CHRISTIAN: That is a very
3 interesting question. And I'm going to have
4 to look at the language in the law to better
5 understand how best to answer that.

6 If they're an existing customer, the
7 answer is fairly straightforward -- they have
8 an account, they have gas service. But in
9 that instance --

10 ASSEMBLYMAN McDONALD: They're not an
11 existing customer.

12 PSC CHAIR CHRISTIAN: Right. So --

13 ASSEMBLYMAN McDONALD: But the good
14 news for you is that I've been asking that
15 question all week and I get the same
16 response. So that means it is an interesting
17 question, and I will appreciate the follow-up
18 down the road.

19 PSC CHAIR CHRISTIAN: No problem.

20 ASSEMBLYMAN McDONALD: Particularly
21 since I've got 50 seconds, I'm hoping that as
22 this moves forward -- and it does need to
23 move forward. I don't debate that -- that
24 there's a great public education campaign.

1 NYSERDA's not here; they've done some very
2 good community engagements. Not many people
3 show up, but I enjoy going to them. And
4 people learn. And I'm hoping as this moves
5 forward through the budget process that we
6 have those community settings as well.

7 PSC CHAIR CHRISTIAN: Right. Thank
8 you. And part of why I'm going to have to do
9 some homework on this, you know, we are
10 changing state building codes. So it's also
11 a question of when and what's going on in the
12 local utility service territory.

13 So I think there's a number of
14 questions, but with your specific instance, I
15 can definitely do some homework and --

16 ASSEMBLYMAN McDONALD: Thank you.

17 PSC CHAIR CHRISTIAN: -- get back to
18 you.

19 ASSEMBLYMAN McDONALD: I'm done.

20 CHAIRWOMAN WEINSTEIN: Senate.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 Next we have Senator Hinchey.

24 SENATOR HINCHEY: Thank you.

1 And Chairman Christian,
2 Chair Christian, I want to thank you for
3 helping to reframe some of this conversation
4 here today with facts. So thank you very
5 much. My first questions are for you.

6 Utilities in my district are running
7 amok. We have Central Hudson, who has
8 proposed a 16 percent increase on electric
9 bills and a 19 percent increase on gas bills,
10 and some of those same customers who are
11 facing those increases have Hudson Valley
12 Water Company, who is proposing a 21 percent
13 increase on water bills.

14 When rate cases are in front of the
15 PSC, do you look at the holistic situation
16 that's happening in a region or for multiple
17 customer -- or for customers if they're
18 seeing multiple rate increases at the same
19 time? Is that part of the consideration
20 point?

21 PSC CHAIR CHRISTIAN: The main -- the
22 main consideration in looking at any
23 individual utility is what investments are
24 required to maintain continuity of safe,

1 reliable, affordable service.

2 In terms of instances as you've
3 described where you have a water company and
4 an electric/gas company pursuing rate
5 increases at the same time, concurrently, one
6 does not influence the outcome of the other.

7 But rest assured, we take every rate
8 case seriously. It's an 11-month process.
9 Literally hundreds of individuals from within
10 DPS, the utilities and external stakeholders
11 are involved. And the goal is to ensure that
12 we are having investments made that are going
13 to continue the service in a meaningful and
14 affordable way.

15 You've mentioned some running amok.
16 When that happens, that results in a separate
17 process, an investigation. As I'm sure
18 you're aware, we have a number of
19 investigations currently ongoing. I can't
20 discuss the details of those. But the
21 results of those are separate and apart from
22 whatever rate case is currently taking place.

23 But ultimately we do take into
24 consideration a variety of factors --

1 SENATOR HINCHEY: I think the answer
2 is no, they're individual.

3 PSC CHAIR CHRISTIAN: Yeah.

4 SENATOR HINCHEY: Across the river we
5 also have another private water company, the
6 Dover Plains Water Company, which is asking
7 for a 67 percent increase in their water
8 bills for an entirely disadvantaged
9 community. Thank you for doing the virtual
10 hearing this week. We are still hopeful for
11 an in-person hearing, but we'll follow up on
12 that separately.

13 Water is enshrined in our Constitution
14 as a right, and yet we have many privately
15 owned water companies across our state that
16 are seeking significant increases because of
17 the cost to serve that water, and then often
18 not providing people with water timely or
19 consistently.

20 Do you think that there is a need for
21 a state water authority to be able to come in
22 in some situations when smaller authorities,
23 privately held by private individuals
24 controlling people's water? Is that poss --

1 is that needed?

2 PSC CHAIR CHRISTIAN: So I think it's
3 a case-by-case. Whatever is going to allow
4 the continuity of service at affordable rates
5 is something we would support.

6 Quickly, we've looked into different
7 ways of doing this before with other
8 utilities, and happy to explore those in the
9 future as well.

10 SENATOR HINCHEY: We'll follow up with
11 you on --

12 CHAIRWOMAN KRUEGER: You'll have to
13 continue this. Thank you.

14 Assembly.

15 CHAIRWOMAN WEINSTEIN: Assemblyman
16 Stern.

17 ASSEMBLYMAN STERN: Thank you,
18 Madam Chair. Good evening, everyone.

19 For Chair Christian, in the
20 10 gigawatt order issued April of 2022, the
21 commission directs NYSERDA to make a
22 recommendation on an agrivoltaic adder for
23 the NY-Sun program to help incentivize
24 agrivoltaics projects.

1 At this point, has PSC developed a
2 position on the issue? And where does that
3 process currently stand?

4 PSC CHAIR CHRISTIAN: I'm sorry, would
5 you -- I'd love to understand the question a
6 little bit better. I don't think I
7 understood the way it was framed.

8 ASSEMBLYMAN STERN: Back in 2022 there
9 was a directive that NYSERDA has to take a
10 position and start to develop a plan on
11 agrivoltaics projects, and report back and
12 give guidance to those interested in
13 developing those projects.

14 PSC CHAIR CHRISTIAN: Okay.

15 ASSEMBLYMAN STERN: Has PSC been
16 involved? When can we expect NYSERDA to get
17 back to PSC to provide guidance all
18 throughout New York where, you know, those
19 that are interested both in the development
20 of their agricultural interests as well as,
21 you know, this kind of technology. When can
22 we as a state, you know, look forward to
23 seeing that policy and how everybody can best
24 proceed?

1 PSC CHAIR CHRISTIAN: Okay. I will
2 have to confer with staff to give you a more
3 precise answer on the timing of the report.

4 What I can say is just from
5 participation in the Farmland Preservation
6 Working Group, the topic of agrivoltaics is
7 something we talk about regularly. Some of
8 the actions we've explored are the
9 positioning of the panels to allow for both
10 solar generation and agrivoltaics at the same
11 time, so both growing crops and having solar.
12 And that's everything from having the panels
13 rotate in coordination with the sun, to
14 changing the orientation from the standard
15 southern to, say, a westward-facing
16 orientation.

17 So this is something we've explored.
18 I'll have to revisit the order to look at
19 exactly the nature of the reporting you're
20 looking for, and I'll have to get back to
21 you.

22 ASSEMBLYMAN STERN: And then we'll
23 follow up.

24 PSC CHAIR CHRISTIAN: Sure.

1 ASSEMBLYMAN STERN: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Next is Senator Canzoneri-Fitzpatrick.

4 SENATOR CANZONERI-FITZPATRICK: Thank
5 you, Madam Chair.

6 Thank you all for being here so late.

7 My questions are geared toward
8 Executive Director Moaveni, specifically
9 regarding the projects that were listed in
10 your statement. I believe you said that
11 there were 15 projects that you had sited.
12 It seems that they are mostly solar with only
13 one wind project.

14 My understanding of what's going on
15 right now is that you're not permitted to
16 participate in the transmission approvals
17 part of that. So for those 15, you have not
18 permitted -- you have not participated in the
19 transmission parts.

20 ORES EX. DIRECTOR MOAVENI: That's
21 correct. The office has authority to approve
22 transmission facilities up to 10 miles. But
23 if like the proposed transmission facilities
24 are longer than 10 miles, the office doesn't

1 have jurisdiction. That will go through the
2 Public Service Article X process.

3 SENATOR CANZONERI-FITZPATRICK: Okay.
4 So now with the potential new RAPID Act, it
5 appears from what I've read that ORES would
6 have an opportunity to review local law, and
7 there would potentially be a hearing if local
8 laws or regulations are potentially in
9 question. And that you, ORES, as the body
10 reviewing this, has the opportunity to
11 potentially ignore local law and regulation.

12 My question specifically is what type
13 of local law would you have the ability to
14 overrule? Is it zoning? Is it parkland
15 alienation? How far does it go?

16 And the reason I'm asking this is
17 because I represent the 9th Senate District,
18 which includes Long Beach. And I'm sure
19 you're well aware that during the Equinor
20 application there was an uproar over the
21 transmission lines going through a highly
22 populated area, and that local involvement
23 was critical to the community being heard.

24 And I'd like to know, under the new

1 RAPID Act, how is that going to change? And
2 how will you overrule, potentially, local
3 input?

4 ORES EX. DIRECTOR MOAVENI: So I'll
5 try to be very quick in the remaining almost
6 one minute that we have here.

7 These projects are required to comply
8 with all applicable local laws unless an
9 applicant can essentially justify a local law
10 waiver. And that justification like, for
11 example, is something that has to be fleshed
12 out in the context of the regulatory
13 framework. For example, if we go back to the
14 94-c process, the current for generation, an
15 applicant must demonstrate that -- basically
16 with facts that a local law is burdensome and
17 that burden should not be reasonably borne by
18 anyone else other than the applicant. They
19 need to show that the local law waiver cannot
20 be obviated by further design changes, it's
21 minimum necessary, and any potential impact
22 from that local law waiver would be mitigated
23 to the maximum extent practicable.

24 SENATOR CANZONERI-FITZPATRICK: So

1 like in the Long Beach situation where the
2 objection was transmission lines going
3 through a highly populated area, how would
4 you anticipate dealing with that?

5 ORES EX. DIRECTOR MOAVENI: Again,
6 it's like that will be in the context of
7 developing the regulatory framework,
8 especially for transmission facilities.

9 I can just tell you that the public
10 will have, and local government will have,
11 opportunities to raise objections about the
12 local law waiver request.

13 SENATOR CANZONERI-FITZPATRICK: Thank
14 you.

15 ORES EX. DIRECTOR MOAVENI: Sure.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 Shrestha. Is she here? Oh.

20 ASSEMBLYWOMAN SHRESTHA: Hi, everyone.

21 I have several questions for Justin,
22 so let's try to do a quick --

23 NYPA PRESIDENT DRISCOLL: Okay.

24 ASSEMBLYWOMAN SHRESTHA: -- round of

1 questions.

2 So we heard that over 80 projects have
3 been canceled, private projects. Will NYPA
4 be updating its strategy to reflect these
5 cancellations?

6 NYPA PRESIDENT DRISCOLL: So if the
7 question is that an opportunity for us, the
8 cancellation of those projects, absolutely.
9 I mean, that's one of the key things that
10 we're looking at, whether there are any
11 projects that fall out that might be
12 something -- maybe they're near our
13 transmission system, there's an opportunity
14 for NYPA to step in and take it over. Maybe
15 there's an opportunity, you know, a project
16 that's economically challenged, for there to
17 be a partnership with NYPA.

18 So this is very much top-of-mind for
19 us and one of the sources of projects for our
20 strategic plan.

21 ASSEMBLYWOMAN SHRESTHA: Okay. And
22 will you also be using that to update your
23 projection of how much you will need to build
24 to fill the gap for the 2030 goal?

1 NYPA PRESIDENT DRISCOLL: Yeah, I mean
2 I think that's the big question, right, what
3 is the gap. The market, as Ms. Harris
4 testified earlier, is in a state of flux,
5 there's a reset going on. So the question
6 is, what really is the gap? We obviously --

7 ASSEMBLYWOMAN SHRESTHA: Yeah. And I
8 think you've seen the Strategen Consulting
9 "Mind the Gap" report that showed that
10 even --

11 NYPA PRESIDENT DRISCOLL: I have. I
12 read it.

13 ASSEMBLYWOMAN SHRESTHA: -- in the
14 best-case scenario we will have a gap. Is
15 that sort of what you're using as the basis
16 for what you need to aim for?

17 NYPA PRESIDENT DRISCOLL: It's one
18 input into our process. We read that report.
19 We worked with Strategen, as you may know, on
20 the peaker analysis, so we know that company
21 and we understand their work, there are good
22 people there. We've read that report, and it
23 will be another input into our decision
24 making.

1 ASSEMBLYWOMAN SHRESTHA: And how much
2 renewable energy capacity does NYPA envision
3 it will build by 2030?

4 NYPA PRESIDENT DRISCOLL: That's --
5 that's the big question. I don't think we
6 could answer that question right now.

7 I think, you know, obviously we're
8 going to build what -- the charge to us in
9 the legislation is to fill the gap and
10 accelerate the state's progress, and we're
11 prepared to do as much as we can do with our
12 financial capacity and with our ability.
13 Obviously we can't do it all. There will be
14 a role for the private sector.

15 ASSEMBLYWOMAN SHRESTHA: And what
16 organizational technical or staffing capacity
17 does NYPA require to ensure it can build
18 renewable energy at scale to meet that goal?

19 NYPA PRESIDENT DRISCOLL: So that's
20 also very much a question that's underway.

21 As I think I testified, I've already
22 hired the head of renewables for the
23 Power Authority that we brought in from
24 Orsted and who used to work for the

1 Power Authority. She heads up that effort
2 now. She's actually building out her team.
3 She's adding people as we speak.

4 So that's a work in progress as well.
5 But we recognize we have to add people.

6 ASSEMBLYWOMAN SHRESTHA: Okay.

7 And then I have one question for Rory.

8 In the context of the RAPID Act, what
9 role is the PSC envisioning for public
10 agencies like NYPA in transmission and
11 interconnection planning?

12 PSC CHAIR CHRISTIAN: I think they
13 will continue in their current capacity.
14 NYPA's long been a partner, and they'll
15 continue to play a role. I don't imagine
16 RAPID Act in any way diminishing NYPA's
17 ability to --

18 (Overtalk.)

19 ASSEMBLYWOMAN SHRESTHA: NYPA's --
20 maybe? Thank you.

21 CHAIRWOMAN WEINSTEIN: Senate.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Assemblymember -- I'm so sorry. Let's
24 try Senator Lea Webb.

1 SENATOR WEBB: Good evening. Thank
2 you all for being here.

3 My question is for Chair Christian.

4 The Governor has twice vetoed
5 intervenor funds. As I imagine you know,
6 intervenors including public interest groups,
7 representatives of residual low-income and
8 elderly customers, local municipal officials,
9 and dedicated advocacy groups play an
10 important role in utility rate cases and
11 ensure equitable participation in rate cases.

12 Similar to my colleague Senator
13 Hinchey's question around challenges and
14 concerns around utility rates, my question is
15 do you agree that intervenor funds are needed
16 to ensure a level playing field and to
17 achieve the best outcome in rate cases?

18 PSC CHAIR CHRISTIAN: So that's a
19 question very near and dear to me, as a
20 former intervenor myself.

21 I believe public participation is
22 incredibly important, and we've taken some
23 significant steps within the commission to
24 encourage that.

1 I am mixed, in terms of my own
2 personal views, of the benefits of intervenor
3 funds. That's my personal opinion.

4 Other jurisdictions do provide that
5 funding, most notably California. They've
6 been doing that for some time now. And I do
7 believe the way we have the ecosystem in
8 New York as it is is robust enough to ensure
9 public participation.

10 There are a number of unique things
11 about New York. We have the Utility
12 Intervention Unit. That's a state entity
13 that actively engages in our proceedings as a
14 check and balance. We have the Public
15 Utility Law Project, who I believe you'll be
16 seeing later this evening. They're also
17 actively engaged, and we speak with them
18 regularly on how to improve our process,
19 actions we can take.

20 So, you know, during my time with the
21 commission that is something I've focused a
22 great deal of time and attention on, and we
23 anticipate taking a number of actions over
24 the next year to help make the process easier

1 regardless of the outcome of the intervenor
2 funding availability.

3 SENATOR WEBB: Okay. And my last
4 question is that we know building heat is the
5 largest source of greenhouse gas emissions.
6 However, utilities do not have any specific
7 reduction targets to meet.

8 When will the PSC establish gas-use
9 reduction targets to ensure that we meet our
10 climate goals on this issue?

11 PSC CHAIR CHRISTIAN: So that is going
12 to be I would say part of the Gas Planning
13 Proceeding, which was asked earlier. Again,
14 that's underway. We've had one utility
15 submit their plans earlier this year; I think
16 it was NFG that we reviewed. Each utility
17 will be providing their plans and we'll be
18 reviewing and evaluating the efficacy of the
19 actions that each proposed.

20 In terms of reductions, my belief is
21 that will happen over time. But again, this
22 is new. We have a lot of moving parts in
23 this. The first is getting the lay of the
24 land, which is what the long-term plans are

1 going to provide, and also an outline of what
2 the different options for reductions could
3 be.

4 SENATOR WEBB: Thank you.

5 PSC CHAIR CHRISTIAN: You're welcome.

6 CHAIRWOMAN KRUEGER: Thank you.

7 CHAIRWOMAN WEINSTEIN: Assemblyman
8 Epstein.

9 ASSEMBLYMAN EPSTEIN: Thank you all.
10 I know it's been a long day.

11 President Driscoll, I wanted to focus
12 on the NYCHA piece that you had raised around
13 moving to clean energy. How much money over
14 the last year has been allocated to those
15 projects in our public housing? And what's
16 in the pipeline going forward for public
17 housing?

18 NYPA PRESIDENT DRISCOLL: The
19 induction stove challenge is early, in an
20 early stage, so I don't know that there's
21 much money that's been expended toward that.
22 But that's an exercise -- essentially, you
23 know, a pilot initiative.

24 But the heat pump, the window-mounted

1 heat pump issue is very much in flight. And
2 so in that project we're -- we've committed
3 to do 30,000 window-mounted heat pumps. We
4 have 72 in use this winter, and the reason --

5 ASSEMBLYMAN EPSTEIN: Thirty thousand
6 in NYCHA?

7 NYPA PRESIDENT DRISCOLL: Yeah. And
8 we have 72 in operation this winter.

9 What we want to do is we want to make
10 sure that they're fully functioning before
11 moving forward with the remaining up to the
12 30,000. But it's a major initiative on
13 our -- you know, it's a major part of our
14 work for NYCHA.

15 We do, you know, projects, different
16 projects for different locations around the
17 city, so it's hard to give one number. We'll
18 do, you know, a lighting job here, an HVAC
19 job here, a different project. So I don't
20 have a total number of what NYPA has
21 contributed to NYCHA, but I could go back and
22 try to cobble together that for you.

23 ASSEMBLYMAN EPSTEIN: It would be good
24 to know. And what the capital projections

1 are for NYCHA, what your plans to do --
2 because obviously we continue to allocate
3 capital dollars to NYCHA for infrastructure,
4 and it would be great to know what you're
5 doing so we can be --

6 NYPA PRESIDENT DRISCOLL: I mean, we'd
7 like to do more for NYCHA. We consider that
8 to be a governmental customer that we're not
9 doing enough work for, just because -- the
10 need is there, but we'd like to do more.
11 It's just such an untapped resource.

12 ASSEMBLYMAN EPSTEIN: So I guess three
13 things. One is we want to get how much money
14 you're planning to allocate in this fiscal
15 year, and to what developments. I represent
16 13 public housing developments in my
17 district, and obviously we have all these
18 issues you're raising with -- you know, when
19 we have gas outages, you know, people have
20 spent a year without any cooking gas, and we
21 haven't moved to an induction -- and what
22 that time frame might look like, as well as
23 the heating system. You know, we have
24 heating systems that are out all throughout

1 the winter, where people just, you know,
2 don't have any heating options.

3 So it would be great to have more
4 details from you.

5 NYPA PRESIDENT DRISCOLL: I'll be
6 happy to get that for you.

7 ASSEMBLYMAN EPSTEIN: Yeah, that would
8 be great.

9 Just -- I also just wanted to follow
10 up on charging infrastructure that you
11 mentioned.

12 NYPA PRESIDENT DRISCOLL: Yes.

13 ASSEMBLYMAN EPSTEIN: You said there's
14 750 NYPA chargers. And where are those
15 located?

16 NYPA PRESIDENT DRISCOLL: So there's
17 two buckets of work we do in EV charging.
18 One is the EVolve program, which is designed
19 to solve for the range anxiety --

20 ASSEMBLYMAN EPSTEIN: We're out of
21 time, but --

22 NYPA PRESIDENT DRISCOLL: -- on
23 heavily traveled corridors.

24 ASSEMBLYMAN EPSTEIN: Yeah, but if you

1 could send me where those are and how much of
2 that is publicly available, I'd appreciate
3 it.

4 NYPA PRESIDENT DRISCOLL: Will do.

5 ASSEMBLYMAN EPSTEIN: Thank you.

6 CHAIRWOMAN KRUEGER: Oh, thank you.

7 On the Senate side we are up to
8 Senator Stec.

9 SENATOR STEC: Thank you, Chair.

10 Good afternoon, everyone.

11 For Chair Christian, over the years,
12 the last few years -- and I remember
13 specifically a year ago at this time, in this
14 hearing, we were talking about the cost
15 estimates and the studies that have been
16 conducted for implementing the CLCPA. And
17 one in particular, the Empire Center, showed
18 that it could be upwards of \$300 billion.

19 Have you or any other state agency --
20 because those are the studies that I'm most
21 concerned with, are the official ones --
22 conducted a study on what the cost of
23 electrification that's mandated to fully
24 implement the CLCPA would be, and what that

1 impact would be for ratepayers?

2 PSC CHAIR CHRISTIAN: So we have a
3 number of -- the short answer is no. We have
4 not conducted a study.

5 We have a number of different
6 proceedings that are ongoing to capture the
7 costs, costs that we have already incurred
8 and costs that we will be incurring through
9 commission orders going forward.

10 There are a number of difficulties in
11 performing a study at this time, many of
12 which you've heard today from other
13 panelists, everything from inflation, supply
14 chain issues, rising interest rates and
15 whatnot.

16 Again, this will be a significant
17 transition. But the cost of it ultimately
18 will be one that will be far more affordable
19 compared to the do-nothing approach. Again,
20 this is not simply about the clean energy
21 future, this is about reliability in the
22 system, ensuring continuity of service safely
23 and affordably to the degree possible.

24 I'm sure many of you have noted the

1 significant uptick in significant climate
2 events. I myself recently in Buffalo was
3 with the Governor during the most recent
4 storm there, and we had very good success
5 working with the utilities to minimize the
6 number of outages. But that in and of itself
7 has a cost.

8 So we are in an interesting situation.
9 The system is evolving. The threats to the
10 system are increasing. And all of those
11 things will need to be paid for in some way.

12 SENATOR STEC: I understand all that.
13 And certainly, again, as I pointed out, we
14 were here a year ago, and this is not a new
15 discussion. And \$300 billion is an awful lot
16 of money.

17 And no one's hanging numbers on what
18 the cost is to do nothing, what the cost is
19 to do this transmission. I mean,
20 \$300 billion I think is worthy of effort and
21 difficulty to put some numbers on. We've got
22 state government, 19 million people,
23 \$230 billion -- I'd like to put a few bucks
24 behind figuring out, before we jump in and

1 then get halfway into this and say, Well,
2 we're too far gone now to not follow through,
3 let's throw more good money after bad.

4 I mean, how come we don't have this
5 number? We had this exact conversation --
6 you and I didn't, but in this room we had
7 this exact conversation a year ago.

8 PSC CHAIR CHRISTIAN: So to be clear,
9 we at the commission have not done that
10 analysis.

11 SENATOR STEC: Has anyone in state
12 government done that?

13 PSC CHAIR CHRISTIAN: So my
14 understanding was the CLCPA Climate Action
15 Council process where we deployed the various
16 measures and actions that would be needed to
17 achieve our goals. We included information
18 on the projected cost, the projected
19 benefits.

20 But there's a specificity to your
21 question that at this time I cannot answer
22 because you're giving me a number that was
23 developed through one organization. I don't
24 know what went into the development of that

1 number, I don't know what costs are
2 incorporated into that number --

3 SENATOR STEC: Can we ask for that
4 number next year? I'll give you a whole
5 year's head start on getting us that number.

6 PSC CHAIR CHRISTIAN: I will do the
7 best of my ability to provide you what you
8 seek.

9 SENATOR STEC: Thank you.

10 President Driscoll, if I could pivot
11 to you in my remaining time.

12 NYPA PRESIDENT DRISCOLL: Yes.

13 SENATOR STEC: Currently we -- our
14 generating capacity in New York State,
15 41 gigawatts -- 41 gigawatts. Since the
16 light bulb was invented to today,
17 41 gigawatts. In the last 25 years we've
18 added 13 gigawatts.

19 To reach all the CLCPA targets, we
20 need to generate 111 gigawatts. That's
21 70 gigawatts more. That's more than double
22 our current capacity, and we've only got
23 16 years to get to that point. How are we
24 coming on achieving this? This is the

1 partner question to the cost question.

2 NYPA PRESIDENT DRISCOLL: Yeah, thank
3 you for the question. I mean, obviously
4 these are very aggressive goals we've set for
5 ourselves, but we really have no choice. As
6 I think Commissioner Seggos said earlier, the
7 cost of doing nothing is higher than the cost
8 that's going to be incurred here.

9 In terms of the amount of buildout of
10 the system, I think you have to also keep in
11 mind that at the same time we're building
12 generation we're also investing a lot of
13 money in energy efficiency and distributed
14 energy resources and virtual power plants and
15 demand response. All these things coming
16 together are going to be a part of the --

17 SENATOR STEC: We're not going to make
18 it.

19 CHAIRWOMAN KRUEGER: Assembly.

20 CHAIRWOMAN WEINSTEIN: Assemblyman
21 Otis.

22 ASSEMBLYMAN OTIS: Thank you.

23 The first topic is solar, and I guess
24 this is probably a question for siting or for

1 NYPA, which is are you seeing applications
2 maybe from DOT or the Thruway Authority to do
3 more solar on the sides and the right-of-way
4 of highways?

5 And we had questions earlier today
6 about concern for the loss of farmland, so
7 this would be a place that we can avoid that.

8 ORES EX. DIRECTOR MOAVENI: So the
9 short answer is no. ORES has jurisdiction
10 over projects that are like 25 megawatts or
11 larger. That's assuming like, you know,
12 6 acres per megawatt, like if we are talking
13 about like roughly 150 acres.

14 We haven't received any applications
15 from DOT.

16 ASSEMBLYMAN OTIS: And Justin?

17 NYPA PRESIDENT DRISCOLL: Yeah, I
18 mean, we as part of our process of trying to
19 look for available land, both NYPA land,
20 state land, our agency partners are one of
21 the first places we go to. So we're working
22 with OGS, DOT. We'll be looking at sites
23 like that.

24 There are restrictions, I believe,

1 around federal interstate highways and what
2 can be put on the federal interstate highway
3 system. But we'll be looking at those -- at
4 land availability in those areas as well.

5 ASSEMBLYMAN OTIS: That's great.

6 You know, when you go and travel
7 outside of New York, you do see more of this
8 in other states. And it seems like that's --
9 could be low-hanging fruit.

10 NYPA PRESIDENT DRISCOLL: Agreed.

11 ORES EX. DIRECTOR MOAVENI: If I may,
12 in a former capacity in 2016, I worked with
13 DOT and Thruway Authority. They issued an
14 RFP and as a part of that RFP, they started
15 building, you know, some projects that I
16 think one of them is like on the Thruway.
17 I've seen it.

18 I know like some, you know, projects
19 were developed to that solicitation. I
20 think, you know, it's a question for them if
21 you --

22 ASSEMBLYMAN OTIS: Thank you. I want
23 to go to Chair Christian with a different
24 question, which is we get a lot of calls

1 about rates. And if you can just share a
2 little glimpse of the Public Service
3 Commission telling utility companies to
4 diversify their purchasing to buffer
5 fluctuations in rates, especially natural gas
6 and those trends there.

7 PSC CHAIR CHRISTIAN: So I believe
8 you're talking about their hedging
9 practices --

10 ASSEMBLYMAN OTIS: Correct.

11 PSC CHAIR CHRISTIAN: -- which are
12 utilized to manage fluctuations in price.

13 I mentioned earlier in a question
14 about the low cost of natural gas, that's not
15 necessarily the case. We've experienced
16 situations where gas prices more than doubled
17 over a very short period of time. And the
18 hedging practices that the utilities utilize
19 are specifically designed to manage around
20 those periods of time. And the best way to
21 think of it is it's like dollar-cost
22 averaging of an investment. You don't buy
23 all your GE stock today, you buy a little bit
24 over time.

1 ASSEMBLYMAN OTIS: I have 10 seconds
2 left here to say as we move towards
3 renewables over time, we hopefully will see
4 more stability in --

5 PSC CHAIR CHRISTIAN: Yes.
6 Absolutely.

7 ASSEMBLYMAN OTIS: Okay. With one
8 second left, perfect answer. Thank you.

9 CHAIRWOMAN KRUEGER: Tom O'Mara,
10 ranker.

11 SENATOR O'MARA: Thank you.

12 Thank you guys for hanging in. Good
13 evening. You know, a couple of you have said
14 on this panel what Commissioner Seggos and
15 Doreen Harris said before, the cost of
16 nothing is outweighed by whatever -- you
17 know. None of us are talking about doing
18 nothing. So that's not an accurate balance
19 of figuring out what the cost analysis of
20 this stuff is. And New Yorkers deserve to
21 know how this is going to affect their
22 pocketbooks.

23 You know, it was just reported in the
24 Wall Street Journal last night that

1 residential electric rates in California,
2 based on what they've done, are up 75 to
3 125 percent.

4 There's no New Yorker and no
5 constituent that I'm aware of, of mine,
6 that's aware that that's what's coming down
7 the pike. And I think it's going to be worse
8 than that.

9 So to say that the cost of doing
10 nothing -- we're not advocating doing
11 nothing. We're advocating that you tell us
12 what it's going to cost and tell the people
13 of New York State what it's going to cost.
14 That's what we need. And we need to know
15 it's going to be reliable, that it's going to
16 be affordable -- and first of all, we've got
17 to figure out whether it's going to be
18 feasible. We don't even know that yet.

19 So Director Moaveni, back in October
20 the Executive announced state investments in
21 1.5 gigawatt of solar projects. One of those
22 projects is called the Gravel Road Project in
23 the small town of Tyre in Seneca County.
24 Since then -- it's a 675-acre project that

1 I'm aware of, mostly prime farmland, abutting
2 a national wildlife refuge, the Atlantic
3 Flyway for migratory birds.

4 The community of about a thousand
5 residents has no idea what's going on.
6 They've inquired. They know that this is out
7 there somewhere. The community doesn't want
8 it. I've been at town hall meetings; you
9 know, they're out in force. They don't want
10 it. They're concerned about the farmland,
11 they're concerned about the wildlife refuge
12 and other aspects of it.

13 The farmer himself that leased the
14 bulk of the land for this now wants out of
15 it.

16 Now, through this siting process that
17 you have, what is the real community input
18 into whether this is going to go forward or
19 not? And where does that project stand
20 today? And how can you come out and announce
21 that we're -- the state's making an
22 investment in this project but the community
23 has input in it? It just doesn't add up.

24 ORES EX. DIRECTOR MOAVENI: So good to

1 see you, Senator.

2 As the final decisionmaker of the
3 office, I cannot comment on, you know, on the
4 merits of any particular application before
5 the office. But just to assure you that we
6 have developed and implemented a process, and
7 the track record of the office shows over the
8 course of the last four years that -- first,
9 that environmental issues will be addressed.
10 Second is to the extent that local
11 governments and communities have concerns,
12 the process will provide them with fair and
13 meaningful opportunities to participate and
14 express their concerns.

15 And going through the process, those
16 concerns will be addressed consistent with
17 our statute and regulations.

18 SENATOR O'MARA: Where does -- where
19 does this particular project stand right now
20 in that process?

21 ORES EX. DIRECTOR MOAVENI: That would
22 be -- as far as I know, it would be the
23 pre-application. We haven't even received a
24 full permit application.

1 SENATOR O'MARA: And, you know, it
2 deals with a lot of farmland, and I went
3 through with Commissioner Ball before about
4 concerns over farmland, and he wasn't aware
5 of it. And he says that the Department of Ag
6 is supposed to have some input on the use of
7 farmland for these things.

8 And there's other actual larger sites
9 that are brownfield sites in the vicinity.
10 Isn't part of ORES' work, when a community is
11 opposed to this and they say "This might be a
12 better location for it, and it's in the same
13 area" -- do you weigh that? Do you take that
14 into consideration and say maybe this project
15 should be over here on this brownfield and
16 not here in a wetland, national wildlife
17 refuge, prime farmland?

18 ORES EX. DIRECTOR MOAVENI: So the
19 office -- the short answer is that in the
20 interests of time, does not have a direct
21 role in selecting sites.

22 Having said that, we have a
23 comprehensive pre-application process where
24 applicants are required to consult with local

1 governments and communities. And the purpose
2 of that pre-application process is to exactly
3 address the issues that you are raising.

