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

JOINT LEGISLATIVE HEARING
In the Matter of the
2024-2025 EXECUTIVE BUDGET ON
AGRICULTURE/ENVIRONMENTAL CONSERVATION/
ENERGY

Hearing Room B
Legislative Office Building
Albany, New York

February 7, 2024
9:40 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

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

PRESENT:

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

Assemblyman Edward P. Ra
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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PRESENT: (Continued)

Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture

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

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

Assemblywoman Didi Barrett
Chair, Assembly Committee on Energy

Assemblyman Harvey Epstein

Assemblywoman Patricia Fahy

Assemblyman Robert Carroll

Senator Dan Stec

Assemblyman Steven Otis

Assemblyman Patrick Burke

Senator Peter Oberacker

Assemblyman Scott Gray

Senator Mario R. Mattera

Assemblywoman Jodi Giglio

Assemblyman Tony Simone

Senator Rachel May

Assemblyman Brian D. Miller

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PRESENT: (Continued)

Senator Cordell Cleare

Assemblywoman Carrie Woerner

Senator John Liu

Assemblyman Billy Jones

Assemblywoman Marianne Buttenschon

Senator George M. Borrello

Assemblyman Chris Tague

Assemblyman Steve Stern

Assemblyman Chris Burdick

Senator Lea Webb

Assemblyman John Lemondes

Assemblyman Matthew Simpson

Senator Patricia Canzoneri-Fitzpatrick

Assemblyman Zohran K. Mamdani

Assemblyman Keith P. Brown

Senator Pamela Helming

Assemblyman Khaleel M. Anderson

Assemblywoman Dr. Anna R. Kelles

Senator Brad Hoylman-Sigal

Assemblyman Ed Flood

Assemblywoman Linda B. Rosenthal

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PRESENT: (Continued)

Assemblyman Philip A. Palmesano

Senator Kristen Gonzalez

Assemblywoman Sarahana Shrestha

Senator Anthony H. Palumbo

Assemblywoman Dana Levenberg

Senator Julia Salazar

Assemblywoman Grace Lee

Assemblyman John T. McDonald III

Senator Jessica Ramos

Assemblywoman Stefani Zinerman

Assemblywoman Jo Anne Simon

Assemblywoman Karen McMahon

Assemblywoman Alicia Hyndman

Assemblyman Kenneth Zebrowski

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CHAIRWOMAN KRUEGER: Good morning, everyone. Hi. This is the Environmental Conservation budget hearing. So if you weren't interested in these topics, move along. But otherwise, that's what we're going to be talking about for the next many hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mattera; Senator Pam Helming; and Senator George Borrello.

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

CHAIRWOMAN WEINSTEIN: Thank you, Senator Krueger.

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

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

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

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

colleagues.

ASSEMBLYMAN RA: Thank you.

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

CHAIRWOMAN WEINSTEIN: Thank you.

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

And now for the start of the hearing.

CHAIRWOMAN KRUEGER: Thank you so much.

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

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

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

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

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

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

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

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

Assemblymember O'Donnell, Senator Harckham and Assemblywoman Glick.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And thank you for a great five years.

CHAIRWOMAN KRUEGER: Thank you.

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

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

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

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

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

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

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

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

and infrastructure that will help improve dairy supply chain efficiency.

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

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

In addition, $500,000 will create the

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

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

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

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

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

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

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

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

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

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

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

you.

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

CHAIRWOMAN KRUEGER: Thank you both very much.

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

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

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

SENATOR HINCHEY: Thank you very much.

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

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

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

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

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

AG & MARKETS COMMISSIONER BALL: (Mic

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

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

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

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

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

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

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

SENATOR HINCHEY: Thank you.

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

You know, the Farm Viability is asking

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

Can you talk about the importance of Farm Viability?

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

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

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

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

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

SENATOR HINCHEY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

SENATOR HINCHEY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

And on the Republican side?

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

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

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

Jones.

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

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

CHAIRWOMAN WEINSTEIN: Thank you.

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

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

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

I think some of our colleagues might

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

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

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

This is a really great program. We

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

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

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

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

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

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

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

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

AG & MARKETS COMMISSIONER BALL: Right.

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

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

AG & MARKETS COMMISSIONER BALL: Yes.

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

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

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

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

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

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

And also looking at, along the way,

you know, the opportunities to reduce methane gas emissions in agriculture. We're broadly looking at, you know, the way our cows are fed and the way they emit methane just by burping. You know, we all laugh about that, but Cornell University would be able to do additional work for us about what's on the ground, what's happening in New York State.

So these are two significant pots of money for the dairy industry. They're well received by the dairy industry, and I think they're going to help us in the long term remain viable in dairy here in New York State.

ASSEMBLYWOMAN LUPARDO: Thank you.

Shifting gears now to something -- a new expression, I think, for some people, blue food. Really happy that the Governor's putting an investment down onto Long Island, because we experienced it together what happened when the restaurants closed and they didn't have the capacity to process that fish into smaller packages for consumer use.

So that's a great initiative. But it

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

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

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

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

Upstate, aquaculture and the

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

ASSEMBLYWOMAN LUPARDO: Thanks.

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

AG & MARKETS COMMISSIONER BALL: Yes. The answer is yes.

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

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

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

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

AG & MARKETS COMMISSIONER BALL: Yes.

ASSEMBLYWOMAN LUPARDO: Is there a collaborative there?

AG & MARKETS COMMISSIONER BALL: Yes, absolutely.

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

Thank you.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

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

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

SENATOR SERRANO: Thank you very much, Senator Krueger.

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

Kulleseid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR SERRANO: Thank you, Commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: Thank you, Senator.

SENATOR SERRANO: And I yield back to Senator Krueger.

PARKS COMMISSIONER KULLESEID: Thank you for your passion.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

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

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

(Laughter.)

ASSEMBLYMAN O'DONNELL: I would be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Beach because of the way Jones Beach Inlet is formulated.

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

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

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

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

forward?

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

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

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

ASSEMBLYMAN O'DONNELL: I'd like to

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

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

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

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

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

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

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

where we were really atrophying and losing people.

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

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

ASSEMBLYMAN O'DONNELL: Thank you.

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

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

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

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

ASSEMBLYMAN O'DONNELL: That's

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

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

PARKS COMMISSIONER KULLESEID: It has.

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

PARKS COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

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

CHAIRWOMAN KRUEGER: Thank you.

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

CHAIRWOMAN KRUEGER: No problem.

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

three minutes this morning, so far.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

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

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

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

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

fragile drinking water supplies from harmful algal blooms?