4 SENATOR O'MARA: Thank you. Thank you
5 all.

6 CHAIRWOMAN KRUEGER: Assembly.

7 CHAIRWOMAN WEINSTEIN: Assemblyman
8 Mamdani. Is he -- oh, there he is.

9 ASSEMBLYMAN MAMDANI: Hello.

10 President Driscoll, I'd like to start
11 with you.

12 So just based off of your testimony,
13 how are you working to ensure that the
14 feedback from labor unions during the annual
15 stakeholder conferral process is implemented
16 in reality?

17 NYPA PRESIDENT DRISCOLL: Thank you
18 for the question. We've -- I'm sure you've
19 read the conferral report. We took comments
20 from several labor organizations. We're also
21 working, as you also know, with the
22 Department of Labor on establishing the
23 \$25 million transition fund, essentially, for
24 transitioning workers to the clean energy

1 workforce of the future.

2 But we'll be continuing to take input
3 from labor --

4 ASSEMBLYMAN MAMDANI: Just a quick
5 follow-up on that.

6 Does this include ensuring that RFPs
7 for projects all include prevailing wage and
8 project labor agreements?

9 NYPA PRESIDENT DRISCOLL: Yes. And
10 that's actually called for in the bill last
11 year, where we have to do a PLA.

12 ASSEMBLYMAN MAMDANI: Okay, just
13 wanted to make sure that was the case.

14 And you referred to the transferring
15 of \$25 million from NYPA to the DOL for the
16 Office of Just Transition. In a trustees'
17 meeting I think yesterday, you shared that
18 NYPA would establish a cooperative agreement.

19 And just to better understand, what
20 will NYPA's priorities be for the office of
21 just transition?

22 NYPA PRESIDENT DRISCOLL: Yeah, so
23 it's as you said. I went back and I looked
24 at the provision today, and I believe it says

1 the Office of Just Transition or other uses.

2 So one of the things that we'd like to
3 do is we'd like to work collaboratively with
4 the Department of Labor to identify
5 potentially programs that we could fund
6 together. One of my wishes is that we could
7 reach out to people younger in the
8 educational system, either in high school or
9 in BOCES or in trade schools and so forth, to
10 try to bring those people into the energy
11 industry. So --

12 ASSEMBLYMAN MAMDANI: And just to that
13 last point you were saying, how will NYPA
14 ensure that money for training and retraining
15 goes to union-run programs?

16 NYPA PRESIDENT DRISCOLL: So we're
17 going to work closely with the Department of
18 Labor. We're going to hopefully provide for
19 that in the MOU we're working with them on.
20 We haven't signed that yet. We're working
21 with them as we speak to finalize that
22 agreement.

23 But we've also been out there trying
24 to identify programs through some of our EJ

1 work, as you -- that I think you're familiar
2 with, to try to identify programs in
3 communities that we might be able to fund.

4 ASSEMBLYMAN MAMDANI: Okay, and one
5 last question for you.

6 Is NYPA currently reaching out to
7 SUNYs, CUNYs, as well as other public
8 institutions? I know we spoke about NYCHA
9 before.

10 NYPA PRESIDENT DRISCOLL: Yes, we are.
11 We're working on that, and have had several
12 meetings with SUNY leadership about working
13 with them. Obviously there's significant
14 land there --

15 ASSEMBLYMAN MAMDANI: Yes.

16 NYPA PRESIDENT DRISCOLL: -- that
17 might be useful to us.

18 ASSEMBLYMAN MAMDANI: Thank you so
19 much for that.

20 Chair Christian, with just the last
21 few seconds of my testimony, is it correct to
22 say that every utility regulated by the
23 Public Service Commission follows certain
24 seasonal and temperature-based restrictions

1 on disconnecting residents?

2 PSC CHAIR CHRISTIAN: Yes.

3 ASSEMBLYMAN MAMDANI: And these
4 shutoff policies vary dramatically across
5 companies, correct?

6 PSC CHAIR CHRISTIAN: They do vary to
7 some degree. I wouldn't characterize it as
8 dramatically.

9 ASSEMBLYMAN MAMDANI: Do you think it
10 would be reasonable to make one policy across
11 all utility companies in the state?

12 CHAIRWOMAN WEINSTEIN: Time. Time.
13 You'll have to respond in writing.

14 ASSEMBLYMAN MAMDANI: Thank you.

15 CHAIRWOMAN WEINSTEIN: Senate.

16 CHAIRWOMAN KRUEGER: Thank you. I
17 think I am the last Senator -- oh, Senator
18 Liu, I didn't see you on the list. I will --
19 please give Senator Liu the first three
20 minutes.

21 SENATOR LIU: Thank you, Madam Chair.
22 And I assure you I'm not simply trying to run
23 out the clock here.

24 (Laughter.)

1 SENATOR LIU: Thank you, gentlemen,
2 for joining us today.

3 And good to see you again, Justin.
4 I've just got a couple of questions for you.

5 NYPA PRESIDENT DRISCOLL: Okay.

6 SENATOR LIU: I think Assemblymember
7 Shrestha had asked you if the state would be
8 in a position to provide 70 percent of the
9 energy needs in the form of renewable energy.
10 And you didn't sound like you had a clear
11 answer.

12 NYPA PRESIDENT DRISCOLL: Only because
13 I think we're -- as I think I've testified
14 previously, we are at an inflection point, if
15 you will, and in a reset, if you will, a
16 state of flux -- whatever you want to call
17 it -- in terms of where we are in the
18 pipeline.

19 SENATOR LIU: Didn't you just issue a
20 conferral report that says that by 2030 the
21 state is in a position to provide 79 percent?

22 NYPA PRESIDENT DRISCOLL: Well, that
23 was based on the data we had at the time from
24 NYSERDA.

1 SENATOR LIU: That was just a couple
2 of months ago, wasn't it?

3 NYPA PRESIDENT DRISCOLL: That was --
4 there have been cancellations since then. I
5 think that -- I think Ms. Harris testified to
6 that earlier today.

7 SENATOR LIU: I see.

8 NYPA PRESIDENT DRISCOLL: And that's
9 the reset point. That's -- but I think that
10 there's -- with their rapid rebidding
11 process, a lot of those projects are coming
12 back in.

13 So I think we'll get back up to that
14 number, but we're just going to have to wait
15 and see what --

16 SENATOR LIU: Okay, I understand that.

17 And, you know, I believe -- because
18 last year obviously we went through a lot of
19 this in the Senate; I'm sure they did so in
20 the Assembly as well. The thought -- kind of
21 the sentiment was that the State of New York,
22 particularly through NYPA, your agency,
23 should own more of the infrastructure and
24 actually build out, develop and build the

1 renewable energy infrastructure.

2 Is that what you recall? Do you have
3 the same recollection?

4 NYPA PRESIDENT DRISCOLL: Yeah, I
5 think that's what the law that was enacted
6 last year requires. And we're off and
7 running in implementing that granted
8 authority.

9 SENATOR LIU: All right. I just want
10 to point something out to you. I mean, you
11 know, in the NYPA press release it says that
12 last year the state provided NYPA with
13 enhanced authority to develop, own and
14 operate renewable energy generating projects.

15 NYPA PRESIDENT DRISCOLL: Correct.

16 SENATOR LIU: The RFI that was just
17 recently -- a few weeks ago -- released kind
18 of changes the words a little bit. It says
19 now -- it says opportunities for NYPA to
20 collaborate with renewable developers,
21 contractors, and companies to develop, own
22 and operate renewable energy projects.

23 NYPA PRESIDENT DRISCOLL: We want to
24 do that --

1 SENATOR LIU: Implying that the
2 private companies would actually own and
3 operate, as opposed to NYPA.

4 NYPA PRESIDENT DRISCOLL: No,
5 that's -- if that's the way you read it, I
6 think maybe it wasn't clear. But we want to
7 do both.

8 SENATOR LIU: Okay. And then there
9 was some kind of emphasis like, you know,
10 NYPA wants to -- here, "is particularly
11 interested in responses from private-sector
12 renewable developers, contractors, and
13 companies."

14 I just feel like there's a slight
15 change of tone. Maybe you can just clarify
16 that going forward.

17 NYPA PRESIDENT DRISCOLL: No, it's
18 just one piece of our activities, looking for
19 opportunities to partner. We're also looking
20 to build on our own.

21 SENATOR LIU: Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Giglio.

2 ASSEMBLYWOMAN GIGLIO: Thank you all
3 for being here.

4 My questions are for the director of
5 ORES.

6 So saturation is a problem in my
7 district in the Town of Riverhead, and other
8 things are problems also, such as the
9 community benefit that is included in the
10 permit process for a site that you choose for
11 solar to be on.

12 So why is it that the Long Island
13 Power Authority district is the only district
14 in the State of New York that does not
15 require not only a community benefit but also
16 a ratepayer discount and every other district
17 throughout the state does?

18 (Off the record.)

19 ORES EX. DIRECTOR MOAVENI: I really
20 don't know the answer to that question.

21 PSC CHAIR CHRISTIAN: It's a
22 complicated answer, to be honest with you.

23 ASSEMBLYWOMAN GIGLIO: So then I don't
24 want to use all my time in having it answered

1 now.

2 But, you know, the permits are issued,
3 there's a seven-year time frame for them to
4 actually implement the project. Why is it
5 that -- and would you consider a policy that
6 would require a community benefit agreement
7 prior to the issuance of a permit so that the
8 municipality and the locality would know what
9 the actual benefit is to the district?

10 ORES EX. DIRECTOR MOAVENI: So the
11 current statute ORES is required, for every
12 single permit, to basically -- for a required
13 permit you could provide some form of host
14 community benefit.

15 ASSEMBLYWOMAN GIGLIO: After the
16 permit's issued, though. Not before.

17 ORES EX. DIRECTOR MOAVENI: It's a
18 requirement of the permit. Like so the
19 applicant cannot proceed or permitting cannot
20 proceed with construction until they provide
21 proof of such, you know, executed either
22 pilot or a host community agreement with the
23 taxing jurisdictions.

24 ASSEMBLYWOMAN GIGLIO: So you go

1 through all of the mechanisms of picking a
2 site, and if they can't reach an agreement
3 for the community benefit --

4 ORES EX. DIRECTOR MOAVENI: We cannot
5 proceed with construction.

6 ASSEMBLYWOMAN GIGLIO: Then they can't
7 proceed -- so why go through the whole
8 process without having a community benefit
9 agreement in place first? And why is that
10 not part of the public comments? That is
11 just a question that I would like you to
12 answer for me at a later date.

13 And then also the -- for the Public
14 Service Commission, do you believe that for
15 transparency's sake that there should be a
16 separate line on every utility bill so that
17 ratepayers know exactly how much of the
18 utility bill is going towards the state's
19 policies for renewable energy?

20 PSC CHAIR CHRISTIAN: So I believe
21 that will be a challenging thing to
22 accomplish, in part because that assumes that
23 they're separate and apart and not integrated
24 into the needs of the system as a whole.

1 Much of --

2 ASSEMBLYWOMAN GIGLIO: It's
3 infrastructure, though. And I think
4 infrastructure should be on a separate line,
5 especially when it comes to renewables.
6 Would you be -- would you consider that?

7 PSC CHAIR CHRISTIAN: I think a deeper
8 conversation is necessary. As it is right
9 now, infrastructure is a separate line. The
10 utility bills are separated into supply,
11 which is the commodity charge, and the
12 utility use T&D costs, which are the
13 infrastructure costs. All those are bundled
14 together as a singular charge.

15 To separate out one disparate aspect
16 of that would be a challenge.

17 ASSEMBLYWOMAN GIGLIO: Okay. But I
18 don't think it would be too difficult of a
19 challenge because you know how much the
20 utility is paying towards renewables. When
21 you're approving the rates.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 ASSEMBLYWOMAN GIGLIO: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Okay, I think now we're back to me.
2 Oh, it's been a confusing afternoon. Sorry.
3 So you answered this several times,
4 Mr. Christian. But just for the heck of it,
5 there is a Climate Action Council analysis of
6 what the costs would be. Right, this is
7 correct?

8 PSC CHAIR CHRISTIAN: Correct.

9 CHAIRWOMAN KRUEGER: Okay, thank you.

10 And the Governor put a section of my
11 HEAT bill in her budget, and I appreciate
12 that. And there seems to be a great deal of
13 confusion about whether, you know, it will
14 actually save ratepayers money or not. So we
15 can be arguing 200 or 300 million. But if
16 you don't have to build new gas pipes that
17 aren't going to be used, don't we think that
18 does save ratepayers money?

19 PSC CHAIR CHRISTIAN: That is correct.

20 And looking at preliminary forecasts
21 of historical spend for the electric system
22 and the gas system separately, what's clear
23 is we are spending more on the electric
24 system going forward in our forecast, which

1 lines up with our expectations, but projected
2 expenditures on the gas system have flatlined
3 or declined for many utilities. Again,
4 aligned with our expectations.

5 So as individuals do electrify and
6 move forward aligned with the state's
7 overarching plan, there's going to be that
8 shifting of costs from what they would
9 normally pay for their gas use towards their
10 electric, and over time that will stabilize
11 and decrease as we have more stable renewable
12 energy. That is effectively a fixed cost and
13 is not subject to geopolitical, inflation and
14 other risks that our natural gas supply
15 currently is. And also provide individuals
16 with greater reliability because we will
17 effectively be building a far more robust
18 electric system than the one that we've come
19 to know.

20 So in many ways this is a very clear
21 and well-thought-out plan for the future.
22 We're taking into consideration our
23 generation needs, we're taking into
24 consideration planning for transmission

1 needs, and we have a regular now with a
2 coordinated grid planning process, which is
3 again a three-year review of all the
4 different aspects of our transmission needs
5 that are needed.

6 All of this planning is in part a
7 recognition of the significance of the
8 challenge ahead of us and the need to stay
9 ahead of it.

10 Also one thing not discussed to date,
11 much of the conversation here seems to
12 suggest that this is something being driven
13 by the state. I really do think it's
14 important to recognize that we have seen
15 significant uptake in electric vehicle
16 adoption within the state -- 78 percent, year
17 over year, this past year alone. I've seen,
18 just anecdotally, dozens of people that I
19 know personally have moved forward with
20 purchasing heat pumps and putting them into
21 their homes. And we've had to adjust a
22 number of different incentive programs
23 because the uptake was so significant that it
24 effectively used up the funding before the

1 scheduled end.

2 So we're seeing a lot of consumer
3 interest in the state plan, and that is a
4 question that I think is worth talking about,
5 in part because if we do not take the actions
6 we are taking ultimately we at the commission
7 serve to be a hindrance to economic
8 development in the state. Much of what we
9 are doing is recognizing these things are
10 already happening. Consumers are already
11 adopting these technologies, and we need to
12 put investments in places where they can
13 benefit from those. And that is the core
14 central part of much of what the commission's
15 actions have been.

16 CHAIRWOMAN KRUEGER: And is it not
17 correct that if we were to continue to try to
18 keep our old gas pipe system functioning, it
19 would cost us -- meaning the consumers, the
20 ratepayers -- at minimum \$100 billion?

21 PSC CHAIR CHRISTIAN: I can't speak to
22 the exact number. You'll find that is a
23 recurring theme, unfortunately.

24 But what is clear, there will be a

1 cost. We've built up -- again, a lot of work
2 has gone into the establishment of the gas
3 system, bringing it up from the Henry Hub in
4 Louisiana here into New York State. The
5 Public Service Commission played a very
6 significant role in that outcome, and we have
7 all benefited from that. But even then, it
8 was a recognition it was a bridge towards
9 something else.

10 When I joined the energy industry,
11 natural gas was called a bridge fuel. We're
12 well over that bridge, and we're moving
13 towards electrification. And so if we
14 continue to walk along the natural gas path,
15 all that investment that we've made over the
16 past 40, 50 years -- we will need to upgrade
17 that pipeline. We will need to make
18 investments there to keep that functioning,
19 and there is a significant cost associated
20 with that.

21 So all of that goes into
22 considerations when we look at what needs to
23 come. And we have some very significant
24 lessons learned from what we did with the

1 transition from manufactured gas to natural
2 gas, which are playing a significant role in
3 how we're looking at this going forward.

4 CHAIRWOMAN KRUEGER: Thank you.

5 And one of my colleagues I think
6 quoted a cost of -- an increase in energy
7 costs in California, I guess he meant because
8 there were renewables of over 75 percent.
9 Are you aware of a study showing that the
10 Texas cost of electricity went up by
11 70 percent in just one year because of the
12 increased costs of natural gas?

13 PSC CHAIR CHRISTIAN: Yes. Yes. I'm
14 very familiar with that.

15 That is in part a -- both a drive --
16 both a result of the increase in price in
17 natural gas but also some unfortunate events
18 related to an extended cold snap that
19 affected reliability in the state. And, you
20 know, these are lessons that we in the
21 Public Service Commission -- we try to learn
22 them and adopt them. That's part and parcel
23 of why we have the planning processes we
24 have, to look ahead and understand the risks

1 that we are going to take and take the
2 proactive steps needed to mitigate those
3 risks before they affect New Yorkers
4 negatively.

5 CHAIRWOMAN KRUEGER: Thank you.

6 And Mr. Moaveni, I'm very interested
7 in geothermal networks as a renewable option.
8 Will your office have any role to play in the
9 siting of these potentially large but really
10 important new models for us?

11 ORES EX. DIRECTOR MOAVENI: The office
12 is technology-agnostic. So like whatever is
13 defined as a renewable energy resource by the
14 law, the office is required to process the
15 permit application.

16 CHAIRWOMAN KRUEGER: And have you been
17 approached at all yet for any of these?

18 ORES EX. DIRECTOR MOAVENI: No. The
19 majority of our pipeline are solar and wind
20 facilities, some with battery energy storage.

21 CHAIRWOMAN KRUEGER: So we need to get
22 up to speed on that, because other places are
23 far ahead of us, and it's working.

24 Mr. Driscoll, this is going to be an

1 interesting question. So in the budget
2 there's \$50 million to support the
3 Canal Authority. The Canal Authority is
4 either transportation or tourism. What is it
5 doing in the Power Authority?

6 NYPA PRESIDENT DRISCOLL: What is the
7 Canal Corporation --

8 CHAIRWOMAN KRUEGER: Why are we having
9 to put more money into it, yes, sir.

10 NYPA PRESIDENT DRISCOLL: Why is the
11 Canal Corporation a subsidiary of ours?

12 CHAIRWOMAN KRUEGER: Yes. Why is it
13 there? You have an assignment, it's power.
14 I don't think it's tourism or --

15 NYPA PRESIDENT DRISCOLL: I think
16 something happened in 2016 in the budget that
17 gave us the Canal Corporation as a subsidiary
18 back then.

19 But the money actually is going toward
20 infrastructure repairs that are much needed,
21 they're much needed on the system. We're
22 trying -- as you know, it's celebrating its
23 200th anniversary next year. We have
24 significant capital requirements to keep it

1 safe and secure. We've already increased the
2 capital we're putting in. We're putting in
3 over \$140 million total, about 70 of that is
4 capital, 70 million capital every year.
5 We're also doing transmission, renewables,
6 consumer work.

7 And so this infrastructure money is
8 critical to us keeping the system safe and
9 secure for the residents of New York State.

10 CHAIRWOMAN KRUEGER: And as I recall,
11 when it was given to the Power Authority, it
12 was the belief that you had extra money so it
13 was okay. Do you have extra money, or are
14 you actually using money that I would hope
15 would be going into renewable power and is
16 going instead for the Canal Authority?

17 NYPA PRESIDENT DRISCOLL: So we
18 currently have a process that's required by
19 our bond resolution that every time we spend
20 money on the canal system, we have to make a
21 determination at the board level that the
22 money's not needed for NYPA purposes. It
23 comes out of what's called the bottom of the
24 bucket in finance terminology. And so we

1 make that determination every quarter at the
2 Power Authority as we release money to the
3 Canal Corporation.

4 We've been able to sustain its
5 essentially ownership and operation. But one
6 of the reasons for this infrastructure fund
7 is to help us with the infrastructure needs
8 that we see.

9 When we took it over, we did a full
10 inventory of all the assets on the system,
11 524 miles of assets of varying ages -- 200
12 years old, a hundred years old -- and had
13 outside consultants help us with that. So we
14 have a complete inventory of what needs to be
15 repaired, and we'd like to obviously get to
16 work to -- not that we're not doing capital
17 repair work with our own money, but we
18 just -- the needs are increasing.

19 CHAIRWOMAN KRUEGER: And at the time
20 it was given to you there was concern about
21 underutilization of it for any purpose. Has
22 there been increased utilization either for
23 tourism or actually for transportation?

24 NYPA PRESIDENT DRISCOLL: I think the

1 tourism definitely. And some of that can be
2 attributable -- can be attributed to some of
3 the programs and work that we've done on the
4 canal system to bring out more recreation,
5 whether it's camping or kayaking. We've done
6 a lot of great programming work.

7 The commercial side is a work in
8 progress. We'd obviously like to see more
9 commercial traffic. But I think -- I would
10 say the growth is on the tourism side,
11 recreation side, not on the commercial side
12 yet. But it's something that's, again, a
13 focus of ours.

14 CHAIRWOMAN KRUEGER: Well, I've run
15 out of time. Thank you very much.

16 CHAIRWOMAN WEINSTEIN: Assemblywoman
17 Glick.

18 ASSEMBLYWOMAN GLICK: I'm really not
19 certain to whom to direct this, but it is a
20 question in the back of my mind about, you
21 know, 30 years from now when some of our
22 gas pipelines are no longer being used in
23 some areas. There has been a desire and a
24 discussion over trying to bury our electrical

1 lines so that they're not subject to wind
2 and, you know, heavy snow and trees falling
3 on them and the like.

4 And I'm wondering at some point down
5 the road, is there any possibility of
6 utilizing these parts of our infrastructure
7 to accommodate that hardening of our electric
8 system?

9 PSC CHAIR CHRISTIAN: So that's a
10 great question. And I would love to follow
11 up with you offline if I don't fully answer
12 it, because there's a lot of moving parts
13 there.

14 The commission has done an
15 undergrounding study, and we've looked at the
16 costs associated with undergrounding
17 utilities throughout the state. It is
18 cost-prohibitive. It is rather expensive.

19 What we have found as a more effective
20 means through which to achieve the level of
21 reliability and sustainability desired in the
22 energy system of the future, in areas where
23 you have above-ground poles, is regular
24 tree-trimming activities and ensuring the

1 efficacy and suitability of the poles in that
2 region.

3 And this is in many ways a direct
4 response to events outside of New York State.
5 And forgive me on the timing of this, but
6 many years ago in Florida they experienced
7 many back-to-back hurricanes that created an
8 extended period of power outage lasting many
9 weeks. The lessons learned of that utility
10 go under aggressive vegetation management
11 activities and reinforce the poles wherever
12 possible.

13 That has led to some very significant
14 successes in Florida, which I'm happy to
15 speak to you more about at length, and that
16 in many ways has shaped the actions that we
17 here in New York are taking in directing
18 utilities towards more aggressive vegetation
19 management and pole replacement.

20 ASSEMBLYWOMAN GLICK: I know that we
21 are doing a much more aggressive requirement
22 on electric companies to do the tree
23 trimming. As a result, I think of a company
24 that was rather negligent in Ohio about, I

1 don't know, 10, 15 years ago, that took out
2 50 million folks in the Northeast.

3 So I understand that that's a very
4 efficient means locally. I'm not even
5 thinking in the near term, I'm thinking at
6 some point as we essentially mothball some of
7 these underground utilities, gas lines and
8 the like, whether there is any reuse
9 possibility in that.

10 PSC CHAIR CHRISTIAN: Ah. Okay.

11 ASSEMBLYWOMAN GLICK: It's not -- it's
12 not now, it's not 10 years from now, it is as
13 we get to a certain point -- because it is
14 ridiculously, you know, expensive to bury
15 lines that are existing.

16 PSC CHAIR CHRISTIAN: Right.

17 ASSEMBLYWOMAN GLICK: But I'm thinking
18 at some point when we're not using these
19 underground lines for gas, is that a
20 possibility. So it's not a -- I'm not
21 looking for an immediate answer, but I'm
22 thinking that this is something that might
23 conceivably be of use in some areas where we
24 are most likely to see heavy snows and the

1 like.

2 PSC CHAIR CHRISTIAN: So that's a
3 nuance to the question which I can answer,
4 actually. So in terms of the gas lines that
5 are currently there, I want to focus my
6 answer on that specifically.

7 So I mentioned earlier the Utility
8 Thermal Energy Network and Jobs Act, which
9 was passed directing the commission to work
10 with the utilities that we regulate for them
11 to put forward pilot utility thermal energy
12 networks. And these are networks that would
13 take energy from the ground or whatever
14 source and use that to provide heat and other
15 services to individuals that would normally
16 be using natural gas.

17 A number of the pilots are exploring
18 the possibility of reusing existing gas
19 pipelines as the medium through which that
20 thermal load is transferred from the source,
21 which could be geothermal or any number of
22 things, to the uses -- to the end-uses.

23 So that is something we are exploring
24 now, and we will -- we anticipate having

1 results after a few years of operation of the
2 preliminary pilots that are deployed. So
3 that is a possibility. Far sooner than 30
4 years from now.

5 ASSEMBLYWOMAN GLICK: Thanks.

6 CHAIRWOMAN KRUEGER: The Senate's
7 done.

8 CHAIRWOMAN WEINSTEIN: Okay. So for
9 the Assembly, next we have
10 Assemblywoman Fahy.

11 ASSEMBLYWOMAN FAHY: Thank you.

12 Give me a moment, I have been holding
13 on to a question to read. Well, while I'm
14 looking for that, I just to start -- thank
15 you for your patience and thank you for
16 staying with us here.

17 I want to start with
18 President Driscoll, and just a couple of
19 comments. Thank you for the comments you
20 just made a few minutes ago about the canals.
21 And as you know, we are very, very anxious to
22 see the original Lock 1 Erie Canal unearthed
23 here in -- just in the warehouse district in
24 Albany. So anxious to continue to work with

1 you on that.

2 We also are very interested to see in
3 Albany your wonderful energy zones, to help
4 encourage the whole next generation of
5 children, students, to really understand
6 what's going on with the climate and more.

7 So really looking forward to see the
8 Utica and other energy zones replicated here
9 in Albany, if at all possible.

10 So then the -- you were the easy one.
11 A few very quick questions, I hope, for
12 Chair Christian, and a couple of questions --
13 one was already asked on the blighted
14 property by my colleague John McDonald.

15 Another question has come up
16 regarding -- my bill is the HEAT Act, but
17 we're very pleased that the Governor has
18 included the -- dropping the 100-foot
19 subsidy, as you've said, as well as her
20 proposal to end the obligation to serve.
21 Regarding that, emergency generators, would
22 those -- if somebody needed or owned or
23 wanted to still purchase these emergency gas
24 generators, would anything preclude them,

1 whether it's in your language or otherwise,
2 in the Governor's proposal?

3 PSC CHAIR CHRISTIAN: So my
4 understanding is the answer to that is no.
5 If you have gas service and you want to
6 connect a gas generator, you can do that.
7 There are also electric backup generators
8 that are battery-powered that are
9 commercially available. So there are lots of
10 options from a resiliency perspective.

11 ASSEMBLYWOMAN FAHY: Okay, thank you.

12 Another question -- I'm going to just
13 try to read a bit of this. And it's a part
14 of a question on the obligation to serve. If
15 we did not have the obligation to serve, a
16 concern was raised that gas companies would
17 exit the market, leaving their customers no
18 option to make the necessary changes.
19 Because if the statutory obligation or
20 direction wasn't there, it would discourage
21 investment in the gas infrastructure and gas
22 companies who might be unable to secure funds
23 would then let that infrastructure decline,
24 given the liability and more.

1 So the concern is that they would
2 exit, gas companies would then exit the
3 market, especially in more
4 difficult-to-serve -- and I've got nine
5 seconds left for you if you can answer that.

6 PSC CHAIR CHRISTIAN: There's no way I
7 can answer that that quickly. The answer is
8 I think that may be an inflation of the
9 problem. We're working on a lot of reasons
10 to keep the gas companies working, yeah.

11 ASSEMBLYWOMAN FAHY: Thank you. Look
12 forward to more.

13 PSC CHAIR CHRISTIAN: Sure.

14 CHAIRWOMAN WEINSTEIN: Thank you.
15 Assemblywoman Simon.

16 ASSEMBLYWOMAN SIMON: Moving right
17 along. So today -- this is for the
18 commissioner. We have a lot of comments
19 today about who's paying and a sense that
20 electrification is driving rate hikes. I
21 know that that's not entirely true. There
22 are many reasons for rate hikes. In my
23 district, that is not the issue.

24 So I'm asking if you could provide an

1 update on the National Grid downstate rate
2 case. And I understand that the case is
3 ongoing, and so I'm not asking you to discuss
4 specifics. But particularly, we have three
5 Superfund sites in Brooklyn alone that are
6 National Grid-involved.

7 So I want to flag my ongoing concern
8 that -- speaking of manufactured gas --
9 including Superfund-related costs in customer
10 rates, which are increasing every day, it
11 feels like.

12 PSC CHAIR CHRISTIAN: I will need some
13 time to get back to you on that.

14 My understanding is whatever
15 investments they need to make in
16 infrastructure would end up in the rates. I
17 believe this is part of the rate case, but
18 again I can't speak to it in detail. But
19 ultimately this is part of the legacy of the
20 system, and we have to maintain it and ensure
21 public safety. And given that's part of our
22 obligation as the commission, the costs
23 associated with that would likely be a part
24 of it.

1 I'd have to, again, dig in a little
2 bit deeper. But at eye level, yeah.

3 ASSEMBLYWOMAN SIMON: If you could
4 outline those. Because, you know, they have
5 to take up a public pool and get rid of the
6 vats of coal tar. And that doesn't seem to
7 be infrastructure to me. That seems to me to
8 be cleaning up your mess.

9 PSC CHAIR CHRISTIAN: Well, yeah, I
10 can -- I will confer with staff on the
11 current nature of things. And again, can't
12 speak to specifics on the rate case as it's
13 ongoing, but that's definitely something we
14 can have a more active discussion on as
15 things evolve.

16 ASSEMBLYWOMAN SIMON: Thank you. I'd
17 appreciate it.

18 PSC CHAIR CHRISTIAN: No problem.

19 CHAIRWOMAN WEINSTEIN: Assemblywoman
20 Kelles.

21 ASSEMBLYWOMAN KELLES: So I have a
22 million questions for the three of you, which
23 means I will get to like one for probably all
24 of you. So I'm going to jump into

1 speed-round. For PSC, just quick questions.

2 Utilities make their money by laying
3 more pipes and wires, of course. Is it not a
4 conflict of interest, then, to task them with
5 the programs that would help people use less
6 energy? They have no incentive to do this.
7 Their profit margin is directly negatively
8 impacted by reduced demand for pipes and
9 wires. So I just wanted your thoughts on
10 that.

11 PSC CHAIR CHRISTIAN: Right. So we
12 have a number of ways of incentivizing that
13 particular behavior. We have earnings
14 adjustment mechanisms which can negatively
15 impact the utility's earnings if they don't
16 achieve certain metrics.

17 We have utilized that with good
18 success with the array of utilities that we
19 regulate, and we've found that to be an
20 effective tool at addressing that --

21 ASSEMBLYWOMAN KELLES: Concern.

22 PSC CHAIR CHRISTIAN: -- concern over
23 the past. So yeah.

24 ASSEMBLYWOMAN KELLES: Great. And the

1 second, do we have any data on the rate at
2 which or time frame in which utilities are
3 connecting renewable energy infrastructure
4 into the grid?

5 If you don't have it on you, if you
6 could --

7 PSC CHAIR CHRISTIAN: Right. So that
8 you're -- I think you're describing the
9 interconnection process for each utility.

10 ASSEMBLYWOMAN KELLES: Yes, exactly.

11 PSC CHAIR CHRISTIAN: So some -- this
12 is a function of a variety of factors, both
13 geography and capacity in a particular area
14 of the particular local utility's grid. Some
15 utilities, due to just favorable
16 conditions -- lots of land, lots of capacity
17 in their network -- are able to move more
18 quickly than others where land is limited or
19 capacity on their network is limited.

20 But we work with --

21 ASSEMBLYWOMAN KELLES: Do you have
22 that data, the range of --

23 PSC CHAIR CHRISTIAN: I think we do.
24 Yes, I think we do.

1 ASSEMBLYWOMAN KELLES: I'd love to
2 follow up with you on that.

3 PSC CHAIR CHRISTIAN: Sure.

4 ASSEMBLYWOMAN KELLES: I'm going to
5 read a statement. It's kind of long, but
6 this is a yes-or-no question because there is
7 some confusion about the hundred-foot rule in
8 some of the pieces of the NY HEAT Act that
9 were put in.

10 So the statement: Do you agree, yes
11 or no? Is it not true that the NY Heat
12 100-foot rule abruptly ends the obligation to
13 serve gas, leaving utilities no way to
14 recover the cost of their gas investment and
15 leading customers with no option?

16 That was the question that I had
17 gotten, and what I had responded was this:
18 "NY HEAT changes the obligation to serve. It
19 doesn't end it. The NY HEAT Act explicitly
20 continues the obligation to serve for
21 existing customers with safe and reliable
22 service unless those customers are being
23 served by a program that, among other things,
24 provides them the financial support to

1 install gas alternatives.

2 "Utilities would continue to be able
3 to seek funds in their rate cases to maintain
4 and replace old pipelines when those
5 investments are prudent, just like they can
6 today. The difference would be that those
7 investments would receive more scrutiny to
8 see if a better use of the money would be to
9 instead outfit customers with cleaner,
10 cheaper alternatives. If not, the gas
11 investment would happen and the utility could
12 charge customers for it just as they do
13 today.

14 "If there is a better alternative, NY
15 HEAT gives the PSC the option to pursue that
16 alternative."

17 Would you agree with that?

18 PSC CHAIR CHRISTIAN: I'd need to read
19 it.

20 (Laughter.)

21 CHAIRWOMAN WEINSTEIN: You can respond
22 later.

23 PSC CHAIR CHRISTIAN: Did you hit
24 send?

1 ASSEMBLYWOMAN KELLES: Did I what?

2 PSC CHAIR CHRISTIAN: Did you already
3 hit send?

4 ASSEMBLYWOMAN KELLES: I did hit send.

5 CHAIRWOMAN WEINSTEIN: Thank you.
6 Thank you.

7 ASSEMBLYWOMAN KELLES: It's in your
8 inbox.

9 CHAIRWOMAN WEINSTEIN: Assemblyman
10 Lemondes.

11 ASSEMBLYMAN LEMONDES: Thank you,
12 Madam Chair.

13 Gentlemen, thank you for being here so
14 long.

15 My question is primarily for
16 Mr. Moaveni, but the other two gentlemen, if
17 you'd like to comment, the more the merrier.

18 As a conservationist myself, I firmly
19 believe in the responsible use of all of our
20 environmental resources -- soil, water,
21 wildlife, et cetera -- for the preservation
22 of future generations and our survival, of
23 course, for our own food security, et cetera.

24 But I'm interested to know if you

1 would comment on the suspected impact of the
2 deaths of whales that washed up last year as
3 a result of potentially -- the assertion was
4 in several articles that I read -- that the
5 offshore windmills were playing havoc with
6 their navigation systems.

7 ORES EX. DIRECTOR MOAVENI: Do you
8 want to answer that?

9 It's not within the purview of the
10 office, like, so ...

11 PSC CHAIR CHRISTIAN: So that -- I
12 know of the issue. I'm familiar with the
13 articles. I believe there was an
14 investigation into it and there was no
15 attribution to the wind -- the offshore
16 wind turbines at the time. Other than that,
17 I don't know much more about the incident.

18 I know a lot of studies have been
19 done, both domestically and internationally,
20 on the effect of offshore wind on maritime
21 life and whatever work that is being done on
22 both land and offshore wind projects look at
23 the environmental impact of those projects.

24 If you take a look at the bights --

1 that's the terminology used for the areas
2 where offshore wind are being deployed --
3 those are established, those areas are
4 established by the Bureau of Ocean and Energy
5 Management, a federal agency. And that
6 investigation, the impact of offshore wind on
7 the natural environment, starts with that
8 agency.

9 We do our own analysis as well, but in
10 terms of saying there's a direct impact on
11 the whales, that's not a question I can
12 answer at this time.

13 ASSEMBLYMAN LEMONDES: Right. And
14 that's not what I'm after. I'm not trying to
15 pin you down.

16 What I'm after is do you share my
17 concern that we may not have the information
18 yet to conclusively say one way or another,
19 and that it's possible that they could be
20 impacting --

21 PSC CHAIR CHRISTIAN: I would have to
22 look into the issue more completely. That's
23 the only way I can answer that question at
24 this time. I don't have enough information

1 to answer one way or the other.

2 ASSEMBLYMAN LEMONDES: Fair enough. I
3 would ask for you to follow up on that. It
4 is a concern. Thank you.

5 Madam Chair, I yield the remainder of
6 my time.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 Assemblyman Ra.

9 ASSEMBLYMAN RA: Thank you.

10 Thank you, gentlemen, for your
11 testimony tonight.

12 I want to get back into the RAPID Act,
13 and in particular for the Office of Renewable
14 Energy Siting. I know you talked earlier
15 about kind of the inputs to this process and,
16 you know, community feedback and community
17 engagement. But just so I'm clear, at the
18 end of the day it's solely within the purview
19 of the office whether to allow that siting,
20 right, under this? It's not -- there's no,
21 for lack of a better way to put it, veto
22 power or anything from a municipality.

23 ORES EX. DIRECTOR MOAVENI: So the
24 office makes its decision based on an

1 application and based on a record that's
2 being developed throughout the process. Any
3 office decision is subjected to judicial
4 review. And to date, the office has not had
5 a single reversal from the court.

6 ASSEMBLYMAN RA: As we're looking at,
7 you know, these changes to this RAPID Act,
8 the moving of the office to be under the
9 Department of Public Service, can you just
10 kind of give me a general sense of what
11 ultimately we're trying to accomplish with
12 these changes for your office?

13 ORES EX. DIRECTOR MOAVENI: Sure. So
14 the first part is that with respect to the
15 process that I'm very passionate about is
16 just trying to -- the current process of
17 Article VII was enacted in 1970, so for the
18 last 50 years there is an opportunity for the
19 state, based on the lessons learned, best
20 practices that we have had over the course of
21 the last 50 years, to try to kind of
22 modernize that process and look at the best
23 practices that, you know, we have had.

24 So that's one -- that's part of it.

1 And I would be happy to get into specific
2 details of where we see the improvement, the
3 efficiencies we can gain.

4 And the second part of it is just
5 really to have -- bring the staff and
6 expertise from ORES and our track record and
7 the expertise and experience from our
8 colleagues from the Department of
9 Public Service, and really bring it, for like
10 efficiency purposes, under one roof. So, you
11 know, one agency, one entity will be
12 responsible for both transmission and
13 generation siting.

14 ASSEMBLYMAN RA: And is either your
15 office or the Department of Public Service
16 asking for more staff or resources to review
17 permits for renewable energy and
18 transmission?

19 ORES EX. DIRECTOR MOAVENI: We have a
20 flat budget this year. We are confident that
21 with the current staff at ORES and continued
22 support from DPS, DEC, Ag & Markets and
23 Parks, we'll be able to manage that in
24 accordance with the expected workload.

1 Just in the current proposal, the
2 states will have 18 months, ORES will have
3 18 months to develop regulations. So we have
4 some time to revisit this argument and the
5 need for additional staff.

6 ASSEMBLYMAN RA: And how will the
7 permits for renewable energy and transmission
8 be enforced? My understanding is that the
9 current law says they're enforced by both the
10 office and the Department of Public Service.
11 And that language, I guess, is being carried
12 over into this budget language.

13 So will it be a -- still a joint
14 effort, or is it solely the enforcement --

15 ORES EX. DIRECTOR MOAVENI: So at the
16 moment, currently under the current statute,
17 ORES doesn't have enforcement authority.
18 That would be done by Department of
19 Public Service.

20 Under the current bill, you know, like
21 I suppose it's still like DPS would be
22 responsible for the enforcement. I don't
23 think ORES will get the enforcement.

24 ASSEMBLYMAN RA: Thank you. That's

1 all I have.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 I have a relatively quick question for
4 Mr. Christian.

5 So in last year's budget we
6 included -- the enacted budget would include
7 200 million for the Energy Affordability
8 Program, EAP. And some of our -- the
9 appropriation language, in part, read:
10 "Additionally, the department shall establish
11 an expanded discount program to provide
12 utility bill relief to utility customers, in
13 consultation with the Energy Affordability
14 Policy Working Group, for residential
15 customers that do not currently qualify for
16 the Energy Affordability Program but whose
17 income is below the state median income."

18 So I was just wondering if the
19 program, this expanded discount program
20 required by our budget, has been established
21 and -- well, why don't you answer that first.

22 PSC CHAIR CHRISTIAN: Right. Thank
23 you for that.

24 So we are -- we are in the process of

1 establishing the program. We've identified,
2 through the working group, the means through
3 which to disburse the funds. And right now
4 we have spent the last few months working
5 with the utilities to ensure the collection
6 of the right data needed to provide the
7 necessary funding to appropriate accounts and
8 individuals.

9 So we will be moving forward with that
10 expeditiously. We have to move forward with
11 an order to bring that into effect. And we
12 anticipate doing that in the not too distant
13 future.

14 CHAIRWOMAN WEINSTEIN: So when do you
15 think these customers who will qualify will
16 start to receive some rate relief?

17 PSC CHAIR CHRISTIAN: So the customers
18 have been identified through the process we
19 have already done. It's a question of
20 timing. And again, I can't speak to that, as
21 it's a pending order.

22 But once the order is issued, we
23 anticipate the funds being released and
24 accounts being credited in a very short while

1 after. Our goal is to ensure that this
2 relief is provided as quickly as possible.
3 And the order in development was done with
4 that goal in mind.

5 CHAIRWOMAN WEINSTEIN: Okay, thank
6 you. So I believe -- quick before someone
7 raises their hand -- that -- no, don't lock
8 the doors. So I just want to thank the three
9 of you for being with us this evening.

10 PSC CHAIR CHRISTIAN: Thank you.

11 CHAIRWOMAN WEINSTEIN: And thank you
12 for your testimony. There will be some
13 follow-ups I know that you'll be sending us,
14 and we'll make sure to send them to all of
15 the individuals.

16 So this marks the end of the
17 governmental portion of our hearing, and we
18 will be moving on to Panel E. As these folks
19 leave, let me just announce who that is:
20 Parks & Trails New York, New York Water
21 Safety Coalition, Adirondack Mountain Club,
22 and Catskill Mountainkeeper.

23 So if those individuals could make
24 their way down to the table. And anybody who

1 wants to talk to our prior witnesses, you can
2 please take your conversations out of the
3 room, Assemblymember.

4 Assemblymember Kelles, can you make
5 room for the people coming to testify?

6 (Off the record.)

7 CHAIRWOMAN WEINSTEIN: So just as a
8 reminder to this panel and those waiting to
9 testify, we are now in the nongovernmental
10 section. Each member of the panel will have
11 three minutes to make your presentation.

12 Your remarks have been circulated to
13 all of the members. Don't try and read them;
14 you'll never get to your high points. We
15 don't need thank yous for all of us sitting
16 here tonight.

17 And then the members -- just a
18 reminder, members will have up to three
19 minutes to ask a question and have an answer
20 from the panel as a whole.

21 So why don't we go in the order,
22 starting with Will.

23 MR. COTÉ: Thank you for the
24 opportunity to present testimony on behalf of

1 Parks & Trails New York. My name is Will
2 Coté. I am the senior director of public
3 lands.

4 Since our founding in 1985, our goal
5 has been to ensure New Yorkers have access to
6 the outdoors for generations to come.

7 This year, as you all know, marks the
8 centennial of our parks system, which truly
9 is a reflection point, a unique opportunity
10 to clearly define the future of our parks,
11 especially coming off of today's announcement
12 from the commissioner of another record year
13 for visitation, totaling 80 million last
14 year.

15 We estimate, in our own accounting,
16 that there is a \$3.5 billion backlog in
17 infrastructure needs resulting from many,
18 many decades of disinvestment. And while
19 progress has been made in the last 10 years,
20 more action is needed.

21 I implore you, as our decision-makers,
22 to continue leading us on an upward path by
23 investing in the future of this world-class
24 system, providing residents and visitors with

1 accessible facilities, welcoming diverse
2 users, and further enhancing the livability
3 of our communities.

4 To that end, we ask that you support
5 \$100 million in new centennial capital
6 funding within the NY SWIMS initiative. This
7 funding is critical for signature projects
8 like reopening Lake Sebago in Harriman State
9 Park and is a welcomed initial investment on
10 the aforementioned backlog.

11 Perhaps more importantly, we encourage
12 the Legislature to increase capital funding
13 for OPRHP to \$250 million over the Governor's
14 proposal of 200 million, and return us to the
15 more appropriate baseline we achieved
16 two years ago. This critical funding at a
17 critical time will further expand
18 opportunities for visitors to access the
19 outdoors and provide updates for vital park
20 infrastructure.

21 Additionally, I would ask that you
22 maintain Adventure NY funding at 90 million
23 for the Department of Environmental
24 Conservation, which is essential in ensuring

1 those natural places are accessible,
2 welcoming, and safe.

3 And I'm sure I will be the first of
4 many folks in the room tonight and ask that
5 you completely repudiate all proposed
6 offloads and restore the EPF to a full
7 \$400 million dedicated entirely to projects.
8 The proposed 25 million cut to the EPF in the
9 form of a new line enabling agencies to raid
10 the EPF for funding staffing costs would
11 weaken the EPF's legacy.

12 If there are any questions or
13 hesitations about our priorities, it is
14 worthwhile to recognize that investing in our
15 public lands pays off. Later this month
16 Parks & Trails New York will be releasing an
17 executive summary that encapsulates the
18 economic impact of our state park system.

19 What can I share with you today? Our
20 public lands as vital economic drivers are a
21 smart investment, contributing more than
22 \$5.8 billion per year to the state's economy.
23 Every \$1 million invested in New York State's
24 park system results in \$10 million in sales,

1 \$7 million in state GDP, \$4 million in labor
2 income. And clearly these impactful outcomes
3 are similar to other areas of our economy
4 such as the agricultural sector.

5 So in sum, it's imperative we continue
6 to invest in our beloved parks, greenways,
7 trails, and open spaces which provide the
8 critical infrastructure necessary to meet our
9 future needs.

10 CHAIRWOMAN KRUEGER: I have to cut you
11 off.

12 MR. COTÉ: Thank you. Got it.

13 CHAIRWOMAN KRUEGER: Thank you.

14 MR. COTÉ: Got it, right there.

15 (Laughter.)

16 SENATOR HARCKHAM: Right there.

17 CHAIRWOMAN KRUEGER: Okay. Next,
18 Heidi? You have to press hard. There you
19 go. Thank you.

20 MS. REISS: Thank you. Chairwoman
21 Krueger, Chairwoman Weinstein, esteemed
22 members of the New York State Legislature,
23 I'm Heidi Reiss, the proud owner of Aqua Beba
24 Swim in Brooklyn and a founding member of the

1 New York Water Safety Coalition.

2 Additionally, I serve as the vice chairman of
3 the New York State Temporary Commission to
4 Prevent Childhood Drowning.

5 It is an honor to present this
6 testimony on behalf of the New York Water
7 Safety Coalition, a collective of aquatic
8 organizations, swim schools, water safety
9 advocates, and local businesses united in our
10 mission to reduce drowning rates in New York
11 State.

12 I extend my gratitude for the
13 opportunity to address you today, shedding
14 light on our support for the Governor's
15 proposed NY SWIMS initiative and offering
16 additional insights on steps we can
17 collectively take to further reduce drowning
18 incidents.

19 For those following along with the
20 written remarks, my written remarks, I want
21 you to look at the map on page 2. This is an
22 unofficial map that the New York Water Safety
23 Coalition created by flagging every drowning
24 incident in New York from 2015 through 2022.

1 It is -- drowning affects us all,
2 geographically, demographically, and
3 socioeconomically. If we remove all borders,
4 roads and localities from the image, you
5 would recognize that it looks like the State
6 of New York.

7 Each year, according to the CDC,
8 drowning kills 4,000 nationwide and another
9 8,000 nonfatal drownings. Drowning is the
10 leading cause of death for children under the
11 age of five, and the second leading cause of
12 unintentional death for children five to 14.
13 Drowning disproportionately affects children
14 of color, children of low-income families,
15 and children with special needs.

16 Drowning often eludes public
17 consciousness, and it is getting worse since
18 the pandemic. Our mission, in collaboration
19 with the Governor and the Legislature, has
20 been to raise awareness and enact legislation
21 to address this pressing issue.

22 I commend your efforts, including last
23 year's hospital video law by Senator Webb and
24 Assemblymember Pfeffer Amato, as well as the

1 legislation sponsored by Senator Mannion and
2 Assemblymember Reyes to authorize the
3 Department of Health public awareness
4 campaign.

5 Today, the New York State Coalition
6 expresses support of the Governor's proposed
7 NY SWIMS initiative outlined in the Executive
8 Budget. While we view this investment as a
9 commendable beginning, we urge you to
10 consider expanding the program's \$3 million
11 "Connect Kids" transportation allocation to
12 include transportation to all venues
13 providing formal swim instruction, including
14 private operators.

15 There are crucial next steps we must
16 take. First, we must continue raising public
17 awareness about the risk of drowning,
18 collaborating with schools, healthcare
19 providers and others to ensure parents
20 understand the risks.

21 Dry-land water safety education should
22 be incorporated into school curriculums and
23 targeted videos, such as in maternity wards
24 and classrooms, to significantly impact

1 public awareness.

2 Second, a comprehensive
3 all-hands-on-deck approach to formal swim
4 instruction is imperative. The National
5 Institutes of Health calculated that
6 participation in formal swim lessons reduces
7 the risk of childhood drowning by 88 percent.

8 A public partnership leveraging
9 resources for public facilities, local and
10 non-for-profits, private operators, and
11 philanthropies can maximize available
12 instruction while understanding the current
13 gaps. Utilizing the resources for the
14 Every Child a Swimmer database could further
15 enhance the accessibility for swim
16 instruction in local areas.

17 Third (speeding up), we must ensure
18 that swim instruction is accessible to all
19 individuals regardless of their socioeconomic
20 status.

21 (Laughter.)

22 MS. REISS: There's more, but that was
23 important.

24 (Laughter.)

1 MS. REISS: All students must learn to
2 swim. That is important to mention.

3 CHAIRWOMAN KRUEGER: All right.
4 Next?

5 MS. PEDLER: Hi.

6 CHAIRWOMAN KRUEGER: Welcome.

7 MS. PEDLER: Thank you for this
8 opportunity. I'm Cathy Pedler with
9 Adirondack Mountain Club, which is based in
10 the Adirondack High Peaks. And ADK has
11 worked since 1922 across the state to protect
12 wildlands and waters by promoting responsible
13 outdoor recreation, building trails, and
14 conserving natural areas.

15 The Catskill and Adirondack Forest
16 Preserve parks represent over 6.5 million
17 acres with more than 25 million visitors each
18 year. The parks combat climate change,
19 protect critical habitats, and provide fresh
20 drinking water to millions, including those
21 in New York City.

22 We thank the Senate and the Assembly
23 for your leadership in providing 10 million
24 in dedicated EPF state land funds for the

1 Catskills and Adirondacks in one-house budget
2 bills the past two years, and for fighting
3 for this dedicated funding, which has been
4 8 million in the final budget.

5 After multiple years of your work to
6 establish this dedicated line, the Governor
7 has included for the first time 8 million in
8 her Executive Budget proposal. However, the
9 language used is "up to" 8 million, which
10 leaves the line open to being significantly
11 less than that amount. Please strike the "up
12 to" and restore this critical line to
13 10 million with language that protects the
14 funding for stewardship.

15 Thanks again to your work in the final
16 budget last year, Forest Preserve visitor
17 centers were supported, including the
18 Catskills Visitor Center, ADK's High Peaks
19 Information Center, and the Visitor
20 Interpretive Centers of Paul Smith's and
21 SUNY ESF.

22 In the Executive Budget proposal,
23 three of the centers received support, but
24 the High Peaks Information Center at the

1 busiest trailhead in the state -- we're equal
2 with Kaaterskill at this point -- was not
3 included.

4 We respectfully request that each of
5 the visitor centers be funded at \$250,000.
6 Continued funding for visitor centers, which
7 rely heavily on private fundraising, is
8 critical as they serve to protect the
9 Forest Preserve, educate the public to keep
10 recreators safe, and highlight community
11 assets.

12 There are other important initiatives
13 listed in our written testimony that were
14 outlined in a letter to the Governor and
15 signed by 44 Adirondack and Catskill
16 organizations and municipalities. And as a
17 follow-up, I've sent or will be sending a
18 marked-up EPF chart with these requests
19 outlined and highlighted.

20 But I'd like to highlight a couple,
21 including a request for 200,000 each for
22 three Forest Preserve Science and Monitoring
23 facilities, including the Whiteface Mountain
24 Field Station, Adirondack Watershed

1 Institute -- who we'll hear from later this
2 evening -- and Cary Institute of Ecosystem
3 Studies.

4 Funding for Camp Santanoni is also
5 needed, and the Timbuctoo Summer Climate and
6 Careers Institute, as they were also zeroed
7 out in the EPF in the Executive Budget
8 proposal. We also support funding to fix
9 Adirondack Lodge Road.

10 Thank you again for this opportunity
11 to speak.

12 CHAIRWOMAN KRUEGER: {Mic off;
13 inaudible}.

14 MR. GILLINGHAM: {Mic off.} My name
15 is Wes Gillingham, associate director of
16 Catskill Mountainkeeper.

17 I want to thank the Legislature for
18 giving us this opportunity to speak on the
19 budget.

20 Cathy saved me a whole paragraph to
21 testify, so I support my colleague's comments
22 on the stewardship of the Forest Preserve.

23 I would like to also thank
24 Senator Hinchey and the whole body for being

1 committed to the Catskill stewards. They are
2 making a huge difference in those areas.

3 And I also want to -- talking about
4 changing language, "up to" a million dollars,
5 that's no real commitment.

6 There is another piece of language
7 that needs to be changed in the budget, and
8 that is the language in the RAPID Act. In
9 the RAPID Act it asks for consultation --
10 proof of consultation with towns. Well, that
11 same type of proof of consultation should
12 happen with Nations, Native American Nations
13 within the state whenever there's a facility
14 being built.

15 We are opposed to the low-carbon fuel
16 standard. I would like to direct the
17 legislators to look at the comments of the
18 Climate Justice Working Group.

19 And then I'm going to go off-ticket
20 because of sitting here and listening to
21 questions that people had today. I really
22 want to reiterate what Senator Krueger said
23 earlier in the day: We don't have a choice
24 to spend money on climate.

1 I don't care whether you're looking at
2 a study that says \$12 million, \$300 million,
3 \$900 million -- we have to start it now.
4 We're asking for a billion in this budget to
5 go into the Climate Action Fund to start
6 doing the things we need to do.

7 I started farming in the '90s and did
8 a whole bunch of research on a field; we
9 wanted to expand our farm and start a CSA and
10 sell vegetables. We found a field that
11 hadn't flooded. It was good river-bottom
12 land. It hadn't flooded since 1943. In five
13 years, 200-year floods and a 500-year flood
14 wiped out 60 percent of our topsoil and our
15 business.

16 Now, that field's flooded three times,
17 and one of those times bankrupted the town
18 budget for roads. None of those were named
19 storms. Those were all individual. That's
20 what it's costing. It's not costing a tidbit
21 here and there on somebody's budget. It's
22 costing towns, people, farmers, communities
23 in disadvantaged communities. That's what
24 it's costing.

1 That's why this budget is so
2 important, and that's why we need \$1 billion
3 in there.

4 (Pause.)

5 MR. GILLINGHAM: Silence works
6 sometimes.

7 (Laughter.)

8 CHAIRWOMAN KRUEGER: Thank you.

9 MR. GILLINGHAM: This is really
10 important. Thank you very much for giving me
11 the opportunity to speak my mind.

12 CHAIRWOMAN KRUEGER: Thank you. We
13 have a few questions on our side.

14 Pete Harckham.

15 SENATOR HARCKHAM: Thank you all for
16 being here. Thank you for your patience.
17 Your input is as important as the state
18 officials who were before. Thank you for
19 waking us up a little bit. Your passion is
20 noted.

21 We're like in the bonus round. I only
22 have two minutes and 45 seconds, so -- and
23 we've gotten a lot of data points. So each
24 of you, literally one sentence: What is the

1 most important ask you have about the budget
2 in one sentence?

3 We'll start with Will and we'll work
4 our way over.

5 MR. COTÉ: Increasing OPRHP's capital
6 budget to 250, over the proposed 200 million.

7 SENATOR HARCKHAM: Thank you.

8 Heidi?

9 MS. REISS: Adding more providers into
10 the Connect Kids approach or making -- in
11 other words, we are lacking -- we have so
12 many children that need swim lessons, so many
13 people that need swim lessons. To just make
14 it a nonprofit or a state-run facility versus
15 opening it up to all available swim schools
16 and all available people that can educate
17 children -- it needs to happen. So we need
18 to open up and expand the budget to be able
19 to reach more children, more families, and
20 reduce the drowning rates in New York State.

21 SENATOR HARCKHAM: Thank you.

22 Cathy, good to see you.

23 MS. PEDLER: Good to see you. Thank
24 you.

1 Supporting stewardship, and along with
2 that, education and science in the
3 Forest Preserve.

4 SENATOR HARCKHAM: Thank you.

5 MR. GILLINGHAM: In that last flood,
6 the bridge was in my field that I had to pull
7 out of the way with a tractor. We're not
8 breaking a bridge. The bridge is broken.
9 The train's left the track.

10 It's time to spend a billion dollars
11 to footprint the first step in dealing with
12 the climate that we need to change, and we
13 need to make our communities resilient.

14 SENATOR HARCKHAM: Thank you all very
15 much.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 Glick.

20 ASSEMBLYWOMAN GLICK: Yeah, I'm very
21 interested in the NY SWIMS initiative. I
22 mean, I think that a lot of people think
23 that's a little bit of fluff, but I think the
24 points you made about the number of -- the

1 threat to children who don't know how to
2 swim.

3 And I'm wondering whether you -- the
4 coalition has had interactions with either
5 the State Education Department or with
6 New York City DOE -- good luck. But it seems
7 to me that a lot of what we need to do to get
8 the kids, who are frequently not exposed and
9 therefore fearful, is to get the parents, to
10 reach out to the parents.

11 So I'm just wondering what has been
12 your focus and how have you tried to raise
13 that awareness and build the support so that
14 maybe the DOE could bring more curriculum
15 into the school.

16 MS. REISS: That is an amazing
17 question.

18 One very exciting thing is the
19 hospital video law that got passed. Oh
20 (louder), the hospital video law that got
21 passed is a fantastic tool because it is much
22 like the shaken-baby video that's shown in
23 hospitals, when families, after they deliver
24 in hospitals, will be asked to watch a video

1 to raise awareness for drowning. And this is
2 going to be at the start of their child's
3 life, they're going to have an awareness that
4 this is a problem. And that this is a real
5 issue in the state as well as in the country.

6 Another thing, we have been in touch
7 with the DOE, we have done work with them, a
8 lot of organizations. Awareness is the thing
9 that needs to happen. Dry-land education
10 could absolutely -- is a tool that we have.
11 We have this tool. Adding this to school
12 curriculums would be a huge, huge impact.
13 Because again, children are going to come
14 home and they're going to be excited to talk
15 to their parents about drowning.

16 It isn't often -- we have found that
17 it is very common for the "it won't happen to
18 us" aspect. And unfortunately, it happens to
19 everyone. And it's a very real threat, and
20 it's not just a childhood threat. This is
21 something that can impact adults. And
22 there's -- it is not prejudiced in any way.

23 So by educating parents, the hospital
24 video bill law will be huge. There is,

1 unfortunately, huge -- sorry, I keep missing
2 that.

3 ASSEMBLYWOMAN GLICK: I'm just going
4 to interrupt you for one second and make a
5 suggestion, that you provide sort of a blurb
6 that can be used so that -- every elected
7 official at a state and local level usually
8 gets some ability to do communications to
9 their constituents. Providing a blurb that
10 is on-point so that it can be put into our
11 communications for awareness I think would be
12 a helpful thing.

13 MS. REISS: Absolutely. We'll
14 absolutely get that to you. And we will get
15 that to you very soon.

16 ASSEMBLYWOMAN GLICK: I learned to
17 swim in the ocean. Not the best place, I
18 would say.

19 (Laughter.)

20 CHAIRWOMAN KRUEGER: Thank you.

21 Michelle Hinchey.

22 SENATOR HINCHEY: Thank you very much.
23 Thank you all for being here and for your
24 work.

1 It was very exciting to see the
2 Governor pick up the \$8 million for
3 stewardship until you read the "up to"
4 language, and then it was entirely deflated.

5 So yes, we are working to -- obviously
6 on our side -- push to make sure that that is
7 not there, that we get up to 10. But at the
8 very least \$8 million direct, really
9 important.

10 And yes, agriculture is on the
11 frontlines of the climate crisis. And it's
12 costing businesses just as much -- and farm
13 businesses -- just as much as any other type
14 of cost challenge, regulatory issue or any
15 other thing that we discussed today. And so
16 it's a really real issue. I wish more people
17 were here to hear that comment.

18 But I just want to say thank you,
19 particularly to our stewards, but to
20 everybody on the panel for what you do. And
21 we're definitely taking the asks for the
22 budget. Thank you.

23 CHAIRWOMAN WEINSTEIN: Assemblymember
24 Simpson.

1 ASSEMBLYMAN SIMPSON: Thank you,
2 Chair.

3 Thank you all for being here this late
4 in the day. And my question is to Cathy,
5 related to the dedicated \$8 million line in
6 the budget.

7 And you know, we hear a lot about the
8 stewardship, and we also have heard about the
9 overuse in the Adirondacks and the needs in
10 the Catskills. And I was wondering if you
11 could, you know, talk -- you know, explain --
12 go into greater detail as to what stewardship
13 and where this money, how important it is
14 related to the increased use and, you know,
15 the high visitor rates that we're seeing.

16 MS. PEDLER: Right. Well, some of
17 what the money is being used for, both in the
18 Catskills and Adirondacks, is for educational
19 stewards.

20 And that's -- that's a huge part of
21 keeping people safe and protecting the
22 resource, because a lot of times people are
23 drawn, as we all are, to nature and we want
24 to get out in it, but maybe we don't know

1 exactly how to be safe or how to not have an
2 impact on the place that we really love.

3 And so the educational stewards are
4 meeting people at popular trailheads, like at
5 Kaaterskill, at the Blue Hole in the
6 Catskills, and at -- in the High Peaks and
7 our Route 73 corridor, and talking to people
8 about their preparedness -- what do they have
9 in their backpacks to take with them? You
10 know, do they have the 10 essentials? You
11 know, what is their skill level? Do they
12 have a map and compass?

13 And just try to help them assess if
14 they're ready for the adventure that they're
15 going to be on. And then, if they aren't
16 suggest a different place. And also suggest
17 some courses that they might take to get
18 their skill level up. So, you know, that has
19 been a huge piece.

20 Also trail building. You know, a lot
21 of the trails were established in the
22 Adirondacks and Catskills. They were herd
23 paths, so people just went from the --
24 straight at one point to the peak, you know,

1 in the straightest way possible. But those
2 types of trails don't -- aren't sustainable,
3 and there's a lot of deterioration and they
4 become eroded. And it damages the resource,
5 and it also becomes dangerous to hike on.

6 And so the funding is also being used
7 to build trails. The trail contract has been
8 expanded as well. There's also parking
9 improvements. Access improvements to water.
10 We've found out over the years how there's
11 been this -- not a shift, but water resources
12 are becoming more and more popular. And so
13 we need more access, and we need to protect
14 the resource as well as, you know, give
15 people access to a place to swim and hang out
16 in cool water, especially as the temperature
17 is rising. And so some of the money has been
18 used for that.

19 And accessibility as well. You know,
20 we need to make sure that everyone has access
21 and can experience nature in the same way
22 that all of us do.

23 ASSEMBLYMAN SIMPSON: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Stec.

2 SENATOR STEC: All right, thank you,
3 Madam Chair.

4 Good evening. Thank you all for your
5 patience and sticking with us. I know how
6 these go, and it's difficult sometimes to
7 wait.

8 If I could, Cathy, I'd like to give
9 you the opportunity to talk a little bit more
10 specifically about how the Adirondacks would
11 use the visitor safety and wilderness
12 protection line item that we've been talking
13 about that Senator Hinchey mentioned earlier.
14 And specifically if you could talk a little
15 bit about the specific project for the
16 Adirondack Lodge Road.

17 I'm not sure if you were in the room
18 when Commissioner Seggos was asked a question
19 about that. And I thought that you'd be the
20 best person besides me in the room to
21 advocate to the chairs up here that were
22 wondering about that. Thank you.

23 MS. PEDLER: Yeah, absolutely.

24 Well, we could start with the road. I

1 don't know how many -- I know that you have
2 driven that road many times, and our staff
3 drive it twice a day or -- many of our staff
4 are housed at our facility. But they have
5 lots of car repairs because of the condition
6 of that road. We've got 100,000 people
7 coming back through that area every year
8 because it is so popular. And North Elba has
9 done a good job at paving -- it's a five-mile
10 road. They've already been working on paving
11 that road. But from Meadows Lane north,
12 there's a mile that's in very bad shape that
13 needs a lot of work, and so that's what the
14 funding will be used for.

15 It's, you know, the most popular
16 trailhead in New York State, and that's why
17 the repaving is needed. It is really in
18 quite bad shape.

19 Yeah, the -- what's been really
20 awesome with the 8 million is we've really
21 been able to -- you know, again, I think in
22 the past perhaps DEC wasn't crazy about sort
23 of pinning that money down, but I think
24 they've finally been able to see this program

1 as it's been developing and projects are
2 beginning to be implemented and how well it's
3 working.

4 And because that funding is pinned to
5 the Adirondacks and Catskills, it then allows
6 folks in the -- it allows folks in the agency
7 that are actually on the ground doing the
8 work to move forward with projects. It
9 doesn't require such a high-level decision,
10 because that decision's already been made by
11 you all saying, We need this funding in the
12 Adirondacks and Catskills.