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

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

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

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

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

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

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

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

CHAIRWOMAN KRUEGER: Thank you, Commissioner.

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

Thank you.

AG & MARKETS COMMISSIONER BALL: Thanks for the question.

CHAIRWOMAN KRUEGER: Assembly.

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

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

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

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

absolutely is.

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

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

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

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

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

seriously --

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

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

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

Commissioner Ball?

AG & MARKETS COMMISSIONER BALL: Yes,

thanks for the question.

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

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

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

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello, five-minute ranker.

SENATOR BORRELLO: Thank you, Madam Chair.

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

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

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

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

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

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

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

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

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

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

But suddenly now this program goes out to bid, and there's a bidding process that's involved, and the Comptroller's going to audit it, and he's going to make careful use 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 BORRELLO: 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

program.

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

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

(Laughter.)

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

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

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

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

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

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

SENATOR BORRELLO: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

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

ASSEMBLYMAN TAGUE: There we go.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

here. We're talking about nutrition security.

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

So that's my quick answer to the --

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

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

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

Commissioner, we can talk later.

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

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

ASSEMBLYMAN TAGUE: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator May.

SENATOR MAY: Thank you.

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

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

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

PARKS COMMISSIONER KULLESEID: Appreciate that question. Obviously land conservation is where -- my roots are in land conservation, in that work.

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

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

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

I wanted to turn, though, to the Farm Viability Institute that Senator Hinchey mentioned. They had a really fascinating 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

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

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

SENATOR MAY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

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

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

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

You know, I'll talk offline because we

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

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

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

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

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

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

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

ASSEMBLYMAN GRAY: Great. Thank you very much.

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

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

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

PARKS COMMISSIONER KULLESEID: I do, yup.

ASSEMBLYMAN GRAY: -- but for the

benefit of the people that are here.

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

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

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

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

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

Do you think that process has been handled correctly?

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

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

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

We are -- I will say right now that

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

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

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

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

PARKS COMMISSIONER KULLESEID: Yeah.

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

PARKS COMMISSIONER KULLESEID: Yeah.

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

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

Thank you.

PARKS COMMISSIONER KULLESEID: Okay. Great. Thank you.

ASSEMBLYMAN GRAY: Thank you for your service.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Helming.

SENATOR HELMING: Thank you.

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

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

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

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

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

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

Can we put that on a priority list somewhere?

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

SENATOR HELMING: Thank you.

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

SENATOR HELMING: Appreciate it.

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

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

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

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

SENATOR HELMING: Yup, I --

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

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

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

SENATOR HELMING: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

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

you.

Assembly.

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

ASSEMBLYWOMAN BARRETT: Thank you.

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

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

PARKS COMMISSIONER KULLESEID: So

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

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

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

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

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

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

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

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

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

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

So thanks.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYWOMAN BARRETT: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Ramos.

SENATOR RAMOS: Thank you, Chair Krueger.

Buenos días, Commissioner Ball.

AG & MARKETS COMMISSIONER BALL: (Inaudible.)

SENATOR RAMOS: Your Spanish is very

good, as usual.

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR RAMOS: Well, there was an

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

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

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

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

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

AG & MARKETS COMMISSIONER BALL: Okay.

SENATOR RAMOS: And he says that

that's the reason why.

AG & MARKETS COMMISSIONER BALL: Okay. I will call him and get back to you on that.

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

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next is Assemblywoman But-en-shon. Buttenschon, I apologize.

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

Good morning, Commissioners. Thank you for being here.

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

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

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

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

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

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

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

programs.

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

Thank you.

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

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

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

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

CHAIRWOMAN KRUEGER: Thank you.

Senator Mattera.

SENATOR MATTERA: Thank you, Chair.

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

on; I know her a long time.

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

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

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

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

Or will that always be state park?

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

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: Okay.

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

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

SENATOR MATTERA: It's the Gyrodyne property.

PARKS COMMISSIONER KULLESEID: Gyrodyne?

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

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

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

AG & MARKETS COMMISSIONER BALL: Thank you.

PARKS COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Simone,

three minutes.

ASSEMBLYMAN SIMONE: Good morning.

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLYMAN SIMONE: Thank you.

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

SENATOR CLEARE: Thank you.

Good morning. And thank you for your service.

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

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

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

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

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

getting state investment for years going forward.

SENATOR CLEARE: And the elevators?

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

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

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

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

(Laughter.)

SENATOR CLEARE: Thank you so much.

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

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

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

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

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

SENATOR CLEARE: But farmers.

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

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

the statistics --

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

SENATOR CLEARE: Thank you.

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

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Kelles.

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

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

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

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

(Overtalk.)

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

But yeah, we can get you that statistic.

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

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

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

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

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

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

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

Nourish New York.

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

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

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

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

ASSEMBLYWOMAN KELLES: Awesome.

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

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

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

CHAIRWOMAN WEINSTEIN: Thank you.

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

ASSEMBLYWOMAN KELLES: Absolutely.

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

To the Senate.

CHAIRWOMAN KRUEGER: Senator Oberacker.

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

(Laughter.)

SENATOR OBERACKER: Commissioner

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

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

(Laughter.)

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

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

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

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

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

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

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

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

AG & MARKETS COMMISSIONER BALL: Thank you, Senator.

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

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you all so much.

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

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

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

Do we need to reinvigorate the County Fair Capital Fund?

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

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

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

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

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

Sheep barn is in design at OGS.

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

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

that process.

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

ASSEMBLYWOMAN WOERNER: Fantastic, thank you.

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

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

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

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

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

ASSEMBLYWOMAN WOERNER: Thank you very much.

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

Thank you.

PARKS COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Stec.

SENATOR STEC: Thank you, Chair.

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

A couple of real quick questions.

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

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

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

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

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

Commissioner Ball, if I could pivot to

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

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

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

AG & MARKETS COMMISSIONER BALL: Well,

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

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

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

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

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

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

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

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Levenberg.

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

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

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

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

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

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

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

ASSEMBLYWOMAN LEVENBERG: Got it.

But hopefully that is something that is being considered --

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

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

PARKS COMMISSIONER KULLESEID: Yes. Yeah.

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

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

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

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

PARKS COMMISSIONER KULLESEID: Thank you.

ASSEMBLYWOMAN LEVENBERG: All right, thank you.

CHAIRWOMAN KRUEGER: Thank you. Thank you very much.

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

SENATOR CANZONERI-FITZPATRICK: Thank

you, Chair.

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

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

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

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

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

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

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

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

your response.

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

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

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

SENATOR CANZONERI-FITZPATRICK: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Brown.

ASSEMBLYMAN KEITH BROWN: Thank you, Chair.

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

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

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

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

ASSEMBLYMAN KEITH BROWN: So appreciate that.

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

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

ASSEMBLYMAN KEITH BROWN: Great.

PARKS COMMISSIONER KULLESEID: That's great.

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

adding an additional park in the Huntington area?

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

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

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

What's the time frame of demoing

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

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

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

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

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

New York.

PARKS COMMISSIONER KULLESEID: Yeah.

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

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

So no, no special needs in terms of legislation.

ASSEMBLYMAN KEITH BROWN: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Lea Webb.

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

on your new role.

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

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

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

process continues to be difficult.

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

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

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

(Off the record.)

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

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

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

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

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

so --

SENATOR WEBB: Thank you both very much.

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

Assembly?

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

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

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

comments earlier.

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

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: The best.

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

Thank you for your great service to New York.

PARKS COMMISSIONER KULLESEID: Thank you.

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

SENATOR O'MARA: Thank you.

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

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

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

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

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

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

farmland.

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

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

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

farmland, you need to preserve one somewhere else.

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

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

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

AG & MARKETS COMMISSIONER BALL: Absolutely.

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

there.

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

AG & MARKETS COMMISSIONER BALL: Yeah, agreed.

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

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

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

AG & MARKETS COMMISSIONER BALL: Yes, thank you.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And Commissioner Kulleseid, thank you for all of your fine service and very best 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

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

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

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

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

ASSEMBLYMAN OTIS: Okay.

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

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

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

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

ASSEMBLYMAN OTIS: Great.

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

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

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

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

PARKS COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

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

Thank you both for being here.

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

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

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

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

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

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

So I appreciate that, thank you.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

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

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

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

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

PARKS COMMISSIONER KULLESEID: Yup.

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

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

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

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

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

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

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

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

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

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

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

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

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

continue to do that work.

Great question, thank you.

CHAIRWOMAN KRUEGER: Thank you.

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

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

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

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

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

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

other high-protein healthy foods.

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

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

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

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

State?

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: Thank you, Senator.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Chair.

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

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

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

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

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

ASSEMBLYMAN LEMONDES: Thank you.

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

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

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

We've been kicking this can down the

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

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

ASSEMBLYMAN LEMONDES: Thank you.

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

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

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

follow-up.

SENATOR HINCHEY: Thank you very much.

And thank you both for being here.

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

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

energy generation on our farms in a very good way.

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

SENATOR HINCHEY: Thank you.

AG & MARKETS COMMISSIONER BALL: Thanks for that.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes.

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

I have a question, but actually I'm

going to ask you afterwards because of my time.

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

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

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

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

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

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

So transmission and EV vehicles for farms.

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

ASSEMBLYMAN PALMESANO: I know.

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

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

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

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

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

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

ASSEMBLYMAN PALMESANO: Thank you.

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

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Anderson.

ASSEMBLYMAN ANDERSON: Thank you, Madam Chair.

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

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

So we're really excited to hear, in

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

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

PARKS COMMISSIONER KULLESEID: Correct.

ASSEMBLYMAN ANDERSON: So what criteria?

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

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

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: Of course. Yup, yup.

ASSEMBLYMAN ANDERSON: Thank you, Commissioner.

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

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

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

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

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

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

(Time clock sound.)

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

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

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

CHAIRWOMAN WEINSTEIN: We go now to Assemblywoman Giglio.

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

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

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

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

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

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

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

PARKS COMMISSIONER KULLESEID: Yup.

Yup.

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

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

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

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

The good news is that here in the

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

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

ASSEMBLYWOMAN GIGLIO: They're competing with local states based on the labor rates and the cost of land and cost to

be here.

AG & MARKETS COMMISSIONER BALL: Sure. Yeah.

ASSEMBLYWOMAN GIGLIO: I'll look for a response in writing.

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

ASSEMBLYWOMAN GIGLIO: Thank you.

AG & MARKETS COMMISSIONER BALL: Thank you so much.

CHAIRWOMAN WEINSTEIN: Assemblywoman Rosenthal, are you -- you can go to the mic.

ASSEMBLYWOMAN ROSENTHAL: Thank you.

Hi, Commissioner Ball.

AG & MARKETS COMMISSIONER BALL: Good to see you.

ASSEMBLYWOMAN ROSENTHAL: Good to see you.

My question concerns small and medium-sized farms that may be interested in transitioning to -- from meat and dairy to plant-based agriculture. As you know, that the proliferation and the demand for more plant-based foods is surging. And it would

be great if the department gave out some kind of grants to help with the transition to more grains and other kind of plant-based agricultural products that will match the demand that will continue to rise over the years.

AG & MARKETS COMMISSIONER BALL: Interesting. So you're thinking upstate or are you thinking --

ASSEMBLYWOMAN ROSENTHAL: Wherever you find it best, where you see the demand to transition.

AG & MARKETS COMMISSIONER BALL: Well, this is, I think -- thanks for asking. This is one of the things that COVID has taught us, what's really needed in the marketplace, what's wanted.

ASSEMBLYWOMAN ROSENTHAL: Yes.

AG & MARKETS COMMISSIONER BALL: We frankly saw a demand across the entire spectrum of agricultural commodities. We saw an increased demand for all of that.

Through New York State Grown & Certified we've got funding to help farmers

become grown and certified -- and by that I mean have the stainless steel, have the coolers, have the equipment they need to adapt to a different kind of marketplace.

Federally, also, there's funding there to help farms of all sizes adapt to this new market they discovered that was not there before. As you have noted, many farmers are commodity farmers. They supply a commodity -- maybe it's meat or some type of meat product. But finding out the needs around, you know, cultural vegetables and, you know, some of the urban needs are a part of what we do at the department, which is connecting the dots.

For dairy, we have a very aggressive land preservation program, as you know, in the state. We've got a great record there. When dairy went through some really difficult years not too long ago, we put together a Dairy Transitions Program so you could create an easement on your farm, get a cash infusion of money to change to a different kind of crop, expand, get more efficient, bring the

next generation on board. We call it Dairy Transitions.

And we did the same thing for fruit farms and vegetable farms, the opportunity to look at a new crop. And by using the easement money to help them accomplish that, we preserve some farmland and we also give the next generation an opportunity to look at a different kind of marketplace.

ASSEMBLYWOMAN ROSENTHAL: But I think it's something that more and more farmers will be interested in as they see, you know, whole sections of a grocery store devoted to plant-based.

AG & MARKETS COMMISSIONER BALL: Sure.

ASSEMBLYWOMAN ROSENTHAL: And I don't want New York to fall behind in this area.

AG & MARKETS COMMISSIONER BALL: Yeah.