13 And so then that funding can be used
14 for projects that otherwise might have
15 trouble getting -- moving forward.

16 SENATOR STEC: Thank you, Cathy.

17 I'll yield the rest of my time, Chair.

18 CHAIRWOMAN KRUEGER: Thank you. Are
19 there any other Assemblymembers who wanted to
20 ask a question?

21 Then thank you very much for staying
22 with us all day and into the evening, and we
23 appreciate you and your work.

24 And the next panel: Environmental

1 Advocates of New York; Citizens Campaign for
2 the Environment; Earthjustice; New York
3 League of Conservation Voters; and Fridays
4 for Future NYC.

5 Hello. Everyone's even sitting in
6 order. Very well organized. More organized
7 than we are at this time of the evening.

8 Thank you all for waiting all day. We
9 appreciate your being here. And I'm just
10 going to go straight down the row. And just
11 pretend we're not eating dinner here while
12 you're talking, so --

13 (Inaudible exchange.)

14 CHAIRWOMAN KRUEGER: Great. Welcome.

15 MS. FAJANS-TURNER: Hello, members of
16 the Senate and Assembly. It is a privilege
17 to address you for my first time here.

18 I'm Vanessa Fajans-Turner, the still
19 relatively new executive director of
20 Environmental Advocates New York. Our
21 mission is to safeguard New York's air, land,
22 water, and the health of its people.

23 And I know you have heard several
24 things today, to put it mildly, and several

1 of them have been repeated. So I will go
2 quickly. But we want to commend the Governor
3 for a good and strong budget while
4 recognizing the challenges of making choices
5 between impossible alternatives.

6 And yet our concerns outweigh our
7 praise, particularly regarding emissions that
8 threaten our environmental progress against
9 critical rights that have made New York a
10 leader. Foremost among our concerns is the
11 proposed 50 percent reduction in funding for
12 the Clean Water Infrastructure Act. I know
13 you have heard this several times today; it
14 bears repeating.

15 Slashing the budget from 500 million
16 to 250 million supplants rather than
17 supplements the funding we need, particularly
18 in a post-Sackett-ruling world where funding
19 will decrease as our infrastructure declines.
20 This cut threatens our ability to maintain
21 and enhance our state's water quality and
22 affordability.

23 We urge a reversal of this funding
24 cut, proposing an enhancement to 600 million

1 to robustly address our clean water
2 challenges. And we also urge the Legislature
3 to include a \$100 million line item
4 appropriation for lead service line
5 replacements.

6 We also are disappointed to see the
7 omission of climate funding, dedicated
8 funding for the CLCPA. New York is a leader.
9 It can and must be a climate leader. And
10 without funding for the CLCPA and
11 particularly the Climate Action Fund, we
12 cannot meet our goals and we will fall
13 behind.

14 We ask and urge -- like we did in the
15 panel prior -- a \$1 billion allocation to the
16 Climate Action Fund. There are community
17 projects that are shovel-ready across the
18 state, ready to go, that can be completed
19 within a year or slightly more, to
20 demonstrate the value of significant funding
21 for climate action at the ground level. It
22 has been nearly five years since we passed
23 the CLCPA, and it's time to move.

24 We want to see the incorporation of

1 the full NY HEAT Act into the final budget.
2 We want to see timelines for the PSC and gas
3 utility actions, household energy burden
4 limits, and its adherence to the climate
5 justice and emission mandates of the CLCPA.

6 In addition, we urge the Legislature
7 to support the Climate Change Superfund Act
8 and -- alongside the Just Energy Transition
9 Act, aimed at phasing out our most polluting
10 fossil fuel plants. We also urge the
11 inclusion of the Green Transit Jobs Act.

12 Thank you.

13 MS. ESPOSITO: Good evening, members
14 of the Senate and the Assembly. My name is
15 Adrienne Esposito. I'm the executive
16 director of Citizens Campaign for the
17 Environment.

18 I'm also the chair of the Clean Water
19 Coalition in the State of New York, which is
20 not only all the environmental groups that
21 work on water, but it's all of the drinking
22 water suppliers and all of the great people
23 who operate our wastewater treatment
24 facilities across the great State of

1 New York. So collectively, we are also
2 asking for the restoration of the clean water
3 budget, and we're asking for \$600 million
4 this year.

5 We do want to say a heartfelt thank
6 you to you for allocating \$5 billion in clean
7 water funding since 2017. That has had
8 meaning. Across the State of New York,
9 people are drinking cleaner water because of
10 it -- not only cleaner water, but water that
11 is more affordable. You've been fixing
12 sewage treatment plants, which means we have
13 cleaner lakes and streams, less beach
14 closings, and a more vibrant economy. And it
15 creates jobs.

16 So why would we stop? We have the EPA
17 who's going to be rendering their decision on
18 the PFAS MCL this year. It's widely believed
19 it's going to come down to 4 PPT. The water
20 suppliers tell me that will capture another
21 300 water supply wells throughout the State
22 of New York that will need the activated
23 granulated carbon filtration systems. That's
24 \$1.5 million per system, do the math. You

1 don't need to, I can tell you -- it'll be
2 \$450 million added to what we already need.

3 The lead pipe line replacement fund,
4 we need greater testing for PFAS. Now is not
5 the time to lower the clean water budget.

6 Clean water is not a luxury item to be
7 dispensed with in times of hard economic
8 challenges. Clean water is a necessity to be
9 funded in good times and in bad.

10 I also just need to speak, I'm
11 compelled to speak about the Bond Act acting
12 as replacing that money. That is not what we
13 promised the public. You told us, and then
14 we went out and used our grassroots strategy
15 and we told the public: Vote for the
16 Bond Act because it will not supplant, it
17 will supplement clean water funding.

18 So now we're hearing, Well, we have
19 the Bond Act. That is a bait-and-switch.
20 This body ought not be in the business of
21 bait-and-switch with the public's trust.

22 So please, it is a supplemental
23 funding, as I've heard Senator Harckham say
24 multiple times today -- thank you, Senator,

1 good job.

2 I have to put a quick plug in for the
3 South Shore Estuary Reserve -- I have
4 15 seconds. It's in the EPF, which of course
5 you know we want fully funded. This is the
6 one estuary in the State of New York that
7 gets ignored, like the drunken uncle that
8 nobody wants to have dinner with.

9 (Laughter.)

10 MS. ESPOSITO: We have a letter here
11 from every town supervisor that is asking you
12 to please fund this estuary, Republicans and
13 Democrats alike, who have come together.

14 Thank you.

15 UNIDENTIFIED LEGISLATOR: What a pro.
16 What a pro.

17 (Inaudible exchange; laughter.)

18 MS. ESPOSITO: Can I distribute this
19 letter later?

20 (Off the record.)

21 MS. MORAN: Good evening. My name is
22 Liz Moran. I'm the New York policy advocate
23 with Earthjustice. Thank you all so much for
24 the opportunity to testify tonight.

New Yorkers just experienced a hot and expensive 2023. As you heard earlier, 2023 was the hottest year in recorded history. Six months out of the year were the hottest -- each month was the hottest month of that year. And we saw it here in New York.

I want to remind folks at the end of session last year it was unsafe to breathe the air outside from the wildfire smoke in Canada. Additionally, New Yorkers are seeing an endless stream of increases to their utility bills.

Albany has the opportunity to act this session. Thankfully, Governor Hochul included key provisions of the NY HEAT Act in her proposed budget, and we are joining many today in urging the Legislature to address the increasing utility bills New Yorkers are facing, along with the climate crisis --

1 protect public health, create good jobs by
2 including the full NY HEAT Act in this year's
3 budget.

4 So not surprisingly, there have been a
5 lot of misconceptions put out there about
6 what the NY HEAT Act does. This is detailed
7 in our written testimony, but I do want to
8 take an opportunity to address some of these
9 common arguments.

10 At its core, every measure in this
11 legislation is a cost-savings affordability
12 measure. Many are saying we're moving too
13 fast; we need a plan, not a ban. That we
14 also need to build a bridge. That's what the
15 NY HEAT Act does. It is a planning
16 legislation that would protect consumers.

17 So to address a couple things, the
18 100-foot rule and ending the obligation to
19 serve, these are changes to existing law so
20 we're not automatically giving gas -- so it's
21 not prohibiting gas, but it's opening the
22 door to other opportunities, non-gas
23 alternatives. There really should be no
24 hesitation to do this commonsense policy.

1 With a minute left, I'd also like to
2 name our support for a couple of other
3 things. We also do support the RAPID Act to
4 accelerate electric transmission siting, to
5 make sure that we're getting renewables to
6 the places that need them -- particularly
7 downstate right now, which it is more
8 dependent upon gas. We're going to need more
9 electric transmission to get there.

10 And lastly, there was some funky math
11 that almost made its way into the budget last
12 year. We want to reiterate our opposition to
13 changing how the state accounts for
14 greenhouse gas accounting. We also reject
15 any false solutions such as inappropriate
16 hydrogen or biofuels where it's not
17 appropriate. The Climate Law was very
18 carefully designed. Relatedly, we also have
19 opposition to the low-carbon fuel standard.

20 Somehow I've managed to have
21 10 seconds left, so thank all you so much.
22 We also don't want you to cut the Clean Water
23 Infrastructure Act.

24 Okay, goodbye.

1 (Laughter.)

2 MR. McCLELLAN: Hi. Thank you for the
3 opportunity to testify. My name is Patrick
4 McClellan. I'm the policy director for the
5 New York League of Conservation Voters.

6 I won't belabor the point because
7 you've heard about it all day today, but we
8 strongly oppose the proposed cuts to the
9 Clean Water Infrastructure spending and the
10 Environmental Protection Fund. In fact, we
11 would like to see the spending on Clean Water
12 Infrastructure increased to \$600 million.

13 There are several other appropriations
14 that were not included in the
15 Executive Budget that we would like to see
16 included in the final budget.

17 First, we support a sales tax
18 exemption on battery energy storage systems.
19 Battery systems are critical to meeting our
20 climate goals because by allowing for the
21 storage of distributed solar energy, they can
22 be used at times of peak electric demand,
23 uneven power generation, and power outages.

24 And I'll note that diesel power

1 generators already enjoy a sales tax
2 exemption, and there is absolutely no reason
3 why those should be treated preferentially
4 over battery storage systems.

5 Second, we support the appropriation
6 of \$40 million for a thermal energy network
7 at SUNY Purchase, and \$50 million for a
8 thermal energy network at the University at
9 Buffalo SUNY. This is in line with the
10 state's ongoing commitment to thermal energy
11 networks as a way of pursuing building
12 decarbonization at scale. I have more detail
13 on that in my written testimony, and I would
14 be happy to answer any follow-up questions
15 with your offices.

16 I will differ from some of my
17 colleagues. We strongly support a clean fuel
18 standard and would like to see it included in
19 this year's budget. As you know, New York's
20 cap-and-invest program is scheduled to begin
21 next year. Every state that has a
22 cap-and-invest program also has a clean fuel
23 standard, because the two programs are
24 complementary.

1 In California, for example, the CFS
2 has reduced transportation emissions beyond
3 what the cap-and-invest program would do on
4 its own, while also reducing allowance costs
5 under the cap-and-invest program, which means
6 lower costs for consumers.

7 The New York CFS would also
8 specifically dedicate revenues to
9 transportation electrification in
10 disadvantaged communities.

11 NYLCV strongly supports the RAPID Act.
12 The CLCPA's goals of 70 percent renewable
13 energy by 2030 are not achievable at the
14 current pace that we're building new
15 transmission lines and new renewable energy.
16 Even if we built enough new renewable
17 energy -- which is going to be tough -- we do
18 not have adequate transmission and we are not
19 on pace to build adequate transmission to get
20 that energy where it needs to go. So we
21 really need to pick up the pace, and the
22 RAPID Act is an important way to do that.

23 We also strongly support the
24 Affordable Gas Transition Act and the NY HEAT

1 Act. You know, however, those two very
2 similar proposals are reconciled in the final
3 budget. We think it's really important for
4 them to be included.

5 And I will just note, on that, that
6 there's a lot of apocalyptic doom and gloom
7 about what NY HEAT would and would not do. I
8 think there are a lot of misconceptions about
9 it. I have more detail in my written
10 testimony about why we think that that's
11 inaccurate.

12 Thank you.

13 MR. ARPELS-JOSIAH: Hi. Thank you.
14 My name is Keanu Arpels-Josiah. I'm 18 years
15 old and the policy co-lead with Fridays for
16 Future New York City.

17 Are we all going to die? This is the
18 question that a classmate of mine asked me on
19 June 6th of last year. New York skies were
20 deep orange. Due to the climate crisis, our
21 city looked indistinguishable from the
22 apocalypse.

23 Since we were in elementary school,
24 the climate crisis has shaped my generation's

1 perception of our futures and the future of
2 the world. That future is happening now. In
3 2023 alone, we breathed air over 800 percent
4 more polluted than what is considered safe.
5 We saw our streets, our schools, and our
6 homes flooded from record flash floods. We
7 saw deadly snowfall. And while 2023 gave us
8 the hottest summer in the history of the
9 planet, it is likely to be the coolest one
10 for the rest of our lives.

11 So as temperatures soared, we
12 organized. On September 17th, a
13 cross-societal intergenerational coalition
14 came together for the biggest march this
15 state has seen since the start of the
16 pandemic: 75,000 people took to the streets
17 of Manhattan to say "enough is enough" and
18 call for an end to the era of fossil fuels.

19 Despite taking critical steps forward
20 on climate in the last budget, New York
21 remains miles away from answering that call,
22 miles away from the billions of dollars
23 needed to be invested in action and miles
24 away from implementing the mandates of the

1 CLCPA.

2 Now, youth and people across the state
3 are united in calling for this fiscal year
4 2025 budget to reflect the needs of the
5 people, not those of the CEOs behind the
6 fossil-fuel industry. This means, at
7 minimum, the NY HEAT Act, including the
8 6 percent of household income bill cap to
9 start making heating renewable and finally
10 affordable for all New Yorkers; the Climate
11 Change Superfund Act, to finally make
12 polluters pay for a portion of the damage
13 they're causing to our communities; the
14 climate justice budget proposal of \$1 billion
15 for shovel-ready Climate Action Fund
16 appropriations to begin to invest in
17 infrastructure and our survival; and
18 critically, in a budget deficit, the Stop
19 Climate Polluter Handouts Act, to reclaim
20 \$330 million from some of the worst-polluting
21 aspects of the fossil-fuel industry.

22 Instead of implementing the
23 aforementioned lower carbon fuel standard,
24 which puts CLCPA and the action we need in

1 direct danger through its extension of
2 dangerous fuels, New York State must fulfill
3 its responsibility to be a leader on climate
4 this budget. If we fail to incorporate
5 action through these provisions,
6 irreversible, irreparable harm will continue
7 to fall on our communities.

8 Budgets represent our values. With
9 the fiscal year 2025 budget, what will we
10 value? As our communities continue to face
11 the direct effects of soaring fossil-fuel
12 profits, as our skies turn orange, what will
13 we value? With the clock ticking for climate
14 action, with our communities, our generation
15 calling out for justice, what will we value?

16 Will this Legislature choose people
17 over profit, youth or fossil fuels? Our
18 generation, our movement is looking to how
19 this body responds.

20 Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.
22 everybody did a great job.

23 (Scattered applause.)

24 CHAIRWOMAN WEINSTEIN: Okay.

1 CHAIRWOMAN KRUEGER: Senator Pete
2 Harckham.

3 SENATOR HARCKHAM: Thank you all very
4 much. Thank you, Madam Chair.

5 Thank you for your patience, and thank
6 you for sticking around. Thank you for your
7 testimony and your collaboration and your
8 partnership.

9 And Keanu, thank you so much for your
10 impassioned testimony. You know, your
11 generation, my kids' generation, is why we do
12 this. But keep holding us accountable.
13 That's the key, hold us accountable. Thank
14 you.

15 I will ask all of you the same
16 question I asked the last panel. We are on
17 data overload here, so you each have one
18 sentence with your number-one major budget
19 priority for this budget.

20 MS. FAJANS-TURNER: One billion to the
21 Climate Action Fund, 600 million to the
22 Clean Water Infrastructure Act. And one big
23 thank you to Assemblyman Zebrowski for
24 supporting environmental justice initiatives

1 like the Tropical Deforestation Free
2 Procurement Act.

3 SENATOR HARCKHAM: Thank you.

4 MS. ESPOSITO: Six hundred million
5 dollars for the clean water line item, a
6 fully funded EPF at \$400 million -- that does
7 not include a rate of 25 million. And within
8 that 400 million, including 26 million for
9 the oceans and Great Lakes line item, the
10 only line item that we actually protect
11 oceans and Great Lakes with. And \$5 million
12 for the distant uncle who doesn't really
13 drink, 5 million for the South Shore Estuary
14 Reserve.

15 SENATOR HARCKHAM: Thank you.

16 MS. MORAN: Everything my colleagues
17 said, along with the NY HEAT Act.

18 SENATOR HARCKHAM: Thank you.

19 MR. McCLELLAN: Reverse the proposed
20 funding cuts, pass NY HEAT, the RAPID Act,
21 and the Clean Fuel Standard.

22 SENATOR HARCKHAM: Thank you.

23 MR. ARPELS-JOSIAH: The full NY HEAT
24 Act, the Climate Change Superfund Act, the

1 Stop Climate Polluter Handouts Act, and
2 \$1 billion for the Climate Action Fund
3 through the climate justice budget proposal.

4 SENATOR HARCKHAM: Thank you all very
5 much.

6 I yield the rest of my time,
7 Madam Chair.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assembly.

10 CHAIRWOMAN WEINSTEIN: Assemblywoman
11 Glick.

12 ASSEMBLYWOMAN GLICK: First I have to
13 acknowledge and welcome my constituents,
14 Vanessa and Keanu, who do a great job. And
15 obviously we're still here because we want to
16 hear what you are concerned about. And we
17 share those concerns.

18 And obviously, as we go forward, we're
19 committed to increasing the water funding, a
20 clean EPF without a side. And, you know, I
21 think it was great that we got a piece of the
22 HEAT Act.

23 You know, to some extent, when you get
24 something in the Executive Budget then you

1 don't have to fight for it. So there are
2 pieces that -- while it's a \$400 million EPF,
3 it has problems. It strips out some pieces,
4 uses it for personal services totally
5 incorrectly. And obviously we want to ensure
6 that the climate action can in fact be
7 implemented by having the resources. So
8 somehow we have to extract a billion dollars.

9 (Laughter.)

10 ASSEMBLYWOMAN GLICK: We're not in
11 favor of extractive industries, let me be
12 clear. But we are looking to extract the
13 money to make it possible for us to get a lot
14 of those shovel-ready projects that are on
15 the ground going and implemented.

16 And I think we all are feeling the
17 urgency of the moment. The heat that we've
18 experienced, the flooding that we've
19 experienced. This -- this time is, you know,
20 just crucial.

21 So thank each of you for coming here
22 repeatedly, raising your voices, Keanu
23 meeting with my staff regularly --

24 (Laughter.)

1 ASSEMBLYWOMAN GLICK: -- and for
2 constantly raising the issues and keeping the
3 pressure on, because we also feel pressure
4 from other people. Understand that this is
5 not -- this is not a universally embraced
6 approach.

7 So we need you here, and I thank you
8 for what you're doing and for your, you know,
9 constant partnership in trying to save
10 Planet A, because there ain't no Planet B.

11 (Laughter.)

12 CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

13 ASSEMBLYMAN RA: Thank you. Thank you
14 all for your patience today.

15 Adrienne, I wanted to go back to the
16 clean water. I know, you know, we've had
17 many conversations over the years about this.
18 You've been on this from day one as these
19 contaminants were being found.

20 So you gave that amount of 444 million
21 for additional communities as a result of the
22 federal standards. But I would assume, in
23 addition to that 444 million, we have lots of
24 work ongoing or water districts that still

1 need funding to move forward with their
2 systems that were originally impacted by the
3 state's standards.

4 So any sense on how many that is and
5 what that dollar amount is?

6 MS. ESPOSITO: For the number of water
7 supplies around the State of New York
8 impacted by the New York State standard?

9 ASSEMBLYMAN RA: Yeah.

10 MS. ESPOSITO: I actually --

11 ASSEMBLYMAN RA: Well, that still need
12 to --

13 MS. ESPOSITO: That still -- oh, I
14 don't know what the --

15 ASSEMBLYMAN RA: -- get facilities in
16 line.

17 MS. ESPOSITO: Some of them still have
18 deferrals. It actually is much less today.
19 By deferrals, I mean deferrals for both
20 1,4-dioxane and PFAS contamination. But it
21 is much less today that it was just two short
22 years ago.

23 But many of them are getting these
24 grants -- \$5 million to the Town of Hempstead

1 not that long ago, another \$5 million to the
2 Village of Hempstead. People in the Village
3 of Hempstead are still drinking over the
4 state standard of 1,4-dioxane. We have a
5 serious situation, and we need serious money
6 to address it.

7 So I don't know what the total dollar
8 amount is, but I know as soon as the EPA
9 acts, that amount's going to increase.

10 I also happen to know, since I checked
11 just this morning, that Nassau County, where
12 your district is, had seven sinkholes last
13 year because of sewer infrastructure just
14 eroding and then eroding everything else.
15 And that's been millions and millions of
16 dollars to fix. And that's just one county.

17 For those of you who don't know, we
18 normally don't have sinkholes on Long Island.
19 It's a new phenomenon that we would like to
20 stop.

21 ASSEMBLYMAN RA: Yup. Yup. Thank
22 you. And I would agree in terms of the, you
23 know, just -- this isn't supposed to be
24 funding that's supplanted. The needs

1 continue to be there.

2 And certainly, you know, we have lots
3 of -- you know, the Town of Hempstead is
4 obviously a large one, but we have all these
5 small water districts that if they needed to,
6 especially in a tax-cap world, try to fund
7 those projects, it would be -- it would be
8 very difficult.

9 So I know those grants have been very,
10 very helpful in mitigating the impact on
11 local property taxpayers and ratepayers in
12 those districts.

13 MS. ESPOSITO: Because we want not
14 just clean water, we also want water to be
15 affordable. And so that's what makes it so
16 critical to the general public.

17 ASSEMBLYMAN RA: Thank you.

18 MS. ESPOSITO: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 Assemblywoman Kelles.

21 ASSEMBLYWOMAN KELLES: So a question
22 for -- you know, all of you touched on the
23 water issues. It's something I'm concerned
24 about. So one of the comments that have been

1 made is that we still had money left over.
2 That the money was put there, but we didn't
3 use it all.

4 And one of the things that I've been
5 frustrated about with that is that we made it
6 very difficult, I think, to use, because we
7 maxed out the amount of a total project that
8 could be covered by it to 25 percent. Which
9 a lot of the smaller communities couldn't
10 then use it, because they couldn't afford the
11 other 75 percent.

12 We have cut this amount in half while
13 increasing the amount that it covers by
14 50 percent, which makes it triply
15 overprescribed. Can you talk a little bit
16 about what I'm -- maybe expound upon --

17 MS. ESPOSITO: Yes, as a matter of
18 fact I can.

19 ASSEMBLYWOMAN KELLES: -- interest,
20 you know.

21 (Laughter.)

22 MS. ESPOSITO: Well, let me say a
23 couple of things.

24 Number one is that according to the

1 water suppliers and also the wastewater
2 treatment operators and municipalities, about
3 one-third of all applications that go into
4 the Clean Water Fund are denied. If we cut
5 the budget in half, it would be about an
6 estimate of two-thirds would be denied.

7 So the pipes aren't fixing themselves,
8 right? We need to fix them and be proactive.
9 If we are not spending the money quick
10 enough, that doesn't mean the pipes are
11 getting fixed -- it means they're not getting
12 fixed.

13 So we feel that that demonstrates just
14 that we need to get more money out the door,
15 but it does not illustrate that the problem's
16 being solved. In fact, with the example I
17 just gave with seven sinkholes in one county,
18 the problem is actually getting worse.
19 Because as the pipes go unaddressed, the
20 problem gets worse and worse and worse.

21 ASSEMBLYWOMAN KELLES: So it's an
22 administrative issue that the money isn't
23 going out the door and not -- it's not a need
24 issue.

1 MS. ESPOSITO: Yes. It's an
2 administrative issue, it's not about need.

3 ASSEMBLYWOMAN KELLES: Thank you.

4 And another question that I had, you
5 know, something that we haven't talked a bit
6 about, a concern that I have with the
7 implementation of the cap-and-invest. And I
8 know some of us have talked about it.

9 What would you like to see in that to
10 make sure that it is implemented properly,
11 that we do get revenue from it, but that we
12 don't actually set ourselves back with
13 respect to climate change?

14 I know, Liz, you and I have talked
15 about that a little bit. Vanessa and I have
16 as well. But I'd love to hear your thoughts.
17 What guardrails would you like to see in
18 that?

19 MS. MORAN: Primarily guardrails to
20 make sure that investments are going into
21 disadvantaged communities. Which -- some of
22 which is in the legislation that was passed
23 in the budget last year. But that has to be
24 the ethos of the regulatory process as well.

1 ASSEMBLYWOMAN KELLES: Did you have
2 anything you wanted to add?

3 MS. FAJANS-TURNER: Yeah. That means
4 generally better defined and more clearly
5 defined in the use of offsets as well as part
6 of the guardrails in particular, I think it's
7 important to highlight.

8 MS. MORAN: No trading.

9 MS. FAJANS-TURNER: Yup, no trading.

10 ASSEMBLYWOMAN KELLES: Thank you.

11 MS. ESPOSITO: Yes.

12 ASSEMBLYWOMAN KELLES: Anything you
13 wanted to add?

14 MR. ARPELS-JOSIAH: No, just echoing
15 no trading. And we can also follow up with
16 more details also on key -- on our key
17 position on this.

18 MS. FAJANS-TURNER: Yeah, we have more
19 details in our written testimony.

20 MR. ARPELS-JOSIAH: Yeah.

21 CHAIRWOMAN KRUEGER: I have to cut you
22 off, I'm sorry.

23 ASSEMBLYWOMAN KELLES: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Assembly.

2 CHAIRWOMAN WEINSTEIN: Assemblyman
3 Epstein.

4 ASSEMBLYMAN EPSTEIN: Yeah, thank you
5 all for staying so long with us today.

6 I want to switch to a slightly
7 different topic about kind of waste
8 reduction. And I didn't hear a lot about
9 that from you all. And obviously, you know,
10 our climate crisis doesn't exist kind of in
11 those -- spaces like food waste and our --
12 you know, going into our waste stream is a
13 huge problem, reduction of single-use
14 plastics and plastics in general, and kind of
15 reduction of -- you know, the EPR stuff.

16 I'm wondering kind of, you know,
17 why -- where you all are, kind of what the
18 opportunities are this year to move forward
19 in those spaces, in reduction of waste. And
20 love to hear more about it, because I think
21 we need to be talking about it more.

22 MR. McCLELLAN: Absolutely. I think
23 that one thing that the Legislature should
24 look at very strongly this year is lowering

1 the threshold for the Commercial Organic
2 Waste Recycling Law, which was passed in 2019
3 and says that if you generate two tons or
4 more of organic waste per week and you're
5 within a certain distance --

6 ASSEMBLYMAN EPSTEIN: The mile
7 limitation, yeah.

8 MR. McCLELLAN: -- from a facility,
9 you know, you have to recycle it.

10 You know, the time has come that we
11 should be looking at lowering that threshold
12 and dramatically expanding the distance from
13 a recycling facility. Right now it's
14 25 miles, which is, you know, not much. You
15 could very easily do 100 miles and still have
16 it be a very reasonable accommodation for
17 covered entities.

18 So, you know, we really think that
19 it's time to look at expanding the
20 Commercial Organic Waste Recycling Law.

21 ASSEMBLYMAN EPSTEIN: Great. All
22 right.

23 MS. ESPOSITO: I just want to also add
24 also where many of us are working closely

1 with Senator Harckham and also
2 Assemblywoman Glick on what was formerly
3 called the extended producer responsibility,
4 which is now wisely being called the
5 Waste Reduction and Recycling Act.

6 But this is a bill that will reduce
7 the waste. It's the one thing everybody
8 agrees on that would be great for the
9 environment as a first step, and then
10 increase recycling and decrease food waste.

11 The first large-scale anaerobic
12 digester for food waste will be opening on
13 Long Island end of next year. That will be
14 converting food into compost and also about
15 6 or 7 megawatts of renewable energy. And I
16 think we should look into doing more of those
17 types of operations.

18 ASSEMBLYMAN EPSTEIN: Thank you all.

19 MS. ESPOSITO: Wonderful.

20 CHAIRWOMAN WEINSTEIN: Assemblyman
21 Otis.

22 ASSEMBLYMAN OTIS: Hello all. Nice to
23 see you.

24 A question on a different topic. I

1 asked Commissioner Seggos and got a good
2 answer about the status of the stormwater
3 grant program that was in the Bond Act. And
4 stormwater has a big impact on water quality
5 as well, erosion, all sorts of damage.

6 And so if any of you want to feed in
7 on the importance of getting that program
8 going for the variety of reasons that we all
9 share, that would be good to share with us
10 now.

11 MS. ESPOSITO: Well, as someone who
12 lives on an island, I guess I'll chime in.

13 (Laughter.)

14 MS. ESPOSITO: But yes, I think it's
15 one of the things that we have all been
16 talking about collaboratively, environmental
17 groups: It would be good to have that line
18 item and that program created.

19 There is so much need, whether you
20 live on an estuary or whether you live on a
21 river or a stream or tributary or a lake or a
22 pond. Look, we're blessed to have so much
23 water resources here in New York State. We
24 have a small line item for stormwater runoff.

1 So the only thing I can say is the sooner the
2 better.

3 There are projects. We have our first
4 living shoreline that was built on
5 Long Island, on the South Shore. We can do
6 so many more. It's great for stormwater
7 runoff. We have the technology, we have
8 rainfall -- we know what we can do, we just
9 need a program to actually do it.

10 ASSEMBLYMAN OTIS: Great. Thank you.

11 MS. FAJANS-TURNER: I'll just add, as
12 the broader issue, because this is the budget
13 hearing, that flooding has become a huge
14 issue upstate as well as down, obviously, and
15 that the recent -- the FEMA flood maps reveal
16 very significant risk to property values
17 upstate in particular, which will have
18 significant budget impacts, obviously, on
19 capped property taxes for school districts.

20 And I like to flag that every
21 opportunity we get, because this is a
22 mounting crisis that I think will face many
23 of our towns and communities that are already
24 stretched to manage their infrastructure.

1 MR. McCLELLAN: I'll just add to that.

2 There's legislation in both houses to
3 give water authorities expanded authority to
4 levy special charges for stormwater runoff.
5 So for instance, for a big box store parking
6 lot that's paved over with impermeable
7 pavement and is contributing to severe runoff
8 issues, to authorize the water authority to
9 levy a higher fee on them.

10 Jeremy Cherson from Riverkeeper, who I
11 think is on the panel after me, or the one
12 after that, is the expert here, so I'll leave
13 it to him to answer that question in more
14 depth. But that's definitely something that
15 we support as well.

16 ASSEMBLYMAN OTIS: Thank you all.

17 CHAIRWOMAN KRUEGER: Thank you. Thank
18 you all very much for being with us -- oh.

19 MS. FAJANS-TURNER: Thank you.

20 MR. McCLELLAN: Thank you.

21 CHAIRWOMAN KRUEGER: I'm on here. I
22 keep turning it off and on.

23 Thank you all. And I'm going to call
24 the next panel: New York Renews; Rewiring

1 America; New Yorkers for Clean Power --

2 Never mind. Go back to your seats.

3 (Laughter.)

4 CHAIRWOMAN KRUEGER: We're going to
5 try -- you can get closer, but we're going to
6 start with The Nature Conservancy;
7 Sierra Club Atlantic Chapter; Open Space
8 Institute; and Protect the Adirondacks.

9 You know, I'm a morning person, folks.
10 So sorry about that.

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: All right.
13 Remember when there were only 10
14 environmental advocates in the entire state?

15 (Laughter.)

16 CHAIRWOMAN KRUEGER: We all knew each
17 other. And now there's the whole giant
18 explosion of people in groups. Which is
19 clearly why we need to be doing all this,
20 so --

21 MS. OTTNEY-MAHAR: But back then, no
22 one stayed to listen to us. So thank you for
23 being here.

24 (Laughter.)

1 CHAIRWOMAN KRUEGER: Thank you all for
2 being here.

3 Okay, shall we start with -- we'll
4 just go straight down.

5 MS. OTTNEY MAHAR: All right, thank
6 you. I'm Jessica Ottney Mahar. I'm the
7 policy and strategy director for The Nature
8 Conservancy. And thank you again for your
9 time and your grit. We're almost there.

10 I'm going to go through -- I submitted
11 long testimony; I'm not going to read it.
12 I'm going to go through a couple of top
13 lines, and happy to talk with you all more
14 afterwards.

15 The proposal that the Governor put out
16 on the Environmental Protection Fund is very
17 disturbing. It's once again proposing to
18 raid the fund, offload staff costs into the
19 EPF. This time they lined it out so you can
20 really see the damage that it'll cause. You
21 can see the reductions to programs.