We also have the investment tax credit for the next five years, which is a 20 percent opportunity to invest in something different on the farmland.

ASSEMBLYWOMAN ROSENTHAL: Okay. Well, thank you, and maybe we can discuss further.

AG & MARKETS COMMISSIONER BALL: All right. Thank you.

ASSEMBLYWOMAN ROSENTHAL: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam Chair.

And good morning -- we're still in the morning? Good afternoon.

Just a quick question. I just had a -- I was just curious about the potential for a renewable natural gas on farms. Because I know obviously they're generally -- we have a landfill out by us on Eastern Long Island that, you know, has been of course trying to harness that or address that for years.

But what is the likelihood of that? I'm just kind of curious what is your professional opinion.

AG & MARKETS COMMISSIONER BALL: Right. Well, thank you for the question.

Yeah, and you know, I was fortunate to be a part of the Climate Action Council and

chair the Ag and Forestry Workgroup on that subject and all the other subjects. I want to point out that we were the only workgroup that really achieved consensus on the Scoping Plan going forward for agriculture and forestry, and the opportunities I think are great. We can achieve those things.

And as you pointed out, we have the opportunity to harness methane. We have the opportunity on the farm to turn that into RNG and utilize that on the farm, keep that local. We're not talking about putting a methane digester in the middle of New York City or anything, but we are able to use -- harness that. We can make electricity, we can do things on the farm to -- so -- I'm sorry, you have a question.

SENATOR PALUMBO: Sure. I'm just thinking there are options other than wind as well in the event that that would be something that would be palatable, I guess.

AG & MARKETS COMMISSIONER BALL: Sure.

On the farm we can generate wind and make electricity, we can generate solar and

make electricity. But we have the opportunity, especially with the very aggressive dairy industry that we have, and a thriving industry, to harness, you know, the resources that we have there.

We're helping fund better manure storages for environmental reasons so we're not spreading manure on land in saturated, frozen conditions. But we can harness that and make RNG on our farms, which can help our farms operate, local communities operate. So it's a great opportunity in the Scoping Plan that I think is -- we need to avail ourselves of that.

SENATOR PALUMBO: Terrific, thank you.

And since you're still full of much energy after this long morning, just one real quick question. Regarding the -- can you describe any type of impact, to change gears a little bit, regarding our lawful cannabis growers versus the black market?

Do you know -- can you give us just a general impact that you've been able to interpret, if at all? Kind of a general

question, I know.

AG & MARKETS COMMISSIONER BALL: Sure, yeah.

SENATOR PALUMBO: I don't want you to guess. Maybe just -- whatever -- you can just comment on it.

AG & MARKETS COMMISSIONER BALL: It's a pretty large concern. Obviously the Office of Cannabis Management mission is much larger than simply growing and cultivating a crop. And, you know, the social aspects there, the medical aspects, the health aspects are obviously bigger than us in agriculture.

But hoping we're making some progress in that regard, because we really need to.

ASSEMBLYMAN PALMESANO: Terrific, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Lee.

ASSEMBLYWOMAN LEE: Thank you, Chair.

This is for Commissioner Ball. I just wanted to follow up on Assemblymember

Kelles's questions concerning the issues with the management of Nourish New York by the DOH. It's a program that the Legislature supports and especially, you know, very supportive of its mission.

But we wanted to know if your agency would be willing to take back management for increased oversight to ensure farmers and pantries are taken care of and can fully participate in the program, given the ongoing concerns.

AG & MARKETS COMMISSIONER BALL: Yeah, well, thanks for the question. You know, it's always been a group management effort with Nourish between DOH and us. It wasn't a matter of we had it and then they had it. We've always worked together to manage the program.

When it was operating under an executive order we were both more flexible in, you know, Hey, there's a neighborhood here that's really hurting that needs food, and we were able to quickly find that source of food in upstate New York and connect it to

that marketplace.

Now as it's statutory, it's a little -- it takes a little more time because it needs to go out to bid so we can protect taxpayers. That's a good thing. But it's still the same management system. We still work very closely with the Department of Health, and they work with us, generally utilizing, you know, the 10 regional food banks still, and the pantry system, and getting a little deeper into the weeds. That's still something they know where the neighborhood needs are. We know where the crops are grown.

So there's still a very good partnership there that really hasn't changed. It's the function of the program becoming statutory that changed. And so things need to be bid out. We need to be -- but the funding is still going to those food banks and getting down to the pantries. They can bid directly to the program now.

ASSEMBLYWOMAN LEE: Are you hearing the same complaints that we've been receiving

about the application process and the funding allocation process?

AG & MARKETS COMMISSIONER BALL: Yes, we're hearing some of those. It's challenging. But I think, you know, getting the system up and running in statute has taken a little bit of time. But I have to say the money is flowing, things are happening.

And also on the federal side, I mentioned earlier the New York Food for New York Families. We've put out $40 million to basically supplement a Nourish-like program with federal monies. We've got another $9 million that we'll distribute here this year.

So those are two sources for those pantries, for those food banks that need it. But they can still reach out to their regional food bank and be included in the funding that's gone there.

ASSEMBLYWOMAN LEE: Okay, that's good to know.

Well, we'd love to follow up with you

just to make sure that the mission is achieved through this program and we have true equity in food supply as well as supporting farmers through this program.

AG & MARKETS COMMISSIONER BALL: Yeah. Thanks so much for the question.

ASSEMBLYWOMAN LEE: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Zinerman.

ASSEMBLYWOMAN ZINERMAN: I got a green button, all righty. Thank you, Chairs.

Good afternoon, Commissioners.

I have questions for both of you. I'm going to Commissioner Ball. It's always great to see you.

AG & MARKETS COMMISSIONER BALL: It's great to see you. But I think you owe me a visit.

ASSEMBLYWOMAN ZINERMAN: I do owe you a visit. And you owe me one too, so we have to plan right after.

So I want to talk to you about three areas: Urban agriculture, following up on Assemblymember Anderson's Black farmers

conversation. And of course I'm very excited about the new workforce development investment that you're making as well.

But I do want to just start out by thanking you for Ag in the Classroom. Your support in our becoming -- I have nine schools growing food aquaponically, hydroponically and in soil. So we are looking forward to becoming a Future Farmers of America chapter. And of course for your support of the Timbuctoo project at Medgar Evers College.

And so with regard to the investment in the Urban Farms and Community Gardens Grant, how much of the $5 million investment is actually going to go to the urban farms and community gardens? As you know, I have about 25 in my district.

The other question is in the matter of equity, where are we with the number of Black farmers that are operating and have received funding? And just generally, how are they doing?

My last question is around workforce

development. So we have this new program, a $500,000 investment. And I just would like to know where these one-stop shops will be located, and how will people access them?

AG & MARKETS COMMISSIONER BALL: Let me work my way backwards, then forwards.

Just to say that in New York State, between MANRRS, 4H, FFA, Ag in the Classroom, I'm happy to say that New York State has the largest growth in ag teachers in the United States, which is really great stuff.

Workforce development, is that where we started, the $500,000? That's going to be largely housed at Cornell University with the Ag Workforce Development Program. It's going to include Ag & Markets, it's going to include the Department of Labor, and it's going to include the PERB.

ASSEMBLYWOMAN ZINERMAN: How are people downstate going to access it?

AG & MARKETS COMMISSIONER BALL: It's universal.

(Overtalk.)

AG & MARKETS COMMISSIONER BALL: Yeah,

absolutely. Absolutely.

ASSEMBLYWOMAN ZINERMAN: What was the investment for just the community farms and urban farms this year? I see 5 million, but I don't know how much of that is going to sustain what we already have.

AG & MARKETS COMMISSIONER BALL: Yeah. That 5 million is from last year. It's just -- the contract has just been executed, so that's beginning to happen right now. And with the $1 million in Beginner Farms, which will overlap with that program very much -- that also has just gone out the door now. It took a long time to get the RFPs and get a response to the RFPs, frankly. But now that -- that has begun to happen.

ASSEMBLYWOMAN ZINERMAN: So we can talk about that offline.

So Commissioner Kulleseid, I know that you are leaving. Congratulations. But I do have two really quick questions, and I can just get my answer. Outreach downstate --

CHAIRWOMAN WEINSTEIN: Nope, nope. Any answers, you know --

ASSEMBLYWOMAN ZINERMAN: Can I come back around? Can I give it to the --

CHAIRWOMAN WEINSTEIN: -- to share with the committees.

ASSEMBLYWOMAN ZINERMAN: Okay, thanks.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: We have musical chairs here, as you noticed. So thank you.

And Commissioner, best of luck to you. Thank you. I have a -- not really a question but last year or two years ago when we did the historic businesses, I had a hard time getting my businesses to understand what to do. But once we made that award to somebody, everybody else and his brother now wants to join in. So thank you, it's a wonderful program. We really appreciate it.

So Commissioner Ball, I have a question about green markets in New York City. In my area we have several, but so much of Brooklyn and Queens really don't have any green markets. And those are, of course, 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

funding, I think $10 million, to help establish grocery stores and opportunities for people in traditionally not-represented neighborhoods -- food apartheid, some people call them. Food deserts was the old term. But they're neighborhoods that don't have access to the food. This $10 million fund is to help establish those in those neighborhoods. I'm more excited about the opportunities around the Food Box Program to help provide that access.

And we're currently almost done, ready to cut a ribbon here soon, on a food hub in the South Bronx that GrowNYC will operate for us. It's a big facility, refrigeration, access to the farmers and access to those neighborhoods that need the food. I think we can triple, quadruple the number of food boxes and those opportunities going into those neighborhoods that have traditionally been underserved. So that's an exciting milestone that's ready to happen. We've been agonizing over getting the electricity in that building. But it's in the South Bronx,

and it's going to be a great opportunity just for what you described.

ASSEMBLYWOMAN SIMON: Thank you.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: Okay, we go to Assemblyman Jones.

ASSEMBLYMAN JONES: Good afternoon, Commissioners. Thank you for all the work you've done. And I have a question for both of you.

But congratulations and thank you for your avid love of the parks. Big fan of them myself. I actually -- I'm happy to see the funding for the swimming pools. My question -- because I do believe everybody should learn how to swim, it's a safety issue, also a recreational issue. So we should afford all New York children that opportunity.

The funding, 150 million. And how is that -- that's not just going to state facilities. Can any municipality or anybody apply for that funding?

PARKS COMMISSIONER KULLESEID: So we will be putting together sort of the guidelines for that. No, that is not for state facilities. I mean, there's enough capital funding going so we can refurbish three state facilities --

ASSEMBLYMAN JONES: So municipalities can apply for it all over the state?

PARKS COMMISSIONER KULLESEID: The munis -- yes, correct. There will be a -- I mean, obviously, there will be an underserved screen on that as well to make sure that the --

(Overtalk.)

ASSEMBLYMAN JONES: But the issue that needs to be said is we need more lifeguards everywhere -- in state facilities, municipal facilities, everything.

What are we doing to recruit lifeguards?

PARKS COMMISSIONER KULLESEID: Well, so -- just on that, so part of the program is funding to be allocated through DOS, the Department of State, to actually help

municipalities hire lifeguards. Lifeguards is -- you know, obviously I think that if we're able to -- I mean, the City of New York's increased pay, we've increased pay. I think if you increase pay, you'll be -- that will help with the recruitment, obviously. Once we increased our own pay we were able to recruit as needed, so that's a big part of it. And then just making sure that the training is --

ASSEMBLYMAN JONES: Thank you. And thank you again for all of your work. Wish you all the best.

Commissioner Ball, you knew I was going to get up here and ask something.

AG & MARKETS COMMISSIONER BALL: Something dairy, maybe?

ASSEMBLYMAN JONES: And I will put in a plug, like many of my colleagues have, for Nourish New York. The program worked wonderfully through your agency. Love to see that continue through your agency.

The $100 million from USDA, do we know how that is going to be distributed, how it's

going to -- what is that going to? And I would put in a plug for I think it should go through our Nourish New York, some form of it, through your agency. But do we know anything about how this is going to be distributed, how it's going to benefit our farmers?

AG & MARKETS COMMISSIONER BALL: Yes, we do. And that particular program, LFPA, which we call New York Food for New York Families, 40 million has already gone out. I think there's about 102 recipients --

ASSEMBLYMAN JONES: Is it through the Nourish New York --

AG & MARKETS COMMISSIONER BALL: No, it's a separate program.

ASSEMBLYMAN JONES: -- guidelines or --

AG & MARKETS COMMISSIONER BALL: A separate RFP. But very similar program. I can give you the list of the growers and recipients of the money --

CHAIRWOMAN WEINSTEIN: Thank you. Thank you, Commissioner. You'll follow up

with that.

We go to our ranker on Ways and Means, Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Good afternoon. For Commissioner Ball. So we're a few years out now from, you know, the wage issue taking effect through the board. We have this tax credit in effect. Any sense of how that tax credit is working in terms of helping alleviate the cost to our farms for the increased wages?