22 In addition, there are zero new staff
23 at DEC. And there's language in the capital
24 plan about how they're directly paying for

1 things that should be paid for with the
2 General Fund. So we're asking you to again
3 reject that. The EPF has had 30 years of
4 bipartisan support, and we're just asking
5 that you keep it up. Thank you.

6 Clean water funding -- this is not the
7 time to cut clean water funding in half. We
8 have \$80 billion in need for clean water
9 funding across the state. I worked very hard
10 to get the Bond Act passed, with a lot of my
11 colleagues here, and we absolutely never told
12 voters we would just be keeping the
13 status quo. So we need to be spending more
14 money on clean water for New Yorkers, not
15 less. Please reject that cut.

16 There's \$15 million in the Governor's
17 budget for funding some of the reforestation
18 initiative she announced in the State of the
19 State. We're very supportive of that
20 program. This is a huge and important part
21 of our climate pathway. It's not as big as
22 renewable energy, but it's important.

23 And we really want to make sure that
24 that program in the budget is broad enough

1 that it can bring in the private investment
2 that we need to reach those goals. So
3 there's some information in my testimony
4 about that.

5 Some of my colleagues are going to
6 talk more about the state's land acquisition
7 program, which is funded through the
8 Environmental Protection Fund. It is
9 absolutely broken. We are acquiring land at
10 a very slow pace at this point for several
11 years now, and we really need to pick up the
12 pace of conservation if we're going to meet
13 our climate goals and our conservation goals
14 in New York State.

15 And given, you know, the pace of that
16 program slowing and the proposals on the EPF,
17 there's information in my testimony about how
18 the EPF is being handled right now. And we
19 would encourage you to use your power, your
20 oversight power, to convene some hearings on
21 how not only can the EPF be better
22 administered, but what in detail is going
23 wrong with some of these programs. It's not
24 a lack of need. So I'll just leave that

1 there.

2 And then, finally, I will say we
3 support the RAPID Act. We are working very
4 hard with NYSERDA and other stakeholders to
5 advocate for the responsible siting of
6 renewable energy. We need to get projects
7 built at this point.

8 There was a lot of conversation
9 earlier today about where we're at vis-a-vis
10 our climate goals. So we need to make sure
11 we support the efficient siting of renewable
12 energy and siting that energy effectively so
13 that we're not making unnecessary tradeoffs
14 in our communities.

15 All right, thanks.

16 CHAIRWOMAN KRUEGER: Next?

17 MS. MOSER: Hi. I'm Kathy Moser. I'm
18 the chief conservation and policy officer at
19 the Open Space Institute. We're a regional
20 land trust that works up and down the
21 East Coast, but based here in New York, and
22 it's our 50th anniversary in 2024.

23 I'm only going to cover two topics
24 tonight. One of them Jess alluded to is we

1 really do need to streamline our state land
2 acquisition process. We have over 90 land
3 trusts in the State of New York that work
4 directly with DEC and State Parks, and they
5 request often that the land trusts go in and
6 buy a property because we can move more
7 quickly than the government.

8 What we've been seeing is that that
9 process has really slowed down. On average,
10 during the 30 years of the Environmental
11 Protection Fund, we were averaging -- the
12 State of New York was averaging about
13 70,000 acres protected every year. In 2022,
14 it was 5,053 acres.

15 We are never going to meet our Climate
16 Action Plan goals, our 30x30 goals -- we're
17 even updating the open space conservation
18 plan this year. And the land acquisition has
19 slowed to a trickle.

20 Now, we have identified -- we're
21 working with DEC, we're working with
22 State Parks, we've met with the Comptroller's
23 office. The one agency that we haven't been
24 able to find any compromise with is the

1 Office of the Attorney General.

2 New York is the only state in the
3 nation -- and I'm including the federal
4 government -- that does not utilize title
5 insurance. So we have gaps in title -- and
6 I'm looking at Assemblyman Simpson over
7 there -- there is a case where the Town of
8 North Hudson agreed to sell an easement to
9 DEC to build a frontier town property. There
10 was a bankruptcy case in 1858, and the Town
11 of North Hudson is still trying to resolve
12 that case. The Attorney General's office
13 would not use title insurance for a
14 bankruptcy case 165 years ago.

15 So that is something -- how can the
16 Senate and the Assembly help? We're asking
17 you to put a paragraph in your one-house
18 budgets directing the Attorney General's
19 office to utilize title insurance when
20 there's a gap in title. It doesn't have to
21 be every time, just the cases where we cannot
22 find heirs or there's a bankruptcy case from
23 165 years ago.

24 The other topic I wanted to quickly

1 touch on is the need for a \$250 million
2 annual capital funding for State Parks. This
3 gives them the assurity to upgrade all of the
4 state park system with ADA-accessible
5 infrastructure.

6 We want to have state parks on
7 renewable -- fully renewable by 2030. They
8 have major projects, and this requires State
9 Parks to remove buildings. They're even
10 looking at strategic retreat of
11 infrastructure because of climate change.
12 And they've told me that \$250 million is what
13 they need annually.

14 Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 MR. DOWNS: My name is Roger Downs.
17 I'm the conservation director for the
18 Sierra Club Atlantic Chapter.

19 I want to thank Chairs Krueger and
20 Weinstein for listening to all our budget
21 testimony, and this distinguished panel.
22 Thank you all for staying.

23 To begin respectfully, the NY HEAT Act
24 must be negotiated and enacted in the budget.

1 While our climate laws are binding, our
2 public service laws have lagged behind, in
3 many cases subsidizing and prioritizing the
4 continued use of the same fossil fuels we
5 must phase out entirely within the next
6 20 years.

7 We need to remove the roadblocks to
8 building decarbonization and energy
9 affordability. This begins with a commitment
10 to heating, cooling, and powering our
11 State Capitol and every SUNY campus with
12 100 percent renewable energy technologies and
13 supporting the workforce that will get us
14 there with job training and prevailing wage.

15 The Legislature should fully fund an
16 Environmental Protection Fund at \$400 million
17 without staffing carveouts and offloads. The
18 Clean Water Infrastructure and Improvement
19 Act should be fully funded at \$600 million,
20 not undercut at a time when New York's
21 drinking water needs are so great. For both
22 funds, getting projects through the pipeline
23 and paid for is as important as preserving
24 the funding amounts themselves.

1 In 2020, this body came together to
2 codify New York's historic fracking ban in
3 the budget. Governor Hochul and the
4 Legislature should answer the call once again
5 and protect all New Yorkers from this latest
6 fracking threat involving supercritical
7 carbon dioxide technology that violates our
8 Climate Law, will burden an already overtaxed
9 DEC, and will despoil the environmental
10 health of the Southern Tier if approved.

11 The Sierra Club asks that through this
12 budget process we enact a climate change
13 superfund that makes fossil-fuel companies
14 pay for their past pollution, with the
15 potential to collect \$75 billion over the
16 next 25 years and funnel those dollars into
17 communities hardest hit by climate change.

18 The state budget process must also do
19 more to address the scourge of forever
20 chemicals and the toll it has taken on the
21 health of New Yorkers and the ecosystems on
22 which we depend. Not only do we need the
23 money to remediate contaminated drinking
24 water, but immediate steps must be taken to

1 get carcinogenic PFAS chemicals out of
2 everyday products and turn off the spigot at
3 its source.

4 We understand that the urgency to act
5 on the climate crisis is tempered by a
6 concern about affordability during the
7 clean-energy transition. But in the context
8 of this budget, it is important to remember
9 that inaction in this climate emergency is
10 almost always the most expensive option.

11 Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 MR. BAUER: Thank you. My name's
14 Peter Bauer. I work with Protect the
15 Adirondacks.

16 I commend you all for your passion and
17 your commitment. This has been a very long
18 day. I will not be nearly as eloquent as my
19 colleagues up here.

20 Now, I'm going to speak about six
21 issues. You have my testimony. The first is
22 land protection funding.

23 Governor Hochul signed the 30x30 law.
24 It was widely supported in the Legislature.

1 We put out a report last fall, "20 Percent in
2 2023," an assessment of that act. Right now
3 New York State is at 32 million acres. The
4 state has protected about 6 million acres
5 across the state, and we have another 3.2
6 million acres that we're supposedly going to
7 protect between now and 2030.

8 As has been pointed out already, we
9 protect less than 10,000 acres a year. At
10 current levels, it will take 300 years to
11 meet the 2030 -- the 30x30 goals. That's
12 unacceptable.

13 We need a larger EPF. We need more
14 land acquisition funding in the EPF. I agree
15 with what's been said before. The May-Thiel
16 title insurance bill is critical. It would
17 be great to see that as part of the
18 Article VII legislation.

19 Road salt funding. Last year the
20 Adirondack Road Salt Reduction Task Force put
21 out its final report. We know what the
22 problem is, we know what the solutions are.
23 There's nothing in this budget to deal with
24 road salt in the Adirondacks. It's a huge

1 problem, with many of our major lakes, you
2 know, reaching dangerous levels as far as
3 road salt pollution.

4 What we need is for the DEC -- we need
5 legislation that really focuses on regulating
6 road salt for the pollutant that it is. But
7 we also need to look at highway training, the
8 Harckham bill. The Harckham-Shimsky bill
9 would also be a great bill to put in as an
10 Article VII bill.

11 Forest Preserve management. It's
12 great that we have the Adirondack and
13 Catskill wilderness line, that's very
14 important. One of the things we need to
15 identify in that line is a carrying capacity
16 study. We've funded visitor use management
17 before. For 50 years in our State Land
18 Master Plan we've identified carrying
19 capacity studies for the biggest lakes in the
20 Adirondacks. We've never done those studies.
21 Even though they've been required, they've
22 never been done. So we need to be able to
23 contract for that.

24 We need to fund science. Good science

1 leads to good policy. We need to fund the
2 Adirondack Watershed Institute. We need to
3 fund diversity, very important in the
4 Adirondacks. The Adirondack Diversity
5 Initiative was cut this year. The Timbuctoo
6 Summer Climate and Careers Institute was cut.
7 We need to fund the Adirondack Museum's new
8 exhibit on African-Americans in the
9 Adirondacks.

10 Last, we need to stand up for wolves.
11 The Carroll/Hoylman Wolf Protection Bill in
12 New York would be a great bill to add as an
13 Article VII bill.

14 Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Senator Pete Harckham.

17 SENATOR HARCKHAM: Thank you very
18 much, Madam Chair.

19 Thank you all for sticking it out.
20 Your testimony and your advocacy are
21 incredibly important, so thank you.

22 And at the risk of being tacky, I'll
23 ask the same question I've asked the last few
24 panels, because there's been a lot of data to

1 unpack and your testimony is very complex.

2 One sentence each: What are your top
3 priorities for this budget?

4 MS. OTTNEY MAHAR: Don't cut
5 environmental funding. Don't offload
6 General Fund obligations into environmental
7 funds.

8 MS. MOSER: Well, since Will Côté of
9 Parks & Trails New York picked up on the
10 250 million for Parks capital, I'll go with
11 let's start using title insurance in New York
12 and move the land protection agenda here in
13 the state.

14 MR. DOWNS: Considering all the
15 thermal energy networks that are being {mic
16 off; inaudible} -- we can negotiate NY HEAT
17 in the budget.

18 And I think just for the sake of DEC,
19 not having to have them endure a ridiculous
20 permitting process, if you could ban CO2
21 fracking or mining or whatever we're going to
22 call it in the budget, that would save a lot
23 of headaches for a lot of folks.

24 Thanks.

1 MR. BAUER: We need to expand the
2 Environmental Protection Fund and expand the
3 land protection account in the EPF.

4 SENATOR HARCKHAM: Great. Thank you
5 all very much.

6 And once again, thanks for staying.
7 It's important.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assembly.

10 CHAIRWOMAN WEINSTEIN: Assemblywoman
11 Glick.

12 ASSEMBLYWOMAN GLICK: I share the
13 Senator's admiration for your
14 stick-to-itiveness. So thank you for being
15 here.

16 On the other hand, if you weren't, we
17 wouldn't be either, so --

18 (Laughter.)

19 ASSEMBLYWOMAN GLICK: Kathy, I just
20 want to -- what's the real sticking point on
21 the title insurance? Because that does --
22 you know, I joked that the wheels of
23 government grind slowly, but it shouldn't
24 grind that slowly, so ...

1 MS. MOSER: So we've been meeting with
2 the Attorney General's office, and their main
3 concern is that if they take title insurance
4 and there are any improvements on the
5 property, only the land is covered by
6 insurance. Not any -- like if State Parks
7 built a visitor center.

8 But that's such a small percentage of
9 the land. I mean, I'm the Open Space
10 Institute. We buy land for open space. We
11 don't want to see improvements on the
12 property. We want it there for wildlife and
13 for enjoyment.

14 And there was also a concern about
15 staffing, that it might affect staffing at
16 the Attorney General's office. But they've
17 actually requested more attorneys for the
18 Real Property Bureau. And we've always
19 advocated that they need more attorneys.

20 So, you know, it -- we were told, and
21 this is a direct quote, "We will not change
22 our process unless directed to do so by the
23 Legislature." So that's why we're here.

24 ASSEMBLYWOMAN GLICK: Thank you.

1 That's very helpful.

2 And Roger, I think we understand that
3 DEC is itself, though not on the record -- I
4 think they would prefer that we take that off
5 their plate on the C02 or any other type of
6 attempt to go back to fracking, so --

7 MR. DOWNS: That's very reassuring.
8 Thank you.

9 ASSEMBLYWOMAN GLICK: It's something
10 that'll be worked on very soon.

11 MR. DOWNS: Okay. Appreciate it.

12 ASSEMBLYWOMAN GLICK: Always good to
13 see you, Jess and Peter. And I am surprised
14 you're not advocating reintroducing wolves,
15 which I think would help our overpopulation
16 of deer. Just saying.

17 (Laughter.)

18 MR. BAUER: Just saying they're
19 already here -- and so we just have to go out
20 and be able to test them, and we could prove
21 it.

22 ASSEMBLYWOMAN GLICK: Thank you.
23 Thanks very much for all of your partnership.

24 CHAIRWOMAN WEINSTEIN: Assemblyman

1 Simpson.

2 ASSEMBLYMAN SIMPSON: Thank you,
3 Chair. Thank you all for being here,
4 sticking it out.

5 And several of you may want to comment
6 this, my question. So we have the 30x30
7 legislation, and you've talked about it, Jess
8 and Kathy. And Peter mentioned it, what,
9 3.2 million acres we need to acquire over the
10 next -- you know, by 2030. Any idea how much
11 that's going to cost? Where that money is
12 going to be budgeted?

13 Because, you know, we heard the
14 commissioner talk about -- I believe it was
15 26,000 or 28,000 acres in the budget this
16 year. That's a long ways off from
17 3.2 million acres.

18 And also, the needs for ECOs and
19 Rangers also with the increased state land
20 that needs to be monitored.

21 MS. OTTNEY MAHAR: So I want to
22 address that, because 30x30 was aimed at
23 conservation. And the law directs the state
24 to come up with a plan.

1 And in The Nature Conservancy's view,
2 some of the biggest issues to address as we
3 begin to hash out that plan is how we define
4 conservation. Acquisition is one strategy,
5 but it's not the only one. So this does not
6 mean that we need to buy it all.

7 I think we need to put together a
8 suite of what will count under 30x30 to make
9 sure that we're using all of our conservation
10 strategies effectively. And I would also say
11 that it's not just 30 of anything, in our
12 view. Representation matters.

13 And so we have science -- we have a
14 scientist named Mark Anderson at The Nature
15 Conservancy who's been studying how species
16 are going to be needing to change and move
17 and how we need to protect a representative
18 amount of each stage on earth, right, each
19 ecosystem type or geophysical setting.

20 And so what we need to be doing is
21 that analysis, and working with you all,
22 working with communities to really build a
23 plan that brings to bear a number of
24 conservation strategies, not just buying

1 everything, because I don't think that's an
2 effective approach. So there's a lot more we
3 can be doing.

4 MR. BAUER: So Matt, in the report
5 that we put out, we identified a number of
6 strategies. I mean, certainly, expanding the
7 Forest Preserve is one, expanding state parks
8 for conservation easements.

9 But also we need some type of new,
10 long-term carbon storage program for
11 landowners that don't necessarily want to cut
12 their forests, they want to keep their forest
13 intact, they want to keep their trees growing
14 bigger so they can sock away more storage.

15 So we need to look at some type of,
16 you know, 480b-type program that really is
17 based on carbon. We could -- that could go a
18 long ways towards meeting the 30x30 goals.

19 ASSEMBLYMAN SIMPSON: Perfect. I only
20 have 10 seconds.

21 I agree with you on the EPF. I was a
22 big supporter of that. And supplanting
23 existing budgetary items is the wrong thing.
24 That's not what I advocated for, and we need

1 to fix that.

2 MS. OTTNEY MAHAR: Thank you.

3 ASSEMBLYMAN SIMPSON: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you. I
5 think the Senate's done.

6 CHAIRWOMAN WEINSTEIN: Assemblyman
7 Otis.

8 ASSEMBLYMAN OTIS: Thank you.

9 A question on the land acquisition
10 problem. And I'm blown away by the
11 difference in the statistics of how many
12 acres we're buying. Is there a difference in
13 terms of big parcels not for sale now? Is --
14 what kind of metric is guiding that huge
15 reduction?

16 MS. MOSER: So right now the land
17 trust community in New York is holding
18 100,000 acres with a fair market value of
19 \$150 million for the State of New York. So
20 the land is there to put into state parks and
21 wildlife management areas.

22 Like I said, we're working with DEC,
23 and they're staffing up their Real Property
24 Bureau. They're making their process more

1 efficient. We've talked to the Comptroller's
2 office.

3 We, the land trust community, can also
4 do a better job, and we are hosting a -- the
5 Land Trust Alliance is hosting a
6 lunch-and-learn. So we're going to use the
7 Attorney General's guidelines on title
8 abstracts, and we're going to ask all the
9 land trusts to do a better job when they're
10 trying to sell land to the State of New York.

11 I also think that the land trusts are
12 willing -- to go back to Assemblyman
13 Simpson's question, we're willing to help out
14 on making that 30x30 goal. And the land
15 trust community -- right now most of the land
16 in the state, protected land, is owned by a
17 public entity. But we've said if you have a
18 Bond Act program that grants money to land
19 trusts, we're willing to bring private
20 dollars to the table and own and manage
21 lands, whether it's conservation easement or
22 fee.

23 And that's another way that the
24 90-plus land trusts can step up and help the

1 State of New York meet some of those goals.
2 We're willing to do that. We just need a
3 little bit of funding to incentivize our
4 donors to leverage money and protect land
5 that way.

6 ASSEMBLYMAN OTIS: In terms of the
7 title -- the language you want to see, is
8 that the language that's in the Fred Thiele
9 bill, or do you have different language?

10 MS. MOSER: Yup, and Senator May
11 also -- some of the Senators today got a
12 paragraph that Senator May's office had
13 developed, because we understand that some of
14 your requests need to be in tomorrow. And
15 we'll be sharing that same paragraph with the
16 Assembly next week.

17 ASSEMBLYMAN OTIS: Okay. Thank you
18 very much.

19 I'll yield back my 43 seconds.

20 (Laughter.)

21 CHAIRWOMAN WEINSTEIN: Assemblywoman
22 Kelles.

23 ASSEMBLYWOMAN KELLES: Perfect timing.
24 So I have three minutes and 40-something

1 seconds right now.

2 (Laughter.)

3 ASSEMBLYWOMAN KELLES: So thank you
4 all so much for all of this.

5 I have a couple of questions. How
6 many acres per year do we need to conserve to
7 meet that 30x30 now, given how low it's been
8 for the last couple of years?

9 MS. MOSER: Well, it's just that some
10 of it is acquisition. It can be restoration
11 of properties.

12 ASSEMBLYWOMAN KELLES: Right, whatever
13 context. I'm just curious. Do we have a
14 sense of it? Because we're far off.

15 MS. OTTNEY MAHAR: No, I think we need
16 to have that conversation and really initiate
17 that --

18 ASSEMBLYWOMAN KELLES: We don't even
19 know.

20 MS. OTTNEY MAHAR: -- planning process
21 that the law requested or commanded, to make
22 sure that we're coming up with definitions
23 that everyone is agreeing to around what does
24 "conserved" mean, like what are we counting

1 towards this goal, and then assess really
2 where we are and, you know, then really think
3 about what types of land and waters we need
4 to be conserving.

5 ASSEMBLYWOMAN KELLES: And you
6 actually brought up something that I do think
7 is really important. You know, when we hear
8 "land," people think just land, right?

9 MS. OTTNEY MAHAR: Yeah.

10 ASSEMBLYWOMAN KELLES: But what I
11 think is really important that we talk about
12 is, you know, that preserving land, being
13 conscientious about it is also a way to
14 maximize carbon sequestration, it's also a
15 way to ensure species biodiversity -- of
16 which we have a phenomenal loss of species
17 biodiversity -- of making sure we, you know,
18 retain feeding areas, right, habitat zones.

19 What are some other things that just
20 hearing from all of you that it would provide
21 to make sure -- like farmland protection --
22 just to get a sense of it.

23 MR. DOWNS: Yeah, the previous panel
24 talked about flooding. And, you know, we now

1 through the Bond Act have this incredible
2 opportunity to buy back wetlands or sort of
3 degraded floodplains and really restore them
4 to be floodwater infrastructure for
5 communities.

6 That, you know, there are other monies
7 that can come in towards land acquisition,
8 and maybe that was never, you know,
9 intentionally as a 30x30 goal. But we could
10 be creating these wetland mosaics surrounding
11 our communities, protecting drinking water,
12 you know, protecting us from floods. And it
13 certainly counts towards that goal.

14 ASSEMBLYWOMAN KELLES: I think that's
15 so critical.

16 MR. BAUER: Some of it's basic
17 arithmetic. Because, you know, if we're
18 going to meet 30 percent of the state's total
19 geography by 2030, it's about 450,000 a year
20 that we're looking at, 450,000 acres to
21 protect.

22 That can be done through all different
23 strategies. The wetlands bill that was
24 passed -- the rules are still going, they're

1 still being put together for --

2 MR. DOWNS: February 20th, get your
3 comments in.

4 MR. BAUER: The rules are still being
5 put together for, you know, how that's going
6 to be administered. There could be a
7 significant -- we're told, during the lead-up
8 to that, that that's going to protect a
9 million acres across the state. We haven't
10 seen actually how that happens with that.
11 But that could be significant.

12 ASSEMBLYWOMAN KELLES: So I don't mean
13 to belabor it, but I think this is very
14 important because it's so critical that we
15 have a conversation not just about land, but
16 what land, why, how. And that we set an
17 actual, like, scoping plan, if you will, for
18 this process.

19 So thank you so much. This was
20 incredibly important. Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.
22 Assemblymember Lemondes.

23 ASSEMBLYMAN LEMONDES: Thank you,
24 Madam Chair.

1 My question is for Mr. Bauer. With
2 respect to the wolf reintroduction program
3 that I think that you mentioned --

4 MR. BAUER: No, that was the
5 chairwoman. She talked about reintroduction.

6 (Laughter.)

7 MR. BAUER: No, I talked -- there's a
8 wolf protection bill, it's a Bobby Carroll
9 bill, of Senator Hoylman and
10 Assemblyman Carroll. And this is simply to
11 do DNA testing on large canids that are
12 hunted in the state.

13 We've had some instances where wolves
14 have come into the state. Unfortunately, we
15 only find out about them when they're dead.
16 They're usually shot or they're hit by a car
17 or something like that.

18 It would be -- you know, there's a
19 lot -- we get anecdotal reports all the time
20 about packs and about individual wolves. It
21 would be great to actually be proactive and
22 do some DNA testing.

23 Any wolf that crosses the border into
24 New York, like the one that was shot in

1 Cooperstown, is supposed to be protected
2 under state and federal Endangered Species
3 Act legislation. That usually doesn't happen
4 when they're mistaken for a coyote and that
5 sort of thing.

6 So this legislation would really just
7 start to get DEC in the game, to uphold the
8 Endangered Species Act so that the canids
9 that come into the state that are wolves
10 would be protected and we could get more
11 information about them.

12 It's nothing about reintroduction.
13 The State Wildlife Action Plan is starting
14 their scoping process this year, and it would
15 be finalized in 2025. If they wanted to do a
16 feasibility study, the DEC could make that
17 part of the plan.

18 ASSEMBLYMAN LEMONDES: Do you think
19 that their protection would be a good thing?

20 And I say that from the perspective of
21 every place where they have been reintroduced
22 and protected, there have been egregious
23 losses to agriculture.

24 MR. BAUER: Well, they're doing a --

1 there's a fascinating reintroduction that's
2 going on right now in Colorado. And they've
3 released three intact packs. They went
4 through a lot of public attitude surveys, a
5 lot of local government surveys. It's been
6 met with a tremendous amount of enthusiasm
7 and fanfare.

8 So generally where --

9 ASSEMBLYMAN LEMONDES: By generally
10 urban populations.

11 MR. BAUER: Oh, no, this is also by
12 the local governments and the local
13 communities where these packs were released.
14 I mean, it's brought tourism into the area
15 where people hadn't gone.

16 The places that have lived with
17 wolves, in northern Minnesota and Wisconsin,
18 they've worked it out. There's -- sometimes
19 there is agricultural predation. But, you
20 know, problem wolves can be taken care of.
21 Landowners can be compensated. They've
22 managed to make this work for a number of
23 years in those places.

24 ASSEMBLYMAN LEMONDES: Thank you. I

1 appreciate your response.

2 Madam Chair, thank you.

3 CHAIRWOMAN KRUEGER: Thank you. And
4 last, Assemblywoman Giglio.

5 ASSEMBLYWOMAN GIGLIO: Thank you all
6 for being here and for waiting this out.

7 And I wished that I would have heard
8 from you sooner before we heard from the
9 Office of Renewable Energy Siting, because in
10 my district there's thousands of acres of
11 land that are being used for solar
12 installations, and with that came a lot of
13 tree removal.

14 So while we're making efforts to
15 decarbonize by planting trees, we're clearing
16 trees for solar. And I just want your
17 opinions on what you think about clearing
18 trees for solar.

19 (Pause; laughter.)

20 MS. OTTNEY MAHAR: I'll take that.

21 MS. MOSER: Go for it.

22 MS. OTTNEY MAHAR: So The Nature
23 Conservancy has been working with
24 communities, and in fact we put something

1 together several years ago with a broad
2 stakeholder group called the Long Island
3 Solar Roadmap, which really went through and
4 took a look at, you know, what were key
5 concerns in communities around things like
6 renewable energy and solar siting in
7 particular, and how communities could work
8 with the industry to reduce the impact of
9 siting.

10 And we've now been working on a few
11 more reports and processes like these. And
12 we're grateful that NYSERDA has the
13 Environmental Technical Working Group for
14 Offshore Wind and the Agricultural Technical
15 Working Group for, you know, how they're
16 going to be rolling out solar -- things like
17 agrivoltaics.

18 So there are going to be tradeoffs.
19 And we are advocating that they prioritize
20 low-impact siting and are working hard with
21 the industry to put some of those guidelines
22 and suggestions together.

23 ASSEMBLYWOMAN GIGLIO: Thank you.

24 Yeah, and I plan on asking that office

1 for a report as to when they site projects,
2 are they prioritizing sites that have already
3 been cleared and rejecting sites that have
4 half of the acreage that are trees that need
5 to be cleared.

6 My next question is in the -- in
7 Suffolk County, in Brookhaven and the Town of
8 Riverhead, which is the town that I
9 represent, and some of Southampton now, we
10 have the Community Preservation Fund, which
11 was a tax, essentially a closing tax to
12 preserve land. And now there are discussions
13 to open up that legislation and use that
14 funding for operation and maintenance of
15 historic structures and structures, as you
16 discussed, to maintain those.

17 And I'm not a fan of it, because I
18 think that it should be used for
19 preservation. And I don't think government
20 should be using that fund for general
21 operating costs. And I want your opinion on
22 it.

23 MS. OTTNEY MAHAR: I'd be happy to
24 connect you with my colleague Kevin McDonald,

1 who --

2 ASSEMBLYWOMAN GIGLIO: Yes. Kevin was
3 there, and he opposed it --

4 MS. OTTNEY MAHAR: Right.

5 ASSEMBLYWOMAN GIGLIO: -- and so did
6 Bob DeLuca.

7 MS. OTTNEY MAHAR: Okay, great. Then
8 you know where we stand.

9 (Laughter.)

10 ASSEMBLYWOMAN GIGLIO: Yeah. But what
11 I was saying is that if there were a -- maybe
12 a bid, where you went out for bid and the
13 contractor came in and said, okay, this
14 historic structure that we preserved needs
15 \$300,000 worth of work -- you could put it
16 out for an RFP and get three bids and then
17 possibly use that funding to repair a
18 structure for capital improvements, but not
19 necessarily for operations and maintenance of
20 it. Do you agree with that?

21 MS. OTTNEY MAHAR: I'm not sure I know
22 enough to answer you well.

23 ASSEMBLYWOMAN GIGLIO: Okay. Thank
24 you.

1 CHAIRWOMAN KRUEGER: They'll get back
2 to you at another time.

3 MS. OTTNEY MAHAR: Yeah, happy to.

4 CHAIRWOMAN KRUEGER: Thank you. I
5 think that's it for this panel. Thank you so
6 much for being with us tonight.

7 MS. OTTNEY MAHAR: Thank you.

8 MS. MOSER: Thank you.

9 MR. BAUER: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much for staying.

12 Now to Panel H: New York Renews;
13 Rewiring America; New Yorkers for Clean
14 Power; Public Utility Law Project; Green
15 Education and Legal Fund.

16 Hi. Shall we start with you?

17 MR. EDEL: I think so, assuming I can
18 turn on the microphone.

19 So I'll just start -- and I'll try and
20 be quick. It's been a long night, and I know
21 it's been a very long day for all of you.

22 My name is Stephan Edel. I am the
23 coalition coordinator/executive director at
24 New York Renews Coalition. We're a coalition

1 of more than 370 organizations around
2 New York State working on climate and making
3 this a great state for a long time to come.

4 We have a whole series of priorities
5 and a whole series of opinions that are in
6 our detailed agenda, so I'm not going to go
7 through the longer list. I'm going to focus
8 in on two particular items.

9 We have a really core opportunity this
10 year because last year we passed the
11 Climate Action Fund. This was a really big
12 step for the Legislature and the Governor to
13 take. We created this structure that ensures
14 good jobs, responsible contracting for funds
15 that come in through climate fund -- climate
16 action revenue.

17 Now, we cannot continue to wait for
18 the next thing to happen, right? For years
19 we heard, We'll deal with climate funding,
20 we'll deal with environmental funding when
21 the Bond Act is finished. Now we're hearing,
22 When we have cap-and-invest revenue, when we
23 get the federal dollars in.

24 And this is the moment where you have

1 the best leverage to actually get it up and
2 running.

3 We heard amazing testimony earlier
4 today about how hard it is to actually get
5 programs working, get money moving. And we
6 don't want to wait until we're collecting
7 billions of dollars of cap, trade and invest
8 revenue to figure out how we get it out into
9 communities. Right? That is a formula for
10 people to be really unhappy and for us to
11 lose this moment.

12 So if I can put forward just one thing
13 for you all to pay attention to, it's that
14 this is the opportunity for that. Right? We
15 don't need ten -- many -- probably many of
16 you have seen me up here before talking about
17 needing \$10 billion or \$15 billion. All
18 we're asking for this year is something to
19 get this program started. Right? There's a
20 whole array of things that can be done right
21 now and people can see in their communities,
22 see benefits in their communities, and get
23 things moving.

24 And the alternative to that is

1 continuing to wait and see what happens next.

2 We have a lot of thoughts and a lot of
3 discussion going on in the state about cap,
4 trade and invest. And I'd also encourage all
5 of you to really engage and use your
6 leadership. It's going to be a really huge
7 impact for the state, and there are
8 tremendous concerns about doing it right.

9 Again, in our testimony we go through
10 a whole series of guardrails. But I'd
11 encourage all of you to take this opportunity
12 to lead. Right?

13 There's no debate about climate
14 change. There's no debate that it is killing
15 New Yorkers, that pollution is killing
16 New Yorkers. And there is a strange
17 discussion I find every year around climate
18 funding where we start talking and we hear:
19 Well, we don't have enough money from
20 ratepayers. Right? We need general funds to
21 go into this so that we can stop using the
22 single most regressive tax in New York State
23 to pay for all of our energy infrastructure.

24 CHAIRWOMAN KRUEGER: Thank you.

1 MR. EDEL: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Next.

4 MR. HERNANDEZ: Thank you. Thank you
5 for the opportunity to testify today.

6 My name is Michael Hernandez, and I'm
7 the New York policy director for Rewiring
8 America. Rewiring America is a leading
9 electrification nonprofit focused on
10 electrifying our homes, buildings, and
11 communities.

12 I'll start off by talking about the
13 Affordable Gas Transition Act and the NY HEAT
14 Act.

15 Currently the Public Service Law
16 drives the expansion of an expensive,
17 inefficient gas system by establishing a
18 utility obligation to supply gas to any
19 customer upon request and charging existing
20 ratepayers for the cost of new connections.

21 The Governor's proposed Affordable Gas
22 Transition Act will correct this costly and
23 harmful practice, but it does not include the
24 codification of the Public Service

1 Commission's goal that no ratepayer pay more
2 than 6 percent of their household income.
3 And it doesn't have a timeline for
4 implementation.