AG & MARKETS COMMISSIONER BALL: Well, this year will be the test. It is in effect now. The opportunity to accumulate those overtime hours -- obviously, we're not seeing much of that yet. The opportunity is open now for a farmer to go online and register for the opportunity. The tax credit is 118 percent of the overtime cost. They'll be able to file that I think end of July, actual hours that they need, as an advance payment.

I went through and we have webinars now, how to go through the program, how to sign up, how to fill in this square, that

square, et cetera, et cetera, and then be ready to enter the number of hours and validate that.

At the department we'll be validating those hours for the Tax Department. They can get -- end of September, I think the -- it closes within a couple of weeks. Tax assures us the money will be mailed out to the farmers.

But it's just beginning. We're just beginning, just rolled out the program, we've done webinars for farmers to understand it. And of course the second part of that program will be filed and available at tax time.

So two opportunities throughout the year for farmers to take advantage of the overtime tax credit. Pretty straightforward, pretty easy to understand. And again, lots of webinars and support from our staff. And great cooperation from Tax and Finance.

ASSEMBLYMAN RA: And I know one of the concerns that has been expressed, despite the tax credit, is that it doesn't necessarily solve, you know, the cash flow issue of, you

know, getting the money on the back end. So what else are we looking at that we can maybe do to help the farmers with that?

AG & MARKETS COMMISSIONER BALL: Well, this is the part of the reason why it's 118 percent of the actual cost, was to help to defray some of the costs, additional payroll costs in borrowing money, et cetera, to accomplish all this.

This is going to be a learning year. We're going to watch very closely to see how farmers manage the new overtime levels. Last year we saw a lot of farmers managing to 60 hours. This year we'll see how it goes. We're watching very closely to see what the impact is on the farm economy, to the types of acres that are planted, and how things go. So this is the learning year.

But along the way, you know, we've got a 20 percent refundable tax credit for farmers, to help them double down and invest on their farm, get more efficient about things. And as you've heard, you know, the dairy investments and the investments in

{unintelligible} opportunities are there to help our farmers along the way.

ASSEMBLYMAN RA: Thank you.

And on the Parks side, where is the staffing levels within the Park Police at our parks compared to where they've been historically?

PARKS COMMISSIONER KULLESEID: Park Police are somewhere in the low 200s, I would say right now. There are probably two -- I'd have to -- so somewhere in the low 200s. They dipped as low as 180 something or other.

Our target is probably 240 overall to get to for the force. As long as we keep having good recruiting, we should be able to get to that. But, you know, we're still obviously watching attrition and all those kinds of things.

ASSEMBLYMAN RA: I mean, the recruiting I know is part of it, but also, you know, as we've talked about for many years, you know, pension parity and things like that to actually be able to retain those individuals --

PARKS COMMISSIONER KULLESEID: Yup. Yup.

ASSEMBLYMAN RA: -- you know, would be helpful. And, you know, I know -- you know, we have these situations often when a bill gets vetoed and says, hey, this should be taken up in the budget, but then I think there's a lot of frustration when we don't see it come budget time.

PARKS COMMISSIONER KULLESEID: Yeah.

ASSEMBLYMAN RA: So, you know, your partnership with the Legislature would be very welcome to try to finally, you know, make that change so that we not only can recruit officers into the department but keep them in the department.

PARKS COMMISSIONER KULLESEID: Thank you.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

We have a three-minute follow-up from the Ag chair in the Assembly, Donna Lupardo.

ASSEMBLYWOMAN LUPARDO: Thanks. This will be very quick. Two quick comments, and

one question for the Parks commissioner.

Commissioner Ball, the reason why everyone wants the Nourish program to go back to Ag & Markets is because when it went to the Health Department, they comingled Nourish funds with the Hunger Prevention and Nutrition Assistance Program. So a lot of groups who were used to receiving funds from both pots received one or the other.

And so that's where this all went awry. So we're just trying to sort that out right now. And, you know, I wish I could report to you where things stand, but that's the reason.

AG & MARKETS COMMISSIONER BALL: Gotcha.

ASSEMBLYWOMAN LUPARDO: Some groups really lost out in the process.

The other thing I want to make sure it's on your radar is I know that adult-use cannabis farming is in OCM, and you still oversee hemp and grain for -- hemp, grain and fiber on that side.

But with, honestly, thousands and

thousands of unsold pounds of cannabis, we have a dramatic problem with our farmers. Many of them are facing financial ruin. So we're going to be advocating for a farmer relief or a recompense fund. I just wanted to make sure that, you know, if it comes up, you'll be supportive of this idea.

And the question I wanted to ask the Parks commissioner is regarding our procurement goals. So my husband and I were traveling on Long Island this year and visiting some of our craft beverage industry, and many of them were concerned that in the state parks they were not serving their own canned beverages, but they were selling from out of state or out of -- out of state or other suppliers.

Do you know whether or not the craft beverage industry is going to make its way into State Park procurement in terms of sales at parks?

PARKS COMMISSIONER KULLESEID: You know --

AG & MARKETS COMMISSIONER BALL: We'll

talk.

PARKS COMMISSIONER KULLESEID: Yeah, Commissioner Ball -- obviously we do -- we do have Taste New York outlets in many of our parks. It is certainly not universal.

ASSEMBLYWOMAN LUPARDO: I mean at the parks themselves.

PARKS COMMISSIONER KULLESEID: It's not universal.

And then we also -- a lot of the work we do, a lot of the vending we do is through concessionaires. So we have to implement all that work through concessionaires. And it comes up when we are able to amend contracts and those kinds of things. That's when those kinds of advances are possible.

ASSEMBLYWOMAN LUPARDO: We would just like to see that percentage applied to those concessionaires, because you've got some great beverage producers on Long Island and I think they feel a little left out --

PARKS COMMISSIONER KULLESEID: Totally agree.

ASSEMBLYWOMAN LUPARDO: -- in the

program. So thank you.

PARKS COMMISSIONER KULLESEID: Great. No, thank you very much.

ASSEMBLYWOMAN LUPARDO: All set, thanks.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Oh, the Assembly's finished?

CHAIRWOMAN WEINSTEIN: Yes.

CHAIRWOMAN KRUEGER: So the Assembly and the Senate are finished, so we want to thank you both very much for being with us today, answering so many questions. You have some questions to get back to us in writing.

So we appreciate your attendance today. And as you leave, anyone who's trying to get their attention, please take the conversations out in the hallway so we can move along with Panel B.

And people should start to head down from Panel B: The Northeast Organic Farming Association, American Farmland Trust, New York State Animal Protection Federation, and the New York Farm Bureau.

AG & MARKETS COMMISSIONER BALL: Thank you.

(Off the record.)