5 The legislative one-houses should
6 accept the Governor's proposal and modify it
7 to codify the 6 percent household income goal
8 and a timeline for implementation.

9 Next I'll talk about the EmPower+ and
10 Energy Affordability Program. Last year's
11 enacted budget included \$400 million for the
12 EmPower+ and the Energy Affordability
13 Program, which helps low-income New Yorkers
14 get off dirty, expensive fossil-fuel
15 combustion heating systems to clean, green
16 electric systems and keeps their energy costs
17 down.

18 This year the Governor's cut this
19 funding down to only \$50 million. This cut
20 will significantly impact how New Yorkers can
21 receive this vital service. The Legislature
22 should match last year's \$400 million
23 appropriation.

24 We also support the Renewable Energy

1 through Project Interconnection and
2 Deployment, the RAPID Act. It's vitally
3 important that we move forward with
4 transmission approvals and interconnection of
5 renewable energy resources.

6 I just want to talk about the
7 implementation of the All-Electric Buildings
8 Act that was enacted last year. The building
9 sector is the largest source of greenhouse
10 gas emissions in New York State. The
11 Building Code Council and NYSERDA have been
12 tasked with implementing and incorporating
13 the electrification of new construction into
14 the Building Code.

15 They haven't done that yet. It's --
16 they've already gone through two versions.
17 The third version is coming out in March.
18 And so we really need the All-Electric
19 Buildings Act to be -- as part of the
20 Energy Code.

21 Also they're supposed to include the
22 recommendations of the Climate Action
23 Council, as well as making sure that it is
24 consistent with our greenhouse gas goals. So

1 they should do that.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much.

4 Next?

5 MS. WHEELLOCK: Good evening. My name
6 is Laurie Wheelock. I go by she/hers
7 pronouns. I'm the executive director and
8 counsel of the Public Utility Law Project; we
9 go by PULP for short.

10 Our written testimony goes through
11 many different proposals and aspects, but
12 tonight I want to start with two specific
13 asks.

14 The first is to protect, codify, and
15 fund the Energy Affordability Program.
16 Michael just talked about it briefly, but
17 essentially the Energy Affordability Program
18 was created in 2016 by a commission order.

19 The Public Service Commission, that
20 regulates all of the investor-owned utilities
21 from Con Ed to NYSEG to Central Hudson, has a
22 program right now for low-income households
23 that gives them monthly discounts off their
24 bills for a year. What they have to do is

1 show that they're already enrolled in a
2 public assistance program, from SNAP to HEAP
3 to Lifeline, and they can get these discounts
4 for a year.

5 It is a lifeline. It's one of the
6 first things we do when someone contacts us
7 and they're at risk of shutoff, is check to
8 see if they're getting these credits.
9 Because every dollar helps their burden in
10 some economic matter.

11 This program is a vital lifeline.
12 Last year we came to the Legislature because
13 we were concerned that there was
14 underenrollment. We felt there was about a
15 million households out there that could
16 qualify for this program but didn't know
17 about it. And thanks to Assemblywoman
18 Solages and Senator Parker, data-matching was
19 passed and signed into law.

20 So in 2025 we're going to have the
21 Office of Temporary Disability and Assistance
22 that has the lists of the low-income
23 households and the utilities start
24 data-matching. And so there's going to be a

1 natural increase in the program, which we're
2 so excited about. We thank the Governor, we
3 thank the Legislature, because that is
4 momentum.

5 But I'm here tonight because I am
6 concerned about adding more people in the
7 program the way it's currently funded. It's
8 all ratepayer funding. It has a 2 percent
9 budget cap. Each utility comes up with their
10 budget, and so people enroll, they get their
11 credits by a formula. But if you add more
12 people and you hit the cap, the fear is
13 adding more will decrease the credits.

14 So that's why we're asking "do no
15 harm." Let's put \$250 million into the
16 budget for EAP to act as a cushion so that we
17 can add those people safely to the program,
18 and then codify it to get it ready for things
19 like cap-and-invest.

20 We recognize that we are on a train
21 when it comes to affordability. There's a
22 lot of costs out there that we're not sure
23 about that might shift around. And so we'll
24 talk later and in our testimony about more

1 transparency measures.

2 But the last thing I want to put in a
3 plug for is PULP. Our organization has been
4 a huge supporter of intervenor funding. It
5 got vetoed again, but thank you for getting
6 it passed. We need more support.

7 We're a small but mighty office of 10
8 that represents the entire state. We've been
9 in seven rate cases. We had 1,706 hotline
10 calls last year, and over 400 cases where we
11 helped low-income New Yorkers -- and
12 moderate -- try to fight back and make sure
13 they can empower themselves, prevent
14 shutoffs, reach energy efficiency while also
15 maintaining a safe and affordable home.

16 So thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Mark?

19 MR. DUNLEA: Thank you for the
20 opportunity to speak this evening. My name
21 is Mark Dunlea. I'm here to represent the
22 Green Education and Legal Fund.

23 I wanted to just start with a few
24 quick things. My first job as a college

1 student back in the mid-seventies was to work
2 on this thing called the Bottle Bill. It's
3 time to update that, expand what is covered,
4 and also go to a 10-cent deposit.

5 We support raising the funding for the
6 Water Infrastructure from 600 million rather
7 than the proposed cut to 250 million.

8 And as Stephan and others have talked
9 about, we need to finally make polluters pay
10 for the damages they've been causing in
11 New York State, and that starts with the
12 Climate Superfund.

13 And I'll also say we probably support
14 the proposal by Assemblywoman Glick to
15 reintroduce wolves to help control the deer
16 population, which is definitely having a
17 negative impact.

18 I very much appreciated the comments
19 from Keanu from Fridays for the Future NYC.
20 The climate crisis is already here. We had
21 extreme weather rampaging across the planet
22 last year. It led to the head of the
23 United Nations saying that the slow action by
24 government on dealing with climate has opened

1 up the gates to hell. And scientists are now
2 debating whether or not in 2023 did we
3 actually hit the 1.5 degrees centigrade
4 warming target.

5 We are out of time. We need to move a
6 lot faster. We need to in fact cut emissions
7 much faster than is laid out in the CLCPA.
8 President Biden has said the national goal is
9 a 50 to 52 percent cut by 2030, not the
10 40 percent cut we're talking about here in
11 New York State. We should at least go with
12 Biden and the cap-and-invest program.

13 We tend to oppose the cap-and-invest
14 program for many reasons, but we support a
15 lot of things New York Renews does.

16 The floor of \$23 for carbon is
17 ridiculous. It should be at least 85,
18 according to the IMF. We'd include
19 everybody.

20 When I started working, trying to
21 influence the Legislature, this building did
22 not exist. It is a little bit disturbing to
23 hear that OGS, five years after we convinced
24 the lawmakers to stop putting more fracked

1 gas turbines in Sheridan Hollow after a
2 century of pollution, wants to take another
3 10 years to reduce emissions in the Capitol
4 complex by over 50 percent. That is way, way
5 too slow.

6 Finally, one of the issues I worked on
7 for the last decade has been to get the
8 New York State pension funds to be divested
9 from fossil fuels. We appreciate your
10 assistance in trying to convince Tom DiNapoli
11 to finish that process, and also get the
12 New York State Teachers Retirement System to
13 divest as well.

14 Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Please.

17 MR. GUPTA: Thank you for this
18 opportunity. My name is Anshul Gupta. I am
19 the policy and research director at
20 New Yorkers for Clean Power, a statewide
21 collaborative campaign --

22 CHAIRWOMAN KRUEGER: Move your mic a
23 little closer.

24 MR. GUPTA: My name is Anshul Gupta.

1 I am the policy and research director at
2 New Yorkers for Clean Power, a statewide
3 collaborative campaign to rapidly shift to a
4 clean-energy economy. Through research,
5 education, advocacy, and organizing, the
6 campaign seeks to advance a range of
7 clean-energy solutions as well as job
8 creation in these industries.

9 In light of the rapidly worsening
10 climate crisis, we urge the Legislature to
11 step up the pace and ambition of climate
12 legislation. We are grateful to
13 Governor Hochul for including the major
14 elements of the NY HEAT Act in her
15 Executive Budget.

16 We request the Legislature to
17 significantly strengthen its energy
18 affordability provisions, include the
19 prevailing wage provisions, and include a
20 timeline for the Public Service Commission to
21 incorporate the objectives of this bill into
22 the commission's rules and regulations.

23 In the absence of the NY HEAT Act, the
24 commission's gas planning process is unable

1 to incorporate the CLCPA's goals, which is
2 resulting in continued massive wasteful
3 investments of ratepayer dollars into
4 potentially stranded assets.

5 Next, geothermal heat pumps are the
6 most efficient heating and cooling technology
7 available today that advances our climate
8 goals while helping our electric grid's
9 reliability and cost-effectiveness. This
10 technology seems to have earned an unfair
11 reputation of being costly. In reality,
12 geothermal has more of a cost-allocation
13 problem than a cost problem. The most
14 expensive part of the system, the ground
15 loop, can have service life of up to a
16 century. Yet the entire cost is paid
17 up-front by the first owner, who would never
18 reap the entire lifetime benefit.

19 We urge you to help make this
20 technology more affordable by increasing the
21 cap on state income tax credit to \$10,000 and
22 make it refundable.

23 Next, the Green Transit, Green Jobs
24 bill will bolster New York's efforts to

1 implement the CLCPA by phasing out purchases
2 of new buses powered by polluting fuels by
3 the end of the decade. This commonsense
4 policy will slash harmful pollution from
5 public transportation, particularly in
6 communities already overburdened by the
7 tremendous health harms caused by burning oil
8 and gas.

9 This bill would also support creation
10 of manufacturing union jobs, so please
11 include this bill among the budget's
12 Article VII bills.

13 Senator Harckham and
14 Assemblymember Levenberg have another
15 commonsense bill, S1179 and A7269, that will
16 exempt municipal, county, or state parking
17 lots from going through the long and
18 unnecessary parkland alienation process for
19 installing solar canopies, so that people cut
20 fewer trees and use less farmland. This
21 excellent bill has bipartisan support in both
22 houses, yet it has been languishing in the
23 Assembly for a while. We urge you to just
24 pass it through the budget and get the job

1 done.

2 Our written testimony includes some
3 additional requests. Thank you again.

4 CHAIRWOMAN KRUEGER: Thank you very
5 much.

6 We seem to be gaining Assemblymembers.
7 (Laughter.)

8 CHAIRWOMAN KRUEGER: You're a little
9 early for tomorrow's hearing.

10 (Laughter.)

11 CHAIRWOMAN KRUEGER: I know people
12 like to get good seats. I'm so sorry.

13 Pete Harckham, you had a question.

14 SENATOR HARCKHAM: I did. Thank you,
15 Madam Chair.

16 Thank you all for staying so late.
17 Your testimony means a lot. And Laurie,
18 great to see you. Thank you for your
19 partnership and help with our constituents.

20 I'll ask a question of Mark, and
21 others can answer as well. Thank you for
22 bringing up the cost of carbon and the \$23.
23 I asked the president of NYSERDA that earlier
24 today -- I don't know if you were here -- and

1 she artfully dodged the question completely.

2 California is four times \$23. You say
3 IMF at 85. Some academics are going as high
4 as \$125 a ton. So anybody who wants to speak
5 on this, speak of where you think New York
6 should be when we begin to roll out our
7 carbon market and cap-and-invest.

8 MR. DUNLEA: I mean, I'll just mention
9 that DEC estimates the social cost of carbon
10 is, on average, \$121 a ton. And when the IMF
11 estimates that worldwide we provide a
12 \$7 trillion annual subsidy to fossil fuels,
13 almost exclusively that's by not charging
14 them the cost of the damages they do.

15 In New York State alone, the estimated
16 healthcare cost from burning fossil fuels --
17 \$50 billion on an annual basis.

18 MR. EDEL: I mean -- I imagine Anshul
19 and others will have thoughts. I mean, we've
20 modeled various things and in prior years we
21 had advanced the Climate and Community
22 Investment Act -- thank you, Senator. And
23 we, you know, assessed \$35 a ton, we assessed
24 \$40 a ton.

1 You know, we know we're not going to
2 get \$120, \$200 a ton, even \$85 a ton. And
3 the process we're going into with NYSERDA is
4 one -- and with DEC, is one to set the
5 regulations, and we have to push for it to be
6 as high as we possibly can.

7 At \$23 a ton, I don't think it will
8 generate enough revenue to be transformative.
9 But we'll have to see what happens.

10 MR. GUPTA: I would add that instead
11 of artificially lowering the carbon price in
12 the cap-and-invest program, the best way to
13 improve the affordability of the program is
14 to reduce emissions through legislative and
15 regulatory processes and use them along with
16 the cap-and-invest program, and not just
17 depend only on the cap-and-invest program.

18 The least-cost emissions reductions
19 are those that are not removed by pricing
20 them out of the market, but by passing bills
21 like the NY HEAT Act.

22 SENATOR HARCKHAM: Thank you all.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Assembly, do you have any questions?

1 ASSEMBLYWOMAN GLICK: I guess I'll ask
2 Stephan this.

3 I know that there is a very long
4 laundry list of things that we need to do.
5 And I don't disagree with the long list,
6 because we have a lot of different problems
7 that interplay with one another.

8 What are the top five?

9 MR. EDEL: Yeah, I mean, we went
10 through an extensive process talking to
11 hundreds of groups around the state. And
12 we -- so it's a great setup, thank you. And
13 we assessed essentially five.

14 The Just Energy Transition Act, the
15 NY HEAT Act, and the Climate Superfund Act
16 all have a great balance of reducing
17 emissions, driving policy change, and
18 actually reducing impacts on consumers. And
19 at the same time we think the next step
20 beyond that is actually to finally get around
21 to funding the Climate Law. Right? We've
22 seen minute increases, but no dedicated
23 funding and a continued reliance on ratepayer
24 fees. So we're calling for a billion dollars

1 in both one-house budgets this year.

2 We'll continue calling for more
3 funding. We spent a lot of time with labor
4 and community partners and the AFL/CIO
5 developing the labor standards for the
6 Climate Action Fund, and we'd like to see
7 money actually flow through it to both reduce
8 emissions and create good jobs in every
9 community in the state.

10 MR. DUNLEA: I was hoping for
11 Senator Harckham's question about what is the
12 one thing everybody should do. You gave us
13 five.

14 But I would say convert the State
15 Capitol in three years to 100 percent
16 renewable energy. Michigan just did it for
17 geothermal in 18 months, including the
18 planning process.

19 This building basically has been
20 polluting a low-income community of color for
21 more than a century. It has burned oil, it
22 has burned gas, it has burned coal, and it
23 has burned garbage. And you go to the
24 Department of Health's own data, and there is

1 a big cancer cluster in that neighborhood.

2 And when we talk about environmental
3 justice issues, getting the state to stop
4 polluting a neighborhood in order to power
5 these buildings is a great step.

6 And then also invest in some real
7 programs so that community -- like, for
8 instance, there is a pilot program right now
9 that NYSERDA is funding looking at putting in
10 geothermal heating, district geothermal
11 heating, for 100 homes both in
12 Sheridan Hollow and in the Mansion
13 neighborhood, and that'd be a good step.

14 MS. WHEELLOCK: And just to add really
15 quickly, one of the things that PULP is
16 pushing for is that transparency piece with
17 affordability.

18 Last budget cycle we asked the state
19 to do a climate affordability study. It came
20 out in December, and we see that as a good
21 base, but we would like to see that on an
22 annual basis and add to it.

23 So have the Department of Health
24 involved, have OTDA involved, so that way we

1 can start putting out the numbers of each of
2 the agencies -- where are the costs, where
3 are the benefits, so that we can help
4 streamline programs and act in the moment.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Hinchey.

7 SENATOR HINCHEY: Thank you very much.

8 And I echo my colleagues: Thank you
9 all for your testimony and for being here.
10 It's very important.

11 Laurie, I would like to -- I know it's
12 in your testimony, but just to hear it out
13 loud, what is the ask for PULP?

14 MS. WHEELLOCK: Last year we were
15 granted \$1.4 million, which -- thank you so
16 much -- that allowed us to bring on another
17 part-time staffer to do research.

18 This year we're asking for \$850,000 of
19 an increase. That would give us the ability
20 to hire at least five more staffers. We'd
21 like four attorneys and one researcher to
22 help us.

23 I think part of the issue with PULP
24 being stretched so thin is that because of

1 the pandemic, all the rate cases are now
2 bumping up against each other. So last year
3 alone, we were in seven. When I started with
4 PULP, we would have two a year.

5 So we had Con Ed, we had NYSEG/RG&E,
6 we had Central Hudson, we had NFG. You know,
7 there's a lot going on on Long Island -- we
8 had Veolia Water, we had Liberty Water. And
9 Orange and Rockland just filed a few weeks
10 ago, and we expect another major utility to
11 do so too.

12 So I think that amount of staff would
13 really help us be able to continue to do all
14 the work we're doing, but give us that extra
15 time to be able to grow even more.

16 SENATOR HINCHEY: Thank you. I think
17 if there's any organization that deserves
18 more funding for more staff, it is PULP for
19 the work you do.

20 We've talked a lot today about clean
21 water and the challenges we are facing with
22 clean water and kind of what I think we all
23 see as a ridiculous proposal to cut our clean
24 water funding. But we've worked with you a

1 lot on small water companies and the
2 challenge that that exists. And so we have a
3 proposal for a small water authority.

4 Could you talk a little bit about your
5 experience and what you see across the state
6 on this issue?

7 MS. WHEELLOCK: Yes. So especially,
8 you know, back in the '50s, it was very
9 common for, you know, a lot of these smaller
10 water companies to be owned by families, to
11 be passed down by generations.

12 And they are -- you know, if they're
13 private, they are regulated by the Department
14 of Public Service and the commission. But
15 unfortunately, you know, the infrastructure
16 is aging in a lot of the state, and so these
17 infrastructure costs, they come to the
18 commission and they need, you know, massive
19 increases, sometimes 52 to 63 percent, which
20 is just unaffordable.

21 And so a lot of times the policy is to
22 talk to them and see if maybe a larger water
23 utility, like a Veolia or a Liberty, will buy
24 out these small utility companies. But the

1 municipalities may want them, and it's a lot
2 of money to invest in these systems.

3 So having a water authority run by the
4 state that can help in these instances --
5 like, for instance, Hudson Valley Water
6 Company -- would be a tremendous help for the
7 communities around them.

8 SENATOR HINCHEY: Thank you very much.

9 CHAIRWOMAN KRUEGER: Assembly?

10 CHAIRWOMAN WEINSTEIN: Assemblymember
11 Kelles.

12 ASSEMBLYWOMAN KELLES: I wanted to
13 start just by thanking you all.

14 I've heard so many comments today
15 about, you know, how our whole plan to go
16 renewable and fight climate change is just
17 going to destroy our economy, it's going to
18 make everything super -- like absolutely
19 unaffordable for everybody, and not
20 acknowledging that we have a comprehensive
21 plan in place.

22 Yes, while we are converting to
23 renewable, we are also putting all of these
24 programs in place to guarantee affordability,

1 particularly for those who need it, like the
2 HEAP, like EAP, like the Energy Guarantee
3 Program, like EmPower+.

4 And, you know, I think that the piece
5 that you said here, too, so important to make
6 sure that the 250 million are put in and that
7 we make sure that it is in statute and
8 permanent and that we have it every year. So
9 I just wanted to say thank you for that,
10 because we do need to see that all in
11 context.

12 I also wanted to say, for the
13 divestment piece -- you know, I'm passionate
14 about that. I just wanted to add, though,
15 that it is also because it is actually a
16 greater return on your investment and you
17 optimize your return if you divest. All the
18 research shows that actually divestment is
19 the fiduciarily responsible thing to do.
20 So, again, just a comment for that.

21 I did want to ask, you know, to
22 expound upon -- you brought up JETA -- what
23 role you see JETA playing in helping us reach
24 our renewable goals.

1 MR. EDEL: Yeah. I mean, I think one
2 of the things that's been a theme today is
3 that there are lots of different pieces of
4 the solution. Right? There's not
5 one-size-fits-all. And JETA is a vital step,
6 right?

7 What it requires is that we do exactly
8 what folks on the panels have been saying
9 today. Look at the most polluting power
10 plants in the state, talk to the community,
11 the labor organizations involved, the power
12 plant owners, and then figure out a detailed
13 plan that is actually going to move that
14 community to have renewable energy instead of
15 the pollution.

16 ASSEMBLYWOMAN KELLES: So in that same
17 site, where there's already a building,
18 there's already a hookup, that would be the
19 most cost-effective location.

20 MR. EDEL: Yes. In that site or
21 related to that site, so that it replaces
22 that power locally.

23 And this is a model that's been built
24 in -- on actual work that's going on. The

1 Ravenswood plant in Queens is moving through
2 this process, and the bill looks at what's
3 gone on there with negotiations with the
4 unionized workforce, with the employer, with
5 the power companies involved, to say how do
6 we actually replicate this in other places
7 where we have the most polluting power plants
8 in the state.

9 ASSEMBLYWOMAN KELLES: And this bill
10 has union support, it has advocacy support --

11 MR. EDEL: Yeah.

12 ASSEMBLYWOMAN KELLES: -- it has
13 business support, right?

14 MR. EDEL: The only people who don't
15 support it are people who have a fiscal
16 interest in opposing gas transition.

17 ASSEMBLYWOMAN KELLES: That's really
18 important. Thank you so much.

19 I've run out of my time, but I have a
20 million other questions. We'll talk
21 afterwards. But thank you, everyone, for
22 being here.

23 MR. EDEL: Thank you.

24 ASSEMBLYWOMAN KELLES: Absolutely.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 Assemblywoman Giglio.

3 ASSEMBLYWOMAN GIGLIO: Thank you.

4 And thank you all for being here this
5 evening.

6 So, Anshul, you really inspire me,
7 because, you know what, the goal is to reduce
8 carbon emissions and to penalize
9 manufacturers, hospitals, our largest
10 employers -- who, in my district, I just
11 found out today from Senator Ramos that
12 they're picking up and leaving because the
13 utility costs are too high, labor costs are
14 too high, penalties are too high. And
15 manufacturing plants like that are turning
16 into warehouses for Amazon for more truck
17 traffic on our roadways.

18 So I want to ask all of you, do you
19 think that it would be more prudent to -- for
20 New York State to invest in large
21 manufacturers, which are the large job
22 creators that are paying living wages, to
23 help them decarbonize, than it would be to
24 penalize them to pay for policies that

1 New York State puts in place?

2 MR. EDEL: I'm happy to start, and I
3 know others will have thoughts.

4 I don't think that's the right way of
5 framing the question. Right? We can and in
6 fact need to do both. If we don't have the
7 legal framework, if we don't have state
8 funds, we can't help those business address
9 their emissions.

10 Do we need to protect those businesses
11 and keep them in-state for employment
12 reasons? Yes. But doing that without
13 reducing their emissions doesn't actually
14 help them in the long run. We need to make
15 sure that they're cutting emissions.

16 As Anshul said, the best and cheapest
17 way to reduce emissions is not to pollute.
18 And almost every business, given the adequate
19 support that the state could be giving them,
20 could reduce their emissions rather than
21 paying into the cap-and-invest system.

22 So it's not a choice, one or the
23 other. We have to make those steps so that
24 businesses reduce their emissions. That

1 saves them money, and it doesn't increase
2 their costs. Right? We can do both, and we
3 have to.

4 ASSEMBLYWOMAN GIGLIO: Thank you for
5 your thoughtful answer.

6 MR. GUPTA: And I would add that we --
7 I wouldn't characterize this as a penalty.
8 This is making the system more fair.

9 We all pay for disposing our solid
10 waste. We pay the cost for disposing our
11 liquid waste. But we dump our gas waste for
12 free.

13 This is just making the polluters pay
14 their share of the costs of disposing the
15 gaseous waste freely that they've been doing
16 for decades. And it's -- it's not a penalty.

17 ASSEMBLYWOMAN GIGLIO: But a lot of
18 the big manufacturing companies want to go to
19 battery storage. They want to do renewable
20 energies. They want to use their battery
21 storage to power their plants. But New York
22 State does not give them the mechanism to do
23 that.

24 So I think that those policies are

1 just as important as pushing people out of
2 New York State. And in my opinion, it's
3 another mantra of taxing the rich, the large
4 manufacturers and employers.

5 CHAIRWOMAN WEINSTEIN: Thank you.

6 Assemblywoman Simon.

7 ASSEMBLYWOMAN SIMON: (Mic issue.)

8 Really, it's been a long day (laughing).

9 Sorry.

10 So I did have a question for PULP.

11 First of all, I want to thank you for all the
12 work you've done, because I know that not
13 only do you help people in need, but you
14 actually help people like me who just don't
15 understand what it is that's going on and
16 really need help. And it's really helpful to
17 get that, you know, accurate information.

18 And I know you need additional funding
19 for staffing. If you had a magic wand, what
20 would PULP be able to do for New York State?

21 MS. WHEELLOCK: And thank you for the
22 question.

23 My staff will laugh, but my goal is
24 for PULP to have 151 of us, because you need

1 to have stretch goals. And I think the
2 ultimate goal is just to be able to expand
3 who we're able to help.

4 You know, our mission is low-income,
5 but we have people who call us who are small
6 business owners and they're under a
7 commercial rate that is more expensive than
8 the residential rate, and they may have
9 different consumer protections.

10 You know, we would love to expand and
11 get more involved with the siting and the
12 transmission piece of it, because there's a
13 lot of cost there.

14 You know, PULP has had to sit down and
15 really prioritize what we're able to do
16 because we're being asked to jump into
17 everything, and we're trying, but it's a lot.

18 So, for instance, we're doing NENY
19 right now, the New Efficiency: New York, to
20 look at all the energy-efficiency stuff. But
21 we would love to do, you know, the utility
22 thermal network piece and get involved.

23 So I think we would just love to be
24 able to expand and just make sure that we

1 have a foothold in everything that the
2 commission is doing, and then the other
3 agencies as well when it touches energy.

4 ASSEMBLYWOMAN SIMON: Thank you.

5 CHAIRWOMAN WEINSTEIN: Assemblyman
6 Palmesano.

7 ASSEMBLYMAN PALMESANO: Yes. No
8 questions for the panel, but I do want to
9 say -- make a comment and read something.

10 We have a lot of environmental groups
11 that are testifying here today, but no one
12 talking about energy affordability. In fact,
13 there's one group that had asked to testify,
14 they were denied the ability to testify. And
15 I'd like to read this.

16 "New Yorkers for Affordable Energy is
17 a coalition of labor unions and businesses
18 concerned about potential obstacles for
19 ratepayers and service providers arising from
20 New York State's revolutionary transition
21 away from the natural gas system as we know
22 it.

23 "the coalition understands and
24 appreciates the inevitability of the state's

1 transition to clean energy, but demands our
2 lawmakers do so with common-sense principles.
3 At this moment, New York's road map towards
4 clean energy fails to account for those
5 values. I want to focus directly on the
6 parts of the Executive Budget that would
7 implement elements of the NY HEAT Act or the
8 Affordable Gas Transition Act, as
9 Governor Hochul is calling it.

10 "Let me be clear. This legislation is
11 not affordable and is not necessary.

12 "First, this legislation would lead to
13 the abandonment of the gas system and force
14 electrification on consumers who don't want
15 it, don't need it and, most importantly,
16 can't afford it. These conversions would
17 cost homeowners and businesses between
18 \$20,000 and \$50,000 each, according to
19 industry estimates.

20 "Second, the utility cost cap
21 envisioned in this legislation will not lead
22 to lower bills for most New Yorkers.
23 Instead, the savings accrued to some will be
24 spread out among other utility ratepayers.

1 This in effect means that while some will
2 benefit, most will not. These costs will go
3 on top of the 25 percent of the bill that is
4 already New York State taxes and fees, and
5 the 4.5 to 9.5 percent already caused by the
6 CLCPA, according to a study conducted by the
7 Empire Center for Public Policy.

8 "Third, the NY HEAT Act will put
9 hardworking New Yorkers on the unemployment
10 line and significantly damage New York's
11 economy. One of our steering committee
12 members, Power and Construction Group, from
13 Rochester, estimates that about a third of
14 its workforce, over 100 people, will be laid
15 off if this policy is implemented.

16 "Getting rid of the 100-foot rule,
17 obliging a utility to provide service to a
18 customer within 100 feet of the main line,
19 will cost thousands of good-paying jobs. We
20 promise that if you continue down this
21 course, blue-collar voters in New York State
22 will not forget it.

23 "Some say we should not worry because
24 these same workers can just be shifted over

1 to the electric work -- to do electrical work
2 or, as the League of Conservation Voters
3 recently suggested in their 2024 policy
4 priorities, that they can do thermal work.

5 "Let me be clear, 100 percent clear.
6 It takes years of training to do gas work and
7 additional years of different training to do
8 electric or thermal work. People who make
9 comments like this don't understand the
10 specialized training requirements that these
11 jobs demand, and they don't understand the
12 importance of our gas infrastructure to the
13 economy.

14 "As we move forward in this budget
15 process, we want you to know that we are
16 concerned about these policies, but most
17 importantly we stand ready to work with you
18 towards what we should do as our common goal:
19 Reducing utility costs, protecting
20 good-paying union jobs, and utilizing a
21 rational and sustainable approach to meet our
22 shared clean energy goals."

23 CHAIRWOMAN WEINSTEIN: Thank you,
24 Phil. Time is up.

1 ASSEMBLYMAN PALMESANO: Thank you.

2 CHAIRWOMAN KRUEGER: Now we've
3 motivated another Senator to ask question.

4 Senator Pete Harckham.

5 SENATOR HARCKHAM: Thank you. I'll
6 take my prerogative as chair to ask a
7 follow-up.

8 You just heard a lengthy comment
9 without the opportunity to respond, so if any
10 of you would like to respond to the good
11 gentleman's comments that we just heard.

12 MR. GUPTA: Yes, absolutely.

13 New Yorkers for Affordable Energy is a
14 501(c)(6) business league. It's an
15 astroturfing front group funded by the likes
16 of the American Petroleum Institute, with the
17 executive director from New Jersey.

18 And it is actually being abandoned by
19 most gas utilities that used be on its
20 steering committee. And the only gas utility
21 on the steering committee left right now is
22 National Fuel Gas, because they don't have an
23 electric business.

24 The goal of this group, as stated in

1 their own IRS filings, is the expansion of
2 natural gas. They have nothing to do with
3 affordability. They are hardly New Yorkers.

4 Once again, it is an astroturfing
5 front group. It's a 501(c)(6) business
6 league.

7 CHAIRWOMAN KRUEGER: Thank you.

8 MR. EDEL: I could talk at great
9 length, but I'll just respond to one point.
10 Which is, you know, the idea that there is no
11 transferability is shortsighted and wrong.
12 Right?

13 It is a really hard question. But
14 that's why the building trades and the state
15 AFL-CIO and employers have been working very
16 hard on it in a whole series of contexts,
17 including around the transition of
18 Indian point, including setting standards for
19 transition in programs that are being created
20 and the Office of Just Transition.

21 So it is hard. And people should not
22 be flip about the challenge that that's posed
23 and how badly it's been handled in trade
24 adjustment and other programs. But it is

1 also not insurmountable.

2 MR. DUNLEA: And I'll just point out,
3 you know, the IMF, which is a pretty moderate
4 group, it's not a radical activist
5 organization, you know, they say we're
6 providing a \$7 trillion annual subsidy to
7 fossil-fuel companies. That really distorts
8 the marketplace.

9 And I think it's also one of the
10 reasons why the Legislature has to get
11 serious about how much money are you going to
12 raise to help people pay for this transition.
13 How are we going to subsidize people when
14 they get the heat pumps and the geothermal?

15 And, you know, you can also debate --
16 you know, I drafted a carbon tax -- actually
17 with your former boss -- and we proposed
18 rebating 60 percent of the revenues raised
19 from carbon pricing. The Governor's
20 proposing a third. That's a number you all
21 should be debating: How much money do we
22 need to offset whatever aggressive nature of
23 carbon pricing?

24 MS. WHEELLOCK: And just to add, you

1 know, PULP stands ready. We appreciate the
2 NY HEAT Act, we appreciate the Governor's
3 language. Both include affordability. You
4 know, the Governor leaves a lot of deference
5 to the department. We appreciate their
6 specific provisions and guardrails. So we
7 would love to be a part of that discussion as
8 things proceed.

9 CHAIRWOMAN KRUEGER: Thank you.

10 I'm going to thank this panel for
11 joining with us this night. Thank you all
12 for your testimony and for your comments and
13 responses.

14 And I'm going to call up the next
15 panel: Save the Sound, David Ansel --

16 (Scattered applause.)

17 CHAIRWOMAN KRUEGER: Oh, getting some
18 applause.

19 -- Finger Lakes Land Trust,
20 Andrew Zepp; Riverkeeper, Jeremy Cherson;
21 and TIMBER, Nina Nichols.

22 (Off the record.)

23 CHAIRWOMAN KRUEGER: Good evening. It
24 is still evening, right? Yes. Good evening.

1 And why don't we just take it in the
2 order from this side of the table over.

3 Hi, good evening.

4 MR. ANSEL: {Mic problem.} Am I on?

5 CHAIRWOMAN KRUEGER: Yes.

6 MR. ANSEL: My name's David Ansel.
7 I'm the vice president of water protection at
8 Save the Sound. Save the Sound's mission is
9 to protect and restore the Long Island Sound
10 here in New York.