CHAIRWOMAN KRUEGER: Oh, and West Side Campaign Against Hunger. I was wrongly informed you weren't going to make it.

Okay, great. Good afternoon. You thought it was going to be morning, but you would have been wrong.

(Laughter.)

CHAIRWOMAN KRUEGER: Okay, so this is a non-governmental panel. Just for everyone to keep track, each of you has three minutes. And so you probably can't read your testimony; it's a better approach to highlight your bullet points. We all have your testimony.

And then our questions will all be a maximum of three minutes, whether you're a chair or a ranker.

And why don't we just go down the list in the order it was printed. So Katie Baildon, with the Northeast Organic Farming Association.

Yes, you have to press hard to get from red to green.

MS. BAILDON: Okay, I got it. Thank you.

Yes, good afternoon. Thank you so much for this opportunity to speak to you about NOFA-NY's budget priorities. I'm Katie Baildon, policy manager with NOFA-NY.

Since 1983, NOFA-NY has provided New York State farmers with farmer-to-farmer educational programming, events and technical assistance. We also provide USDA-accredited organic certification services to over 1100 of New York's organic farms and businesses.

The most recent USDA organic census shows that New York continues to be a leader in organic production, ranking third in the nation for the number of organic farms, and leading the nation in terms of acreage of organic field crops. As the organic industry continues to grow nationwide in both certified acres -- especially in the Northeast -- and in demand for organic products, New York is positioned to grow its

industry leadership.

The state's financial support for NOFA's work helps improve access to and the quality of our certification resources that we offer. With past contracts we've developed digital applications and paperwork processing, offering a streamlined and cost-effective approach for NOFA certified organic operations.

And this year we're requesting 225,000. The breakdown is 90,000 to expand technical assistance to our certified and our transitioning producers; 51,000 to improve our ability to serve a greater diversity of operations and farming communities; and 89,000 for workforce development training to address the shortage of qualified organic inspectors in New York.

NOFA-NY also strongly supports funding and expanding programming that enables New York's farms to adapt to our changing climate, build resilience, and be part of the climate solution. As an organic farming organization that supports the widespread

adoption of organic regenerative and climate-smart practices, we urge the leadership to fund the strategies of the Climate Scoping Plan that will improve access to resources and help farmers cover the real cost of making changes to their operations.

This year NOFA-NY joins the NY Renews coalition in calling on the Legislature to invest 1 billion of this year's budget in critical climate and environmental justice projects, as detailed in the People's Climate Justice Budget. This funding could be used in part for Payment for Ecosystem Services, a key strategy for the ag sector included in the Scoping Plan. Funding Payment for Ecosystem Services pilots in different parts of the state where geographic and ecological differences warrant different project approaches, could lead to the design of an impactful statewide program that improves ecological systems, benefits farmers, farmworkers, and farming communities, and supports a more resilient food and farming system for the benefit of all New Yorkers.

Thank you for your time.

CHAIRWOMAN KRUEGER: Thank you very much.

Next?

MS. PERRY: Thank you so much for the opportunity to be here today. My name's Mikaela Perry, representing the American Farmland Trust.

New York's 9 million acres of farmland are the foundation of over $50 billion in annual economic activity and, as you all know, some of the best in the nation. We have permanently protected over 104,000 acres, but this represents less than 2 percent of our total farmland. With an aging farmer population, roughly 2 million acres will change hands in the coming years -- and are at risk of development.

Our projections show that New York is currently losing two farms per week, and we could lose 452,000 acres by 2040 if we do not enact policy changes. Land trusts across our state have been approached by a combined 260 farmers in the last year, hoping to

protect 40,000 acres. We ask you to meet this demand by funding the Farmland Protection Program at $25 million. Now is not the time to cut this line item.

Thank you so much for allocating $150 million of the Environmental Bond Act funding to farmland protection. As we heard from Senator May earlier today, the current legislation does not allow for the purchase of conservation easements, defeating the purpose of the line item itself. We ask you to support the Governor's proposed language change to the Public Protection and General Government Article VII legislation to ensure this funding can protect more farmland.

Farmland protection is crucial, and so is land access, which is even more challenging for those who don't speak English, for those who have faced oppression and racism and those who don't have access to capital.

Thank you so much for your funding of Farmland for a New Generation, a program

designed to support the transfer of farmland to a new, more diverse generation of farmers through a nation-leading Farm Link website and a network of regional navigators providing technical, financial and legal support to farmers. With your support, in just five years over 6,000 farmers have received one-on-one guidance; we've matched 148 farm-seekers to land, keeping over 9,000 acres in farming; and with 9 percent of farm-seekers indicating that they are Hispanic, we've expanded our programs to support Spanish-speaking farmers.

We ask for your support in funding this program at $850,000.

Farm viability is also crucial, and New York's Farm-to-School program creates a market opportunity. But our research shows that the sole focus on lunch and the recent changes to the state's community eligibility provision threshold have stagnated school participation. To increase local foods in schools, we ask that you include the two Farm-to-School bills included in our written

testimony as part of your respective one-house budgets.

Thank you so much.

CHAIRWOMAN KRUEGER: Libby.

MS. POST: Thank you.

I'm Libby Post. I'm the executive director of the New York State Animal Protection Federation. We represent all the animal shelters and a growing number of rescues in the state.

On a personal note, I want to thank you all for supporting organic farming because my son is an organic farmer down in Wappingers Falls. So it's a great thing.

So I want to thank the Governor, Commissioner Ball, Senator Hinchey and Assemblywoman Lupardo for supporting the Companion Animal Capital Fund; Assemblymember Deborah Glick and Senator Joe Addabbo for championing it in each of their houses; and each of you, for supporting your local shelters and rescues.

We worked with Ag & Markets and DOB on budget language for this year, and we're very

happy with the changes that have been made. We support those changes that will free up $7.6 million that has been sort of hanging out there because of the way the language has been fashioned over the years, as well as projects that wouldn't -- couldn't take place.

And with that, combined with the 5 million the Governor put in, there will be $12.6 million for the fund this year, which is incredibly important. Because of the standards act that you all passed in 2022, everyone is starting to wake up and recognize that they need to do some capital improvements, and that's what this money is for.

So as I've said, we won't be asking for more money from the Legislature for this year. We are asking, however, for you to create a $2.5 million animal crimes fund, which -- like the Companion Animal Capital Fund -- will be the first in the nation.

I'm sure many of you saw the headlines in the Times Union in January and in February

about a raid at an unregistered rescue in Latham, which is in Colonie. Over a hundred animals were seized. That will cost Mohawk-Hudson Humane Society over $100,000 because they're holding live evidence.