11 Thank you so much for the opportunity
12 to testify tonight. I want to share some
13 challenges we're facing in the Long Island
14 Sound, but first I want to remind you what a
15 valuable asset the Long Island Sound is to
16 New York.

17 It's an ecological treasure with over
18 170 different species of marine animals and
19 migratory birds. It provides recreational
20 use for millions of New Yorkers -- fishing,
21 boating and swimming. And it's an economic
22 engine for the State of New York. It
23 provides hundreds of thousands of jobs and
24 billions of dollars of revenue for our state.

1 The challenges we're facing are many,
2 and in my short time here I will just tell
3 you about the big three: Wastewater
4 pollution, stormwater pollution, and the
5 effects of climate change.

6 And the third one is in fact a triple
7 threat unto itself because the frequency and
8 severity of the rain events that we're having
9 are exacerbating the wastewater pollution
10 that's getting into the water. So we have
11 bad infrastructure, more water's getting into
12 the systems, overwhelming those systems, so
13 we're getting partially treated and untreated
14 sewage on a massive scale into the water.

15 Similarly, the stormwater runoff,
16 because of the massive flooding and the rain
17 events that we're having, we're getting more
18 pollution in the water, plus all the
19 resiliency challenges for people who live
20 everywhere in the State of New York, not just
21 the Sound.

22 So -- and the third problem is that
23 it's actually raising the temperature of the
24 water. And as the temperature rises, it

1 becomes less of a safe environment for plants
2 and animals, and then the ecology continues
3 to crash.

4 The good news is we know what the
5 solutions are: Mitigating climate change,
6 reducing stormwater pollution, and having
7 more green infrastructure and living
8 shorelines. And with respect to wastewater
9 pollution, fixing outdated and inadequate
10 wastewater infrastructure.

11 Which brings me to my ask, which is
12 that we must fund the Clean Water
13 Infrastructure Act at \$600 million. We must
14 fund the Environmental Protection Fund at
15 \$400 million with no offloads.

16 There's a massive opportunity cost to
17 doing this. If we don't do this, we will
18 continue to be putting sewage in our waters,
19 polluting our waters, polluting our
20 communities. By the way, disadvantaged
21 communities bear the brunt of that in many
22 cases.

23 And there's also an economic cost to
24 this. If we don't continue to invest at the

1 rate we are or better, we're going to
2 continue to have this problem, it gets more
3 expensive later, and we won't be able to
4 leverage the billions of dollars of federal
5 dollars that we need to solve these problems.
6 And these are multi-billion-dollar problems.

7 Thank you very much for the time.

8 CHAIRWOMAN KRUEGER: Next?

9 MR. ZEPP: Good evening. I'm Andy
10 Zepp, executive director of the Finger Lakes
11 Land Trust.

12 We're a conservation organization that
13 serves the 12 counties encompassing the
14 Finger Lakes and a good chunk of the Southern
15 Tier. We own and manage land that's open to
16 the public. We hold conservation easements.
17 And we also undertake cooperative
18 acquisitions with the state, particularly
19 DEC.

20 And I'm going to follow up on Kathy
21 Moser's comments about the backlog that we're
22 facing. As she mentioned, we -- nonprofits
23 like mine now hold \$150 million worth of real
24 estate that was acquired with the

1 understanding it would be sold to the state.
2 And over the years -- I've been working on
3 this for over 20 years -- it was never quick,
4 but it's got slower and slower and slower.
5 Hence the backlog.

6 For my modest organization, this means
7 that we own 19 different properties awaiting
8 transfer to the state and last year, for the
9 first time in a number of years, we completed
10 zero sales to the state.

11 What are the reasons for this? As
12 Kathy mentioned, title review is a particular
13 bottleneck. And we support authorizing the
14 use of title insurance. As I travel around
15 the country, virtually every other state and
16 the federal government use it, as does the
17 private sector and our land trust.

18 But also I want to recognize that over
19 the years there's been a lot of attrition.
20 The Real Property Bureau I think is sometimes
21 an obscure little corner of our state
22 agencies, and people have retired and not
23 been replaced. So both the DEC at its
24 regional offices and in Albany need

1 additional real property staff, and also the
2 Attorney General's office. So staffing is
3 part of this as well.

4 And attention is also needed. The
5 processes and procedures used by the state, I
6 think some of them probably haven't been
7 reviewed in a while. Are we using the best
8 approaches for today and then thinking of
9 more aggressive goals for 30 for 30? Are we
10 configured as we should be? Issues such as
11 appraisals, project approvals, and so on, my
12 sense is they haven't been revisited.

13 And in considering these projects, I
14 want to put in a plug for what's at stake in
15 the small projects. I love the Adirondacks,
16 but when you look at processing a project,
17 it's about the same amount of work sometimes
18 to buy a thousand acres in the Adirondacks or
19 to buy, say, 50 acres just outside of the
20 City of Elmira, where those folks may never
21 get to the Adirondacks.

22 And we're at the point where most of
23 our acquisitions are self-financed, so we're
24 able to do this, but the credit card's pretty

1 much maxed out.

2 And to give you a sense, though, of
3 the opportunity in what has become a really
4 hot market, we just put one more on the pile,
5 which is 1600 feet of frontage on the
6 Chemung River, which is navigable, in an area
7 with very little public access, hosts bald
8 eagles, for the princely investment by the
9 state of \$60,000.

10 So there are bargains still out there.
11 There's a need because this land is going
12 away. And the acquisition process needs to
13 be addressed.

14 Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 MS. NICHOLS: Good evening. Thank you
17 for the opportunity to provide testimony
18 tonight. I am Nina Nichols, representing
19 TIMBER, a nonpartisan and all-volunteer
20 community organization advocating on behalf
21 of working people in Troy.

22 The 2017 Clean Water Infrastructure
23 Act established programs that fund major
24 local water infrastructure projects in

1 New York State, including lead service line
2 replacement. These programs received
3 \$500 million in every state budget since
4 2019. This year's Executive Budget cuts that
5 investment in half.

6 Cities like Troy rely on financial
7 assistance from the Environmental Facilities
8 Corporation's intermunicipal grants and Water
9 Infrastructure Improvement Program grants to
10 support critical repairs and upgrades.

11 And even at the current funding
12 levels, the need far exceeds what's
13 available. Of the almost 500 applications
14 submitted in 2023, only 156 were at least
15 partially funded.

16 Add to this the new regulations
17 proposed by the EPA requiring every city in
18 the country to replace 100 percent of their
19 lead service lines by 2037.

20 TIMBER's top priority is to restore
21 the traditional \$500 million for Clean
22 Water Infrastructure funding and to add
23 \$100 million specifically for lead service
24 line replacement.

1 Our second related priority is a
2 request that the state formally, publicly and
3 explicitly opine on the constitutionality of
4 bonding for lead pipe replacement programs.
5 In most of New York State, a lead service
6 line becomes private property beginning at
7 the curb stop. Because local governments
8 cannot borrow money to give gifts, several
9 local water authorities have shared concerns
10 that they may be sued if they bond to fully
11 replace lead service lines.

12 Like many concerned and disadvantaged
13 communities around the state, Troy does not
14 have the liquidity to fully replace its lead
15 service lines without bonding.

16 While we are confident that state
17 agencies consider any private benefit to be
18 incidental to the public health crisis that
19 lead service line replacement programs are
20 intended to address, local governments are
21 stuck in a holding pattern until the state
22 clarifies this matter.

23 Finally, TIMBER is enormously
24 supportive of the Local Government Efficiency

1 Grant Program. As proposed, Part W of fiscal
2 year '25's Public Protection and General
3 Government bill increases the maximum awards
4 for planning grants and implementation
5 grants. We strongly endorse these proposed
6 changes.

7 To make the grant program even
8 stronger, we request the local matching fund
9 requirement be waived for planning grants
10 that either predominantly support
11 disadvantaged communities or support a total
12 population of more than 30,000 and less than
13 200,000. Local governments need the planning
14 grant to assess the potential fiscal impact,
15 but it is often a barrier.

16 CHAIRWOMAN KRUEGER: (Inaudible.)

17 MR. CHERSON: Good evening, Senator.

18 CHAIRWOMAN KRUEGER: (Inaudible.)

19 MR. CHERSON: We're burning the
20 midnight oil here.

21 Good evening. I'm Jeremy Cherson with
22 Riverkeeper, and I'm going to start with the
23 basics you've heard: No cuts to clean water
24 funding, no cuts to the Hudson River estuary

1 program, and reject the \$3 million cut to
2 environmental enforcement. Support our ECOs.

3 Now I'm going to talk about salt. No,
4 not that salt, we're going to talk about this
5 kind of salt (holding photo): Excessive road
6 salt spreading. You've heard about it. It's
7 a ticking time bomb statewide. We need to
8 address it before it's too late.

9 CHAIRWOMAN KRUEGER: Sorry, we don't
10 let people bring posters or photos or any
11 other exhibits. So you can share those with
12 us afterwards.

13 MR. CHERSON: All right, all right,
14 all right.

15 (Laughter.)

16 MR. CHERSON: Well, I was going to say
17 water containing more than 20 milligrams per
18 liter of salt is unhealthy for those on a
19 low-salt diet. But in our analysis, over
20 half of Hudson Watershed water suppliers are
21 over that limit. Meaning over a million and
22 a half New Yorkers are drinking water above
23 the EPA's guidance for salt management.

24 So we know what we need to do:

1 require measurable reductions in road salt,
2 make state agencies accountable for
3 reductions, incentivize local reductions, and
4 invest in equipment and training.

5 The Governor's budget does not include
6 anything about this. And that is a shame,
7 because the task force report has a lot. And
8 as you can tell, I am a little salty about
9 this.

10 (Audience reaction.)

11 MR. CHERSON: Now I am going to
12 transition to invasive species, another
13 threat we are not addressing enough.

14 Even though Halloween is long in the
15 rear-view mirror, I'm going to talk about
16 something quite eerie that might transit the
17 Erie Canal. This is the round goby. It is a
18 a threat. It is a threat to Lake Champlain,
19 it is potentially a major threat to the
20 Hudson. We also -- you know, biologists are
21 raising all kinds of red flags about this,
22 and we need to do something about it now.

23 And additionally, we have the invasive
24 carp. Several species moving through the

1 Mississippi River system, the Great Lakes,
2 could jump through the canal. That would be
3 a major, major disaster for the Hudson River.
4 It could destroy our striped bass fisheries
5 among the entire ecosystem of that.

6 And so, you know, we appreciate
7 Canal Corp. has done a little about this.
8 They're paying attention to it. But we need
9 the Governor and the Legislature to show
10 leadership on this and have solutions that
11 match the urgency of the reality of the
12 timeline we are facing.

13 So what we're calling for is a
14 hydrological separation in the Erie Canal
15 from the Great Lakes system, the Hudson and
16 Champlain system, to make sure there is a
17 physical barrier that will stop taxa, the
18 different species either coming from the
19 Hudson to the Great Lakes or the Great Lakes
20 over to the Hudson.

21 And that needs to happen, and that
22 needs to happen soon. That's not in the
23 budget, but this is a big threat that's
24 coming that isn't being addressed that I

1 wanted to make everybody aware of.

2 Thank you.

3 CHAIRWOMAN KRUEGER: (Inaudible.)

4 SENATOR LIU: How much time do I have,
5 Madam Chair? Just kidding.

6 I'll be very brief. I want to thank
7 this panel for your testimony and for bearing
8 with us. I do want to give an especial note
9 of appreciation to Jeremy. He's a funny guy.

10 (Laughter.)

11 SENATOR LIU: But he's pretty
12 effective also. And, you know, we've worked
13 with him --

14 MR. CHERSON: Thank you, Senator.

15 SENATOR LIU: -- and Riverkeeper on
16 local issues like the Flushing River as well
17 as other bodies of water in the City of
18 New York. So keep up the great work.

19 MR. CHERSON: Thank you, Senator.

20 SENATOR LIU: Keep the jokes coming.
21 But no props in the hearing room.

22 (Laughter.)

23 MR. CHERSON: I'm so sorry. Mea
24 culpa.

1 CHAIRWOMAN KRUEGER: Thank you.
2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Yes, we have
4 several Assemblymembers.

5 Assemblywoman Glick first.

6 ASSEMBLYWOMAN GLICK: First of all,
7 Jeremy, if you could provide us with the
8 details of what it is that you believe we
9 should be acting on, that would be very
10 helpful.

11 Obviously in a lot of places the
12 various types of invasive species,
13 particularly the carp, in a lot of places,
14 where they're like -- I know Chicago and
15 Lake Michigan have had a big concern. So I'm
16 sure we have a lot of problems.
17 Obviously we've been faced -- looking at more
18 of the terrestrial. But I'm sure there are a
19 lot of aquatics aside from the zebra mussels,
20 which for years have been a concern.

21 I do think that we did get an opinion
22 from the Environmental Facilities folks that
23 the bonding for privately owned lead service
24 lines is actually possible. So I think that

1 that exists. And I think that was an issue
2 from last year, and I think that it is now
3 that we have counsel's opinion from the
4 Environmental Facilities Corporation.

5 MS. NICHOLS: I do think that that is
6 correct, but it hasn't been made very formal,
7 very public, and broadcast in a way that
8 municipalities feel comfortable. There's
9 still resistance to bonding because of the
10 perception that they will be open to legal
11 action.

12 So we were hoping for all related
13 agencies who might be able to opine on this
14 to do so, including the State Comptroller,
15 the Attorney General, and the Department of
16 Health.

17 ASSEMBLYWOMAN GLICK: Well, I would
18 say that municipalities that are concerned
19 should be getting that opinion and relying on
20 it legally. So I don't know, I think it may
21 just be that they don't want to do the
22 bonding for private property. But that's
23 just me.

24 And David, all your points well taken.

1 And I appreciate the notion that the smaller
2 properties that are readily available that
3 are unique are things that we should go
4 after.

5 So thank you very much. Appreciate
6 you being here, and look forward to
7 continuing to work with you.

8 CHAIRWOMAN WEINSTEIN: Assemblyman
9 Otis.

10 ASSEMBLYMAN OTIS: Jeremy, you had
11 another issue you didn't talk about tonight
12 but was mentioned by somebody else, which is
13 the issue of taxing runoff.

14 Did you want to talk about that, or
15 no?

16 MR. CHERSON: Yes, Assemblyman.

17 Well, we don't necessarily want to tax
18 runoff. I think that's the wrong way to look
19 at it. I think what we want to do -- and
20 there's a bill, A4019, that would allow
21 incentives to create discount programs for
22 properties that install green infrastructure
23 and reduce stormwater runoff.

24 And there's a little bit of an

1 uncertainty in state law about whether or not
2 a discount program like that is allowable,
3 and so we are trying to figure out a way to
4 make it allowable for water utilities, or
5 clear, so they can create this discount
6 program and offer those incentives.

7 Because in places like New York City
8 specifically, we've run out of a lot of
9 places to install green infrastructure on
10 public property. And so really the -- now we
11 need to turn to ways to incentivize property,
12 and that involves adjusting or at least
13 making the water rates transparent.

14 Because right now you pay for potable
15 water, you pay for your sewer charge, but
16 you're paying for stormwater out of general
17 revenue and other taxes, but you don't know
18 you are. So, I mean, we should make it
19 transparent and create incentives.

20 ASSEMBLYMAN OTIS: Great. Thank you.

21 I want to ask David a question, from
22 Save the Sound, which is storm impact,
23 erosion -- the last few years, what kind of
24 damage have you been seeing on the shorelines

1 of the Sound that should be of concern to
2 everybody in terms of sea-level rise and
3 climate change?

4 MR. ANSEL: Okay. Thank you,
5 Assemblyman Otis.

6 Yeah, we are seeing, with the
7 frequency and severity of the storms that are
8 coming through, in addition to flooding just
9 on people's Main Streets and communities all
10 over the State of New York, we are definitely
11 seeing more sea-level rise, more erosion
12 affecting people's property and people's
13 lives.

14 And, you know, we know that hardened
15 surfaces are not really the best solution.
16 We know that living shorelines, nature-based
17 solutions, marshes and green infrastructure
18 are a better investment over time. And so
19 we're encouraging municipalities and private
20 landowners to turn to those solutions.

21 ASSEMBLYMAN OTIS: Thank you.

22 And for Andrew, one quick question.
23 You mentioned the amount of properties that
24 you have that have not been transferred to

1 the state. How many acres are in that mix?

2 MR. ZEPP: It's probably about
3 2,000 acres. And our most recent was a large
4 acquisition for us: 1,000. But typically
5 they're smaller, like hundred-acre pieces.

6 CHAIRWOMAN KRUEGER: Thank you.

7 ASSEMBLYMAN OTIS: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 Assemblywoman Giglio.

10 ASSEMBLYWOMAN GIGLIO: Thank you all
11 for being here.

12 So David, thank you for all your
13 efforts in saving the Sound. You're doing a
14 great job.

15 MR. ANSEL: Thank you.

16 ASSEMBLYWOMAN GIGLIO: And the rest of
17 you too. I appreciate all your comments.

18 But do you think that there's a need
19 for New York State to put in building codes
20 that require, especially when they're
21 government-funded, that they put in the
22 cisterns, they put in the living green walls,
23 the rooftop green environments, to absorb the
24 stormwater that could be created? Do you

1 think that with New York's investment in
2 affordable housing for train stations with
3 these massive elements, big buildings, big
4 footprints, that we should make it a building
5 code that if you are getting state money that
6 you maintain your stormwater?

7 MR. ANSEL: Well, there's a few
8 different issues there. But I do believe
9 that government policy is part of the
10 solution.

11 I do believe that, for example, we --
12 this body, the Assembly, the Senate and the
13 Governor, passed a living shorelines bill in
14 the State of New York to address that, that
15 when you get a -- when you need a permit in
16 New York to do any coastal work, that you
17 have to look at living shorelines and
18 nature-based solutions as an option.

19 And so I do believe, conceptually,
20 that should be followed through with any type
21 of building as it relates to gather
22 stormwater and dealing with stormwater
23 runoff.

24 ASSEMBLYWOMAN GIGLIO: Yeah, well, we

1 did it with illicit discharge, where you have
2 to maintain your runoff on-site.

3 But I think that the building codes
4 and the power of the state with the building
5 codes, especially when New York State is
6 investing in these projects, that we could
7 make sure that that water stays on-site and
8 doesn't run into our storm drains and run
9 into our rivers and our lakes and our --

10 MR. ANSEL: Well, one of the things I
11 think Jeremy was just talking to -- talking
12 about was the Water Bill Fairness Act, which
13 is an attempt to try to incentivize people to
14 use green infrastructure for runoff. And so
15 that there would be an incentive to move away
16 from hardened surfaces versus codifying it.

17 ASSEMBLYWOMAN GIGLIO: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 CHAIRWOMAN WEINSTEIN: Assemblyman
20 Lemondes.

21 ASSEMBLYMAN LEMONDES: Thank you,
22 Madam Chair.

23 Vice President Ansel, my first
24 question is for you. We've heard a lot all

1 day today about all of the problems and the
2 repercussions and the circumstances that
3 those problems have created environmentally
4 for us across a host of different
5 applications. I'm just curious if you would
6 think that, in light of recognizing the
7 limitations of our current wastewater
8 infrastructure, that our practice of
9 cloud-seeding could be a contributing impact
10 or could be providing some level of impact to
11 the frequency of these events that you've
12 cited.

13 MR. ANSEL: I have to say I'm not
14 familiar with the impacts of cloud-seeding.
15 I'd be happy to look into it and get back to
16 you.

17 But I think that we try to rely on
18 established science. And it is my
19 organization's understanding that the
20 established science is that human carbon
21 production is resulting in the frequency and
22 severity of the rain events that are
23 occurring.

24 ASSEMBLYMAN LEMONDES: There's

1 different scientific opinions. My purpose
2 was simply to bring discussion around it.

3 My second question -- thank you.

4 My second question, for Director Zepp,
5 could you please just simply enumerate the
6 one, two or three things that we could do to
7 help you the most?

8 MR. ZEPP: Sure. Authorized title
9 insurance use by the Attorney General. And
10 then particularly that obscure corner of DEC,
11 the Real Property Bureau, adequate staffing.

12 ASSEMBLYMAN LEMONDES: Thank you.

13 Madam Chair, I yield the remainder of
14 my time.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 Assemblyman Simpson.

17 ASSEMBLYMAN SIMPSON: Thank you,
18 Chair Weinstein.

19 Thank you all for being here tonight.

20 And my question is related to -- you
21 brought up the Salt Task Force report, which
22 before I was even in the Legislature, I
23 participated in the group from Randy Preston
24 up in Essex County, and worked with DOT.

1 I'm disappointed there isn't any
2 funding, and I just want to say those costs
3 are adding up in our infrastructure, our
4 personal property, our water, which is
5 irreplaceable. And it's disappointing that
6 after all this work and the years that have
7 been put into establishing at least a
8 report -- through a lot of efforts to even
9 have that released -- to not have anything
10 budgeted this year is just -- I don't
11 understand it.

12 So it was just a statement. I wanted
13 to acknowledge I appreciate you bringing that
14 up, and its importance, especially to the
15 region that I represent. Thank you.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 We go to Assemblywoman Kelles to close
18 on this panel.

19 ASSEMBLYWOMAN KELLES: So the Salt
20 Task Force report, is there an estimate of
21 what would be needed or what you would have
22 recommended to have put in this budget for
23 that?

24 MR. CHERSON: Well, the task force

1 report only looked at the Adirondacks. While
2 we know that the Adirondacks has a
3 significant impact from road salt, there
4 hasn't been a statewide assessment. And
5 that's one of the basic steps that needs to
6 happen. We need a statewide assessment.

7 And it's possible and very likely that
8 the impact is worse statewide than it is in
9 the Adirondacks, as a whole.

10 ASSEMBLYWOMAN KELLES: Perfect. So
11 that's the next thing we need to ask for.

12 Thank you. That's super-helpful.

13 Question for Mr. Zepp. So good to see
14 you. Thank you so much for being here.

15 What is the longest-standing
16 outstanding land acquisition bill that you
17 have --

18 MR. ZEPP: We have one property that
19 is about to celebrate its 11th birthday.

20 ASSEMBLYWOMAN KELLES: That still you
21 have not gotten reimbursed for.

22 MR. ZEPP: We are hopeful that it will
23 be sold this year to the department.

24 ASSEMBLYWOMAN KELLES: Okay.

1 How many individual properties have
2 still not been reimbursed?

3 MR. ZEPP: Nineteen.

4 ASSEMBLYWOMAN KELLES: Nineteen.

5 MR. ZEPP: But we're stretching,
6 because we really support this partnership,
7 so --

8 ASSEMBLYWOMAN KELLES: I totally get
9 that. But it gives us a sense.

10 MR. ZEPP: But right now it's 19.

11 ASSEMBLYWOMAN KELLES: So it's 19,
12 eleven years. And what is the total cost of
13 all of them together that is owed to you?

14 MR. ZEPP: Approximately \$6 million
15 that -- we've largely been able to do this
16 through self-financing. So we have a
17 revolving internal fund that represents
18 \$4 million of that. And then there's
19 \$2 million of loan.

20 ASSEMBLYWOMAN KELLES: (Inaudible.)

21 MR. ZEPP: But the sooner we can sell,
22 we'll secure more land, fulfilling the state
23 open space plan goals and the 30 for 30
24 goals.

1 ASSEMBLYWOMAN KELLES: That's
2 super-helpful. Thank you.

3 And a question for you. Just if you
4 could give us a picture of -- you talked
5 about the overflow of the wastewater, you
6 know, into our waterways, drinking water,
7 open water. Can you describe a bit what the
8 impact is on like eutrophication and species
9 health and public health and environmental
10 integrity? A little bit, in the last minute.

11 MR. ANSEL: Sure. Thank you.

12 ASSEMBLYWOMAN KELLES: So we
13 understand what the consequences of not doing
14 something are.

15 MR. ANSEL: Sure. Well, in the 1980s,
16 Long Island Sound was almost 50 percent dead.
17 It couldn't support life. There were schools
18 of fish coming to the surface, lobsters were
19 crawling out onto the beaches because they
20 were suffocating in the water and they were
21 just trying to survive.

22 And so it's been a very long road, but
23 through work with the State of New York being
24 a lead, with the State of Connecticut, the

1 EPA investing in wastewater treatment and
2 nitrogen reduction, the Sound has rebounded.
3 But it's still in dire shape --

4 ASSEMBLYWOMAN KELLES: And we're going
5 backwards.

6 MR. ANSEL: Well, we're at a tipping
7 point. We're at a tipping point. The
8 studies that we've done through water testing
9 and water monitoring -- you know, we tested
10 53 bays and harbors last year. Over half of
11 them got a C, D or F in our report card. And
12 so they're ecologically extremely challenged
13 from wastewater and nitrogen, which is a huge
14 problem.

15 ASSEMBLYWOMAN KELLES: Great, thank
16 you. I'd love a cost of the invasive species
17 plan too.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Okay, we want to thank you all for
21 being here tonight with us.

22 And as you leave, we're going to call
23 up Panel J. But people note, if they're
24 Panel K, that they should also head down

1 towards the front so that they can move from
2 the front seats to the last panel.

3 But right now we're looking for the
4 All Deposit Redemption Center of Long Island;
5 the MT Returnables; the Empire State
6 Redemption Association; and Beyond Plastics.

7 Okay, good evening. And we'll just
8 start at this side of the table and just go
9 down. Thank you so much.

10 (Off the record.)

11 MS. GOLDSMITH: Okay. All right.

12 Good evening, and thank you for this
13 opportunity to contribute to shaping the
14 State Budget and for your hard work to
15 allocate funds responsibly and equitably.

16 My name's Alexis Goldsmith, and I'm
17 the organizing director at Beyond Plastics.

18 Modernizing the Bottle Bill in the
19 State Budget is an opportunity to bring
20 between 40 million and 200 million in revenue
21 to the state. This effect would also be
22 amplified because it would reduce costs for
23 hauling, landfilling, and incinerating
24 containers by an estimated \$70 million.

1 My fellow panelists here can attest
2 that modernizing the Bottle Bill will buoy
3 the state's redemption system and will
4 provide much-needed income for more than
5 10,000 informal recyclers who support
6 themselves by redeeming containers that would
7 otherwise be disposed of and who usually face
8 barriers to traditional employment. This is
9 just one social justice aspect of the
10 Bottle Bill.

11 Senate Bill 237 and Assembly Bill 6353
12 will realize many positive effects for the
13 state. However, Beyond Plastics urges an
14 amendment to require refill in the bill --
15 specifically, 25 percent refill within a
16 refill system by 2030. And refill is
17 supported by the DEC Solid Waste
18 Management Plan and the Scoping Plan to meet
19 our mandates under the Climate Law.

20 You have my comments from the
21 October 23rd hearing on the Bottle Bill. In
22 the U.S., plastics are on track to surpass
23 coal emissions by 2030. One million
24 single-use plastic bottles are produced every

1 minute, and recovering these bottles through
2 a deposit system prevents litter. But they
3 are still made from fossil fuels and
4 chemicals, and they cannot be recycled into
5 new bottles.

6 We must address plastic's role in
7 climate change and environmental justice.
8 Coca-Cola has publicly pledged to switch
9 25 percent of their bottles to refill by
10 2030, so how about the state codify that
11 commitment through the deposit system?

12 A January study found that a liter of
13 bottled water can contain 400,000 nanoplastic
14 particles, which may contribute to
15 Parkinson's disease and other health issues.

16 Plastic bottles are a major pathway of
17 exposure for toxic chemicals, and recycled
18 plastics may be even more toxic. The
19 estimated healthcare costs from exposure to
20 plasticisers is \$250 billion per year.
21 Therefore, glass bottles are the preferable
22 alternative for refillables and glass bottles
23 refilled 10 times are also the preferred
24 alternative from a climate perspective.

1 Finally, I'll manage the Packaging
2 Reduction and Recycling Infrastructure Act.
3 This is a strong bill that will take a huge
4 step toward phasing out single-use packaging,
5 as directed by the Climate Scoping Plan. It
6 was not included in the Executive Budget, and
7 we support keeping it out of the budget and
8 urge you to pass it as a stand-alone bill as
9 soon as possible.

10 Thank you for your time, and I welcome
11 any questions.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Next?

14 MR. SIDOTE: Hello. I want to thank
15 Ms. Glick and all you legislators for having
16 me here to testify.

17 My name is Peter Sidote, and I have
18 been running one of Long Island's largest
19 redemption centers since 1983, since the
20 beginning of the law.

21 On average, my redemption center
22 provides over \$6 million annually to
23 businesses and citizens in the Brentwood,
24 Bay Shore and Islip communities. My

1 redemption center has proven to be a critical
2 lifeline to people and community centers for
3 generations.

4 Despite being a lifeline for so many
5 years, I am being forced to consider shutting
6 my doors. This is strictly because the
7 handling fee has not been increased since
8 2009. Every year minimum wage and the cost
9 of living increases, yet my only source of
10 revenue has not been changed. Nor do I have
11 the legal right to charge more for my
12 services.

13 This is where redemption centers and
14 bottle deposits fit into the New York State
15 finance. Rachel May's "Lifeline Bill,"
16 S6869, raises the handling fee, effective
17 immediately, and provides grant money for
18 for-profit redemption centers. Okay? Which
19 is needed and essential to the survival of
20 redemption centers and the entire system.
21 This would allow redemption centers to invest
22 in new technology and offset the higher costs
23 of operations.

24 Deputy Speaker Phil Ramos and

1 Senator Luis -- help me with this --
2 Sepúlveda also have a "Lifeline Bill" which
3 is in the Assembly, A9044. There are
4 currently eight bills addressing this issue,
5 which shows the need for this to be addressed
6 now.

7 I would like to point out that the
8 bottle deposit has remained only 5 cents for
9 the past 40 years. I think that it's time to
10 raise the deposit to 10 cents and allow the
11 canners, the stewards of the earth -- these
12 people work so hard, okay -- a raise. They
13 only make around \$5 an hour doing what they
14 do. This would generate more money for them
15 and the State of New York, providing even
16 more money to the DEC and environmental
17 programs.

18 I am asking the Legislature,
19 Mrs. Glick, please, put the Lifeline Bill
20 into the Governor's budget. So many
21 businesses and families are depending on it.

22 Thank you so much.

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Next?

1 MS. EDDY: Hi, my name is Jade. I own
2 MT Returnables up in Queensbury, New York.

3 It has now been 16 years since
4 New York has passed any legislation in the
5 Bottle Bill. This system has been New York's
6 most successful recycling program for the
7 last 40 years. It has created jobs, kept
8 communities clean, added a financial lifeline
9 to struggling citizens, and provided the most
10 usable material in the recycling industry.
11 But the system is collapsing due to lack of
12 maintenance.

13 Bottle redemption centers continue to
14 close across the state, hurting the
15 communities that this bill was meant to
16 serve.

17 At the end of last year, the
18 Attorney General tackled our litter issue by
19 opening a lawsuit against Pepsi -- but far
20 more needs to be done. Consumers are losing
21 access to easy bottle returns, resulting in
22 more containers going into our landfills and
23 our environment. And it's costing our
24 municipalities money.

1 In 2009 we had 4.3 billion beverage
2 containers sold in New York. That number
3 rose to 9.2 billion containers sold in 2022.
4 I cannot, for the life of me, understand why
5 New York State is allowing this system to
6 collapse when we have even more need for it
7 now than we ever have.

8 New York once strived to be a leader
9 for the environment and for the workforce.
10 We are falling behind. Four states updated
11 their Bottle Bill last year. Maine took
12 emergency action when they lost half the
13 number of redemption centers that New York
14 has, and they were already ahead of us on the
15 handling fee.

16 When over 100 people have lost their
17 businesses in the last year alone, and people
18 continue to lose their homes -- myself
19 included -- jobs and savings, we have an
20 obvious problem. And the solution is simple.
21 We need a living wage like everybody else.

22 The last time I was here I was asked
23 if a 6-cent handling fee would even make a
24 difference. The answer is yes. Tripling my

1 profit margin would absolutely change my
2 world. Assemblyman Phil Ramos has introduced
3 a Lifeline Bill that would do just that.
4 Representatives May and Glick have similar
5 bills, as well as a broader bill that would
6 capture more recyclable material and generate
7 an additional 40 to 200 million for the
8 state.

9 The economic strain that we are
10 suffering is not ours alone. The residents
11 that we serve in our communities are relying
12 on this system's success as well. Every day
13 I have customers returning bottles to cover a
14 basic necessary expense. Whether it be to
15 put gas in their tank or food on their table,
16 they need that money to survive.

17 Organizations like the Boy Scouts and
18 event centers like the Buffalo Bills Stadium
19 depend on redemption centers specifically to
20 handle the high volume of containers they
21 have. They cannot simply turn to stores in
22 the event of our closures.

23 The Bottle Bill redemption system was
24 meant to serve the purpose of encouraging

1 recycling and supporting communities. I have
2 concerns that once the state laid claim to
3 80 percent of the unredeemed fund, motivation
4 to protect this system stopped. That fund
5 was never intended to be anybody's profit but
6 meant to sustain --

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 MS. EDDY: -- the system, and I'm just
10 asking that you include that in the budget.

11 CHAIRWOMAN KRUEGER: Appreciate it.

12 Good evening.

13 MR. NARO: Good evening, everyone.
14 Thank you for staying up so late with us.

15 My name is Martin Naro, and I am the
16 CEO of Recycletek, a NYSERDA-funded AI and
17 robotics company that aims to provide the
18 world's most efficient buying, auditing and
19 fraud prevention machines to redemption
20 centers, third-party pickup agents, and
21 initiators.

22 Over the past seven years I have
23 become highly educated on the redemption
24 industry's economics, supply chain and

1 operations. Two years ago redemption center
2 owners asked me to help start and co-run the
3 Empire State Redemption Association, an
4 effort to unify the industry and attempt to
5 pass legislation that would save our
6 redemption centers from going out of
7 business.

8 Today, alongside my colleagues, my
9 words represent the interests of over 120
10 redemption centers across New York State.

11 It's unfortunate that since 2018, over
12 400 redemption centers have been forced out
13 of business, with over 100 closures happening
14 within the past year. For obvious
15 humanitarian, environmental and economic
16 reasons, this is disastrous for New York
17 State.

18 As you've heard, redemption centers
19 continue to go out of business, and that's
20 strictly because the handling fees have not
21 been increased since 2009. A really great
22 comparison I could give is in 2009, minimum
23 wage was around \$7. In 2024, minimum wage is
24 up to \$16 in some parts of the state. With

1 costs rising all across the board, it's only
2 logical that redemption centers will continue
3 to go out of business unless handling fees
4 are raised.

5 I and many others are incredibly
6 grateful that Assemblywoman Glick and
7 Senator May have put forward Bigger and
8 Better Bottle Bills, stand-alone lifeline
9 bills that could save redemption centers
10 immediately simply by increasing the handling
11 fee.

12 To my understanding, Senator May and
13 Assemblymember Glick are diligently working
14 on creating a same-as Bigger and Better
15 Bottle Bill that would increase the deposit
16 from 5 cents to 10 cents, giving canners a
17 necessary raise, expanding the types of
18 containers covered under deposits, while also
19 increasing the handling fees.

20 However, there is concern in the
21 industry that the likelihood of a bigger and
22 better Bottle Bill being passed this session,
23 due to size and complexity, is concerning for
24 us. The reason: We are looking for a quick

1 answer that could save redemption centers
2 soon.

3 We feel that Senator May and
4 Assemblywoman Glick's stand-alone lifeline
5 bills can effectively allow us to receive the
6 necessary handling fees to keep our
7 redemption centers in business.

8 Finally, I'd like to publicly thank
9 Deputy Speaker Phil Ramos and
10 Senator Sepúlveda for creating same-as bills
11 that would strictly increase handling fees
12 for redemption centers.

13 I hope that all of you today could
14 hear our message and help us push an increase
15 in handling fees to save many redemption
16 centers across the state.

17 Thank you.

18 CHAIRWOMAN KRUEGER: Pete Harckham.

19 SENATOR HARCKHAM: Thank you very
20 much, Madam Chair. I can't even speak at
21 this hour.

22 Thank you all for waiting it out and
23 being here with important testimony. And
24 Jade and Peter, I remember you from our

1 hearing in October. Thank you for coming
2 back. And although Senator May is not here,
3 I can speak for her in response to that;
4 that's why she came up with the Lifeline Bill
5 while we debate a broader Bottle Bill.

6 So to you as owners of redemption
7 centers, that bill, if we pass that and get
8 it signed into law, will provide stability to
9 your operations and your lives.

10 MS. EDDY: Are you looking for a
11 response?

12 SENATOR HARCKHAM: Yeah, go ahead.

13 MS. EDDY: Okay. I wasn't sure if
14 that was just a statement.

15 So I ran numbers based on 6 cents, but
16 my \$44,000 profit from 2022 would become
17 \$131,000 with a 6-cent handling fee. That's
18 how much of a difference it makes. If we
19 pass an entire Bottle Bill, it brings it up
20 to \$180,000. So to be clear, that would
21 change not just my life, but I would be able
22 to change the lives of my staff as well, and
23 my community, by providing a better, more
24 efficient service to them.

1 SENATOR HARCKHAM: All right, thank
2 you very much.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Assembly.

5 CHAIRWOMAN WEINSTEIN: Assemblywoman
6 Giglio.

7 ASSEMBLYWOMAN GIGLIO: Yes, so it's
8 nice to see you again.

9 And Jade, you know, your very
10 passionate emotional appeal at the hearing
11 that we had for the EPR was really very
12 striking, and it had an impact on me.

13 But if I recall correctly, that you
14 have a small facility that you are taking in
15 recyclables, and that there is only really
16 one company that was picking up those
17 recyclables, and they were not dependable,
18 they were not picking up when they were
19 supposed to, they were not paying you on a
20 regular basis, and that was affecting your
21 business.

22 And I just want to -- you know, I
23 don't always see that throwing money at an
24 issue will necessarily fix it. I think that

1 we need to come up with new markets for
2 recyclables. And I had this discussion with
3 the DOT commissioner the other day about
4 having new markets for recyclables, and I
5 have a meeting with her at the end of the
6 month to discuss how she's using it and
7 trying to put that into law.

8 Because I think that these -- the one
9 company that you were talking about that
10 actually picks up the recyclables from your
11 facility, that they were not -- that there
12 aren't enough of them, let's just say that.
13 And the company that is picking up, where are
14 they bringing these recyclables to? Are they
15 making it somebody else's problems, or are
16 they, you know, coming up with new markets to
17 reuse the recyclables?

18 And that's a concern of mine, not only
19 for New York State but for our country.

20 I think that New York State ag markets
21 should be exempt, whether they be
22 distilleries, whether they be cider houses or
23 wine and liquor producers in New York State.
24 I mean, and those are, you know, larger

1 bottles that I think that we could come up
2 with better solutions to reuse those bottles
3 if you bring it back to the local cider house
4 or you bring it back to the local distillery,
5 and not necessarily include them in the
6 Bottle Bill.

7 Because that's just going to take up
8 more space while you're waiting for the big
9 truck to come in and pick up your recyclables
10 from your small facility, and not be able to
11 take any more redemptions until that actually
12 happens, those items get picked up.

13 So Peter, I'm looking forward to
14 coming and seeing your facility. It's been a
15 little bit busy at this time.

16 One thing that was striking to me is
17 that the -- while you were all talking about
18 the Bottle Bill at the last public hearing,
19 you were all pleading your case and saying
20 that you had a problem, and there was one
21 not-for-profit on the panel that was saying,
22 you know, everything's kind of okay and we
23 have enough money and I'm sorry that the
24 for-profit businesses are struggling with

1 this.

2 And be sure that you have my
3 commitment to work with you to make this
4 better and make new markets and make sure
5 that your deposits are being picked up so you
6 have room to take additional deposits.

7 MS. EDDY: Thank you.

8 ASSEMBLYWOMAN GIGLIO: Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 And to close out this panel of
11 questions, Assemblywoman Alicia Hyndman.

12 ASSEMBLYWOMAN HYNDMAN: Thank you,
13 Chair Weinstein.

14 Just a quick question. If we -- if
15 all the bills are to pass and the redemption
16 fee was increased, how many of the redemption
17 centers do you think would come back online?

18 MS. EDDY: Oh, a lot, yeah.

19 MR. NARO: I believe that we would
20 surpass the amount that we originally had in
21 2018, which was an estimated 1100 to 1200
22 redemption centers. I believe more than that
23 would come back online.

24 ASSEMBLYWOMAN HYNDMAN: Okay. And do

1 you think that if it was raised not 6 cents,
2 but higher, then a lot more consumers would
3 choose to recycle their own bottles as
4 opposed to --

5 MS. EDDY: That doesn't affect them.

6 ASSEMBLYWOMAN HYNDMAN: -- going to a
7 redemption center? I'm thinking of the
8 Seinfeld episode where Kramer and Newman
9 are --

10 MS. EDDY: So our handling fee and the
11 deposit are completely separate entities. So
12 us going to 6 cents has no bearing on the
13 consumer, what they pay as a deposit. And
14 they do not come out of each other. The
15 consumer pays 5 cents and gets 5 cents. The
16 handling fee comes from the distributor, and
17 that's often conflated.

18 I actually put pamphlets in all of
19 your mailboxes today, so when you go back to
20 your offices, I have an illustration to help
21 you understand that system.

22 ASSEMBLYWOMAN HYNDMAN: Okay. Thanks
23 for the explanation.

24 MS. EDDY: Absolutely.

1 CHAIRWOMAN KRUEGER: Okay, anyone
2 else?

3 Then I want to thank you all for being
4 here with us this evening. Appreciate your
5 time. And you can do --

6 (Inaudible interjection.)

7 CHAIRWOMAN KRUEGER: No, he got to
8 speak for three minutes. He doesn't get to
9 add on anything else, sorry.

10 MS. EDDY: No further questions having
11 us this late?

12 SENATOR LIU: Sorry.

13 UNIDENTIFIED SPEAKER: I can answer
14 your question offline.

15 CHAIRWOMAN KRUEGER: Perhaps
16 afterwards.

17 We're going to ask you to step away,
18 thank you --

19 MS. EDDY: Thank you.

20 CHAIRWOMAN KRUEGER: -- and have the
21 next panel come in.

22 MR. NARO: Thank you very much. We
23 appreciate it.

24 CHAIRWOMAN KRUEGER: Thank you.

1 SENATOR HARCKHAM: Good to see you
2 again.

3 CHAIRWOMAN KRUEGER: Thank you. Our
4 next and last panel is Daniel Kelting, from
5 Paul Smith's College; Arthur Perryman, from
6 the New York State Forest Rangers Benevolent
7 Association; and Matthew Krug, from the
8 New York State Environmental Conservation
9 Police Officers Benevolent Association.

10 Good evening, gentlemen. Thank you
11 for being with us so late.

12 Shall we just go in the order I just
13 listed you all in? Okay, thank you.

14 PRESIDENT KELTING: Am I on?

15 CHAIRWOMAN KRUEGER: Yes.

16 (Inaudible response.)

17 PRESIDENT KELTING: Lean in, lean into
18 it. Okay, good, there I go.

19 Well, thank you for this opportunity
20 to testify this evening. It's really a
21 pleasure to be here. And I had good
22 afternoon written on my notes -- it shows you
23 how much I know about how long these things
24 go.

1 But good evening. My name is Dan
2 Kelting, and I am the president of
3 Paul Smith's College, the only four-year
4 college, now graduate school, located in the
5 spectacular Adirondack Park of New York
6 State.

7 Our mission is really to cultivate a
8 skilled workforce for the State of New York,
9 largely in the natural resources space. So
10 we're talking about environmental science,
11 forestry, fisheries and wildlife science,
12 conservation. But we also train in culinary,
13 hospitality, business and other areas.

14 I was sitting up there in the
15 bleachers and listening to folks talk about
16 the Road Salt Task Force, and I actually
17 served on that task force. I was the
18 Governor's appointee on the task force. And
19 Paul Smith's College is not only an education
20 institution, we're also a research
21 institution. And Paul Smith's College
22 actually contributed most of the science that
23 led to the formation of that Road Salt Task
24 Force.

1 In addition, we are one of the only
2 accredited forestry schools in the nation
3 left that really integrates hands-on learning
4 about forest management with rigorous
5 professional and academic training. So we're
6 very proud about that.

7 So I have two initiatives that
8 strengthen the understanding and protection
9 of our state forests and freshwater resources
10 that I want to bring forth to you tonight.

11 First we are seeking \$200,000 from the
12 Environmental Protection Fund to invest in
13 our Adirondack Watershed Institute's
14 certified environmental laboratory. Our
15 laboratory holds the distinction of being the
16 only certified environmental laboratory
17 within the Adirondack Park of New York State,
18 and we're also one of a handful of certified
19 environmental laboratories that are
20 collocated at a college.

21 So improvements to our environmental
22 lab will allow us to contribute certified
23 water quality data to our communities and
24 agencies, supporting science-driven decisions

1 to protect water quality. With the financial
2 support that we are seeking, we can better
3 address environmental challenges such as the
4 impacts of road salt -- that we heard about
5 before -- climate change, harmful algal
6 blooms and others, which benefits our
7 environment and also the communities that
8 rely on a clean environment.

9 Second, we are also requesting an
10 expansion of the EPF line for the climate and
11 applied forestry research institute, or
12 CAFRI, which is currently funded in the
13 Governor's budget at \$1 million, with funding
14 going to SUNY ESF and Cornell. We are asking
15 for an additional \$500,000 to come to Paul
16 Smith's to support applied forestry research
17 at our 14,000-acre management forest campus.

18 Oh, I'm done. Thank you.

19 (Mic issues; inaudible.)

20 DIRECTOR PERRYMAN: -- Forest Ranger
21 for 22 years now, and I'm also a board member
22 of the PBA of New York State.

23 The most pressing concern for our
24 members is retirement parity and equity. The

1 vast majority of police titles in New York
2 State and the nation have a 20-year
3 retirement plan. In fact, only 4 percent of
4 police officers in the Police and Fire
5 Retirement System do not.

6 Forest Rangers do a job that combines
7 police duties with wildland firefighting and
8 emergency response. In other words, we are
9 required to work in both worlds and be
10 exposed to risk from both worlds.

11 In order to become a Forest Ranger,
12 only a select science-based degree program
13 qualifies. A Forest Ranger exits the academy
14 after 28 weeks of training with all DCJS
15 police requirements, as well as the
16 specialized training needed to be a
17 Forest Ranger. Comparable titles with
18 20-year retirement fall well below these
19 standards.

20 Unfortunately, we will not be able to
21 fill our academy this year from the pool of
22 qualified candidates. I consider it a major
23 failure of New York State when the Forest
24 Rangers can't recruit enough people to fill a

1 25-person academy, in large part because of
2 pension inequity.

3 This year I'd like to talk a little
4 bit more on the wildfire aspect of our job.
5 The fires burning across Canada this past
6 summer released an estimated 480 megatons of
7 carbon into the atmosphere. The last time
8 New York experienced that kind of smoke
9 condition was when hundreds of thousands of
10 acres of New York's own forests burned early
11 in the 20th century.

12 As a result, the Forest Ranger title
13 was created and given legislative authority
14 to enforce laws and direct the suppression of
15 forest fires. I sincerely hope that the air
16 quality crisis we experienced this year
17 demonstrates the importance of protecting our
18 forests. Eventually New York will experience
19 these wildfires on a vast scale again.

20 New York State Forest Rangers have
21 become respected for fighting wildfires
22 across the West, Alaska and Canada.
23 Out-of-state deployments give Forest Rangers
24 the required training to combat large

1 wildfires and also manage large incidents.

2 To support deployments and training, I
3 am calling on the DEC to create a fund that
4 holds federal fire grant dollars and federal
5 reimbursements separate so those dollars are
6 available for use the next year.

7 The DEC also needs to create a
8 separate and distinct budget for appropriate
9 funding set aside for the Forest Ranger
10 Division. We are still buying much of our
11 own gear. Last year the not-for-profit
12 Forest Ranger Foundation was created to
13 assist Rangers getting the gear and equipment
14 they need.

15 Although progress has been made in
16 procuring quality equipment, there is still
17 much work to do. It is time to budget for
18 and fully fund the Forest Ranger Division.

19 Thank you.

20 (Mic off; inaudible.)

21 DIRECTOR KRUG: -- for the PBA of NYS.
22 My testimony this evening will focus on the
23 current needs of the 273 New York State
24 Environmental Conservation Officers.

1 In 2023 our field officers and
2 investigators completed nearly 31,000 calls
3 for service. The majority of those calls
4 dealt with environmental quality complaints,
5 including destruction of wetlands,
6 pesticides, aquatic invasive species, air
7 pollution, petroleum spills, dumped garbage,
8 fish and wildlife complaints, and even the
9 returnable container law.

10 In addition, ECOs routinely respond to
11 floods, hurricanes, snowstorms, protests,
12 manhunts, as well as catastrophic incidents
13 that cause mass devastation, including 9/11
14 and the COVID pandemic.

15 I testified last year asking for
16 additional funding for equipment and
17 staffing. Instead, our budget was cut by
18 \$1.7 million, and we continue to lose
19 staffing even though we generate tens of
20 millions of dollars in revenue more than we
21 cost the state.

22 Our 35 special environmental crimes
23 investigators generated \$46 million in civil
24 penalties last year alone. The rest of our

1 officers generate tens of millions of dollars
2 more in fines, court fees and administrative
3 settlements from holding poachers and
4 polluters accountable.

5 This doesn't include the \$115 million
6 annually the state receives from the 5-cent
7 returnable container law, which we are the
8 major enforcers of.

9 This year I am simply asking that we
10 retain some of the revenue to bridge the pay
11 and pension gap between ourselves and the
12 majority of law enforcement agencies in the
13 state. Governor Hochul has again cited
14 fiscal costs for vetoing our 20-year pension
15 bill, and OER has done the same during
16 collective bargaining. A correction to such
17 will allow us to fill our vacancies and
18 hopefully increase our numbers above the
19 current 1970s-era staffing levels.

20 To further hold poachers and polluters
21 accountable, we need to hire special
22 prosecutors to enforce the environmental laws
23 that are passed. Environmental crimes
24 continue to be underprosecuted by district

1 attorneys statewide, who either have too much
2 already on their docket or simply do not know
3 how to prosecute criminal cases pertaining to
4 pollution and poaching. This should be a
5 revenue-generator for the state.

6 We need \$3 million to update our
7 computer system for records management and
8 the 2019 criminal justice reforms. We need
9 to replace our boats, ATVs and snowmobiles
10 that are often older than the officers
11 driving them. We need to purchase safety
12 equipment like rifle-rated body armor, riot
13 gear, hazmat suits and respirators to protect
14 my fellow officers, like Lieutenant David
15 McShane, who was just our fifth confirmed
16 9/11 death.

17 While it's not the responsibility of
18 the Legislature to correct the shortcomings
19 of the executive branch, we have a Governor
20 that is willing to spend hundreds of millions
21 of dollars on artificial swimming pools
22 filled with chlorine and other chemicals
23 instead of hiring conservation officers at a
24 much lower cost to protect the Hudson River.

1 Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 We have a question from Senator
4 Hinchey.

5 SENATOR HINCHEY: Thank you. A little
6 bit more of a comment, but I want to thank
7 you all for being here with us tonight.

8 But -- and I -- you know, we've heard
9 a lot today and I think we all agree how
10 critical it is that we protect our natural
11 resources and we conserve more land. And
12 when we do that, we have to support the
13 people who protect the land that we are
14 saying it is so critical that we protect. It
15 is unconscionable to me that you have to buy
16 your own equipment. That is unbelievable,
17 and yet somehow we have not figured out how
18 to correct this wrong.

19 That and the pension bill -- of course
20 in the Senate we passed it. But, you know,
21 we have to do more to support you guys and to
22 really make sure that the -- what we are
23 wanting to do, what we are prioritizing, are
24 giving the resources to the folks who are

1 actually carrying that out on the ground.

2 So if there was anything else you
3 wanted to add at the end -- I know you were
4 just cut off. But I just thank you for what
5 you guys do, and we've got to figure it out.

6 DIRECTOR PERRYMAN: Thank you.

7 DIRECTOR KRUG: Thank you.

8 CHAIRWOMAN WEINSTEIN: Assemblywoman
9 Glick.

10 ASSEMBLYWOMAN GLICK: About your lab.
11 Is this a lab that provides additional
12 support, are you part of the consortium for
13 SCALEs, for the reporting of that
14 information?

15 PRESIDENT KELTING: Right. So we --
16 our lab is not part of their consortium for
17 SCALE. We are familiar with SCALE. Our lab
18 is really -- our lab is connected to our
19 lake-monitoring network. We have 180 lakes
20 that we monitor in the Adirondacks. On a
21 continuous basis, we've been working for
22 about 20 years. And so the lab supports that
23 work.

24 And what's important is -- there's a

1 number of important dimensions to the lab. I
2 think one of the most important is to think
3 about the data that comes from a certified
4 lab is actually -- meets the standards for
5 DEC, for their own reporting to -- under the
6 Clean Water Act, to the EPA.

7 So having that capacity helps them
8 meet their goals, is really one of the big
9 things that we're really pushing with it.

10 ASSEMBLYWOMAN GLICK: Okay, thank you.

11 Just -- we've been down this road
12 before, gentlemen. You have my full support.
13 We raised the issue during the questioning.
14 The commissioner indicated that on the
15 Forest Rangers side, when I asked if they
16 had -- where they were in terms of staffing,
17 going back 15 years how did they compare --
18 they were clear that -- maybe erroneously,
19 but they were clear that they had had the
20 largest cohort now. Is that, from your point
21 of view, accurate?

22 DIRECTOR PERRYMAN: (Mic off;
23 inaudible) -- inaccurate if not accurate.
24 It's definitely better than the last few

1 decades for sure.

2 ASSEMBLYWOMAN GLICK: But you're
3 still --

4 DIRECTOR PERRYMAN: But now we need to
5 invest in the equipment and the program, and
6 make sure that we have the appropriate budget
7 to run the division.

8 ASSEMBLYWOMAN GLICK: Matt, on the
9 other hand, I think the commissioner did
10 admit that they were behind on Environmental
11 Conservation Officers, and we pressed that
12 they do more to reach out.

13 And obviously the issue of the
14 pension, which has been passed by the
15 Legislature on at least a couple of occasions
16 and has been vetoed, is probably something
17 we'll be going back to again.

18 DIRECTOR KRUG: Thank you.

19 ASSEMBLYWOMAN GLICK: Thank you.

20 CHAIRWOMAN KRUEGER: Senator Harckham.

21 SENATOR HARCKHAM: Thank you very
22 much, Madam Chair. Last time I have to fight
23 with the button tonight.

24 Thank you all for being here. It's

1 been a long day. Thank you for your
2 patience.

3 First, Daniel, your institution does
4 amazing work. When I was in the Adirondacks
5 I had dinner with a few of your professors to
6 hear about the research. One was stunning
7 research by an environmental biologist who
8 identified six species of birds who are no
9 longer in the Adirondacks because of climate
10 change and temperature rise.

11 I mean, that's really important,
12 important research.

13 PRESIDENT KELTING: Yes.

14 SENATOR HARCKHAM: So it's important
15 that we get you funding. If -- that funding
16 that you suggest, will that be adequate to
17 keep you whole for a while?

18 PRESIDENT KELTING: Yes, absolutely.
19 So both combinations -- so the first funding,
20 the \$200,000 to support the certified lab,
21 and then the second piece, the \$500,000 to
22 support really applied forestry research so
23 we can put the science to forestry so we can
24 get the maximum productivity and

1 profitability from our forests. So both of
2 those would be critical.

3 SENATOR HARCKHAM: All right, thank
4 you.

5 And gentlemen, ditto on what's been
6 said before. It was good to see you up in
7 the Adirondacks. I just want to follow up,
8 Matthew, the conversation we had about the
9 interest in body cams for your officers. Is
10 that still something that you and your
11 members are interested in pursuing?

12 DIRECTOR KRUG: Absolutely. I have a
13 memo of support I'm still working on because
14 I was working on all this --

15 SENATOR HARCKHAM: Yeah, sure.

16 DIRECTOR KRUG: -- that I plan to give
17 to you. As long as we have funding for the
18 body cams and the servers and computers that
19 we can upload everything to. Sometimes bills
20 get passed and we don't get the funding for
21 it --

22 SENATOR HARCKHAM: Right. Right.

23 DIRECTOR KRUG: -- which means --

24 SENATOR HARCKHAM: No, I mean, can

1 you -- can you, in that memo, give us an
2 estimated cost of what you think that is?
3 Because we'll have to find it somewhere.

4 DIRECTOR KRUG: It's going to be
5 between five and \$8 million, from the
6 estimates that I've gotten from my
7 management. And I spoke to them this morning
8 about that. But it's something we 100
9 percent support in all aspects, and it's
10 going to help us gather evidence in the
11 future for these polluters.

12 SENATOR HARCKHAM: And also protect
13 you when you go into court as well.

14 DIRECTOR KRUG: Absolutely.

15 SENATOR HARCKHAM: All right, thank
16 you.

17 And then finally, Arthur, anything you
18 want to add on any of these subjects?

19 DIRECTOR PERRYMAN: No. Thank you for
20 your support. Thanks for the meeting. I
21 think you understand all our issues and are
22 very supportive and I think we're making
23 headway, but we've got to keep at it. So I
24 appreciate it.

1 SENATOR HARCKHAM: All right. Thank
2 you all very much.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Excuse me, Assembly.

5 CHAIRWOMAN WEINSTEIN: Assemblyman
6 Simpson.

7 ASSEMBLYMAN SIMPSON: Thank you,
8 Chair Weinstein.

9 So it's my pleasure, if only because I
10 have a connection with Paul Smith's and
11 Art -- my grandfather served in the
12 State Police with your father --

13 DIRECTOR PERRYMAN: Right.

14 ASSEMBLYMAN SIMPSON: -- for many
15 years. He was a captain.

16 My son and my daughter-in-law both
17 graduated from Paul Smith's. I was a town
18 supervisor in the Adirondacks and can attest
19 to the importance of Paul Smith's and their
20 water quality work in the Adirondacks over
21 the seven years I was supervisor. They were
22 a great resource for us in dealing with our
23 issues with Brant Lake, Schroon Lake and all
24 the surrounding lakes.

1 And Matt, I have a question for you.
2 So are there other sources of funding that --
3 I mean, you talked about the cuts and the
4 need for equipment in all the different
5 programs. Are there other sources of grants
6 or -- you know, you talked about body cams.
7 I know law enforcement in other agencies are
8 able to apply for grants through other
9 sources, and I just wondered.

10 DIRECTOR KRUG: We cannot apply to
11 state grants for funding sources. We do
12 apply to Homeland Security grants, and we get
13 several hundred thousand dollars a year from
14 federal Homeland Security grants. We run
15 radiation detectors in New York Harbor and do
16 a significant amount of fisheries work where
17 we also get a little over \$500,000 a year.

18 But we've been told numerous times by
19 the DEC budget folks that they will not
20 process any grants less than \$50,000 for us.
21 So we continue to leave money on the table
22 often on these smaller details. For
23 instance, we had a detail on Lake Champlain
24 where National Grid asked us to close off the

1 bay to hang a high wire for the week, and
2 they were going to completely refund us. And
3 we were told we couldn't do it, we couldn't
4 accept that check from National Grid to
5 reimburse us for the overtime and the boat
6 costs. Instead, the local sheriff's
7 department got the reimbursement, and
8 Washington County is now very happy with
9 that.

10 But we continue to leave that money on
11 the table, and it's troublesome.

12 ASSEMBLYMAN SIMPSON: Well, I want to
13 say you guys do great work. I participated
14 in the Youth Pheasant Hunt earlier this year
15 and just had a great time. Thanks for all
16 you do.

17 DIRECTOR KRUG: Thank you.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 Kelles to close out this panel.

20 ASSEMBLYWOMAN KELLES: Great, thank
21 you so much.

22 CHAIRWOMAN WEINSTEIN: No pressure.

23 ASSEMBLYWOMAN KELLES: No, no pressure
24 at all.

1 Mind-blown that you guys have not
2 been -- that parity has not been created yet.
3 I am very passionate about it; so many of us
4 are. We'll be pushing for it, and hopefully
5 we'll all put it in our budget letters and
6 demand it. So I'm so sorry. And thank you
7 for coming.

8 I wanted to ask a couple of questions,
9 Mr. Krug. How does a typical criminal
10 enforcement action occur, from start to
11 finish? Just to give us a sense of what it
12 looks like.

13 DIRECTOR KRUG: So depending on the
14 complaint, it's -- most of the time it's
15 reported by the public. They may see a
16 discharge from a pipe or a corporation, and
17 they call us. We get out to investigate as
18 quick as we can, depending on staffing.

19 And then we begin gathering evidence,
20 taking samples with our evidence-sampling
21 team, sending them out to labs, developing a
22 criminal case, conducting interviews, doing
23 search warrants.

24 And then when we have that all wrapped

1 up, taking some sort of enforcement action,
2 whether it's giving appearance tickets to
3 individuals running a corporation. And then
4 it goes to the district attorneys or the
5 Attorney General's office. Who are normally
6 dealing with Penal Law crimes and not
7 environmental crimes, and that's where we
8 seem to have a lot of trouble.

9 ASSEMBLYWOMAN KELLES: So you have a
10 lot of them thrown out because they don't
11 really understand it, you have all of that
12 extensive work that you're doing, and then
13 you have major cuts to your enforcement team
14 so you don't have an enforcement team so you
15 can do all that work. And then it goes to
16 waste because you don't have a way to enforce
17 it. Is that about correct?

18 DIRECTOR KRUG: Yes, ma'am.

19 ASSEMBLYWOMAN KELLES: Great. That is
20 a waste of our money.

21 Second question, about the forest
22 fires that you're doing out of the state. So
23 the only time that I've heard that we have
24 actually groups that are bringing in revenue

1 but we're not paying them to do it. So you
2 go to California, you put out fires there,
3 they pay New York State, and that money
4 doesn't go to you to pay your pension? Is
5 that about right?

6 DIRECTOR PERRYMAN: That's a good
7 point, yeah.

8 Right, everything's reimbursed when
9 we're going out of state to fight wildland
10 fire. And a portion of our budget is paid
11 from the federal government for wildland fire
12 protection, so --

13 ASSEMBLYWOMAN KELLES: It seems like
14 the money that you guys bring in should be
15 used to pay your pensions. So just a point.

16 And then the last point I just wanted
17 to make, I carry a bill with Rachel May, it
18 is specifically for how to create a
19 comprehensive bringing all the data together
20 across the state that you're already
21 collecting, because there's no way we're
22 going to get causality if we don't have water
23 quality data, we don't have a longitudinal
24 data set. That's exactly what you're doing.

1 It would create \$25 million in the
2 budget, so I just wanted to say that would be
3 exactly to help these. So I just wanted to
4 let you know that that's there.

5 PRESIDENT KELTING: I love that.
6 Thank you.

7 ASSEMBLYWOMAN KELLES: Absolutely.
8 Absolutely. Thank you guys all. This is
9 amazing. Happy to support you.

10 DIRECTOR KRUG: Thank you.

11 DIRECTOR PERRYMAN: Thank you.

12 ASSEMBLYWOMAN KELLES: Absolutely.

13 CHAIRWOMAN WEINSTEIN: So actually
14 Assemblyman Lemondes to close, I guess.

15 ASSEMBLYMAN LEMONDES: Thank you,
16 Madam Chair.

17 Directors Perryman and Krug, I just
18 want to pledge my support to what you do,
19 your organizations. I am absolutely
20 dumfounded that we don't have a 20-year
21 retirement for you. This is unconscionable.
22 And I sure hope we can fix that. If there's
23 anything I can personally do, I would ask you
24 to follow up with me. I don't know if it's

1 another letter or what. But this makes
2 absolutely no sense.

3 Secondly, my question for President
4 Kelting, as a Paul Smith's grad myself, I
5 want to ask -- there's a direct need, at
6 least in my district, the 126th, for licensed
7 wastewater treatment plant operators. Does
8 Paul Smith's still provide graduates that are
9 licensed and ready to go upon graduation?

10 PRESIDENT KELTING: Not at this time.
11 But we're looking at it. We had an
12 environmental technology program that
13 actually seated most of the wastewater
14 treatment plant operators like in the '70s
15 and '80s. That program closed down. But
16 we're looking at bringing it back.

17 ASSEMBLYMAN LEMONDES: I'm a graduate
18 of that program.

19 PRESIDENT KELTING: Oh, great, the ET
20 program, yeah.

21 ASSEMBLYMAN LEMONDES: And that --
22 anyways, I think that's really valuable and
23 there's a direct need. I mean, this state is
24 dying for licensed operators. And I would

1 only encourage you to allow me to help in
2 bringing that back, perhaps as a graduate and
3 communicating the need statewide.

4 PRESIDENT KELTING: That would be
5 great.

6 ASSEMBLYMAN LEMONDES: I think most
7 people don't understand what it takes to do
8 that and how important that those kids --
9 coming out licensed -- are to their
10 communities all over the state.

11 And then secondly, I'm wondering if
12 Paul Smith's understands and has any
13 entomology curriculum. Because we are
14 nationally short entomologists for all of our
15 food security issues and invasive species
16 with respect to our agricultural commodities.

17 PRESIDENT KELTING: Yeah, we just have
18 one course in entomology, so that -- for the
19 forestry kids. But we don't have a robust
20 enough curriculum in that area to address
21 what you're talking about.

22 ASSEMBLYMAN LEMONDES: Thank you.
23 Appreciate the time, and I yield back the
24 remainder. Thank you, Madam Chair.

1 Thank you, gentlemen.

2 PRESIDENT KELTING: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 I want to thank you, gentlemen, for
5 staying the whole time with us today. Sorry
6 we are closing down 11 o'clock at night.

7 (Applause.)

8 CHAIRWOMAN KRUEGER: And I am
9 officially closing down the EnCon hearing for
10 '24.

11 And the Higher Ed Committee --
12 excuse me, Higher Ed hearing starts 9:30
13 tomorrow morning, right here in the same
14 room.

15 Thank you, everyone. Get home safe.

16 (Whereupon, at 11:00 p.m., the budget
17 hearing concluded.)
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