We see this over and over and over again. Of the 18 cases reported to us in our 2023 Animal Crime Survey, the cost of care for holding live evidence was $373,618, and the shelters only recouped 19 percent of that money in restitution. The ASPCA had a case where they spent over 400,000; it took 14 months to get a security bond, and no restitution.

The SPCA of Erie County in 2010 cared for 73 horses -- that's live evidence. That's the difference here, live evidence versus a TV that you can put in a closet as evidence. It cost the shelter 1.6 million, and they only received 620,000 in restitution.

This fund is necessary. The shelters are going broke by holding live evidence and the care that these animals need.

Thank you.

CHAIRWOMAN KRUEGER: Jeff?

MR. WILLIAMS: Thank you very much.

I'm Jeff Williams, director of public policy at New York Farm Bureau. When I first started testifying at these hearings, I didn't have to wear glasses to read. So it's a -- my longevity is noted.

I want to kick off, first of all, with a poll result that we commissioned from Marist Polling on agriculture and the importance of agriculture to the New York State economy. And the results were almost 90 percent of residents across New York State -- rural, suburban, urban -- believe agriculture plays a vital role in New York's economy.

And so that leads me into my conversations about the Governor's proposed budget, which everyone's acknowledged is a very good start. You know, the Governor has really committed to funding a lot of programs early on in the process, which takes so much pressure off you all to restore funding.

But there's still some notable holes that need to be filled in the final state budget, especially for research and promotion. It's all the usual ones we've all worked on before -- apple research and promotion, maple research and promotion, farm viability has been mentioned, hops and others. So we're bringing in all the groups to talk to you all about the importance of the programs and how those programs work, and we look forward to having a conversation with you about that.

We've also, along with others at this table, formally committed to a fully successful, fully funded Environmental Protection Fund. Agriculture depends on the Environmental Protection Fund for farmland protection, of course, but also a whole host of climate and water quality programs that help farmers protect and conserve water and water quality. We firmly are supportive of those.

We're pleased that the New York Center for Agricultural Medicine and Health, out of

Bassett Hospital in Cooperstown, seems to be fully funded in the budget. They play a pivotal role in on-farm safety programs, which are very important for our industry.

Again, I thank all of you for your work on Nourish New York that -- what a savior that program was in the pandemic, and it continues to pay dividends today.

Two things I do want to mention that -- one thing in the budget that we are concerned about is in the health and mental health budget scheduling of xylazine as a Class 3 drug.

We fully support xylazine in the illicit form being scheduled, but there is a very real FDA-approved use for veterinarians and on-farm use on farms that needs to be maintained. There's a very big difference between the legal xylazine and illicit xylazine. And we look forward to working with you on gaining farm and veterinary exemptions for that.

And I'll echo the calls earlier on for including farmworker housing in the renewable

investment tax credit. We are committed to giving our farmworkers the best housing that they can -- that we can provide, and that the investment tax credit would be a great way to incentivize it.

Thank you.

CHAIRWOMAN KRUEGER: And our last is Chef Greg Silverman.

CHEF SILVERMAN: Hi. Thank you for letting me speak today. And thank you for all the Nourish questions already. I hope I raise some more through my testimony.

I'm not a farmer, I'm a chef. And so I come from the other angle of this. But I also am a real New Yorker in a lot of ways: Born and raised in Utica, New York, had food businesses in Ithaca, New York, and have spent the last seven years running one of the largest emergency food providers in New York State, here in New York City.

We gave out about 4.5 million pounds of food to 80,000 unique individuals last year. Over 50 percent of that -- 2.2 million pounds of it -- was fresh produce. We think

that's the minimum. We don't think we're special. We think that's where it should be. That's what WSCAH does. At the West Side Campaign Against Hunger, we created the customer choice model decades ago, and choice is much bigger than that now.

We think choice is not about just apples or bananas but location of service, delivery models, time spent securing food, often from our New York state farmers.

We also founded at WSCAH The RoundTable: Allies for Food Access, which is a network of eight of the biggest emergency food providers across New York City -- frontline food pantries who, together, distributed 28 million pounds of produce in the last year at 1200 sites. We've worked together to purchase a lot of product, especially in New York State -- oats and beans and greens -- with GrowNYC and with others, to make sure we're getting the best prices for our customers across the way. And this is frontline food fighters working together to feed our community.

I've built my whole career buying food from farmers, selling the best product to our customers. And that's what we do in the emergency food sector on the frontlines. We're like small businesses. We are direct service, we know our customers, and we are best suited to actually purchase the product for our customers.

And that's where I get to my question or my concerns, is that we need to see, right, HPNAP and Nourish both at 75 million. And more importantly, we need to see the food distributed through direct contracts to frontline emergency food relief programs. I have nothing against food banks. I think they are huge partners of ours, but they are not best suited to be making the distributions into communities of need. Frontline pantries know their customers.

We have seen, on the frontlines, as we talk to our customers each and every day, increased pricing -- 28 percent up for canned tuna, 141 percent up for a dozen eggs. Our customer base is up 42 percent since the

height of the pandemic. The need is going up and up and up; the prices are as well.

We found at Thanksgiving alone, through collective purchasing, we got turkeys 62 percent cheaper than the food banks were delivering at. We know how to get good prices for our customers.

And in the face of this, the HPNAP/Nourish process was really difficult for everyone on the frontlines. Across the state, through our Alliance for a Hunger-Free New York, we're seeing drastic decreases in service, shrinking the amount of food people are giving to their customers in the Hudson Valley. We talk to folks up in Albany, down in Staten Island. So we just need some change.

CHAIRWOMAN KRUEGER: Thank you very much.

Our first questioner will be our Agriculture chair, Michelle Hinchey.

SENATOR HINCHEY: Thank you very much.

Where to begin. Mikaela, starting with you, for the $25 million for farmland

preservation, I think it's also important to note the stats that you shared are staggering. And so please -- I think you've sent them to us, but send them again. I think everybody should internalize those.

Is $25 million enough?

MS. PERRY: No. But it's a good starting point. And with the funding from the Bond Act, if we can get that, you know, squared away, we think it's an excellent starting point to provide funding to our land trusts to begin preserving these farms that have contacted them in the near term.

SENATOR HINCHEY: How many farms would that save, do you think?

MS. PERRY: Over 260 confirmed right now, in the near term.

SENATOR HINCHEY: Right. Jeffrey, I don't know if you want to -- great.

A question for you. Farm viability, you've I think heard me ask the commissioner this question, but realistically I think it's better suited for you. They've not been restored from 2009 levels. Can you shed a

little light, as quickly as possible, on what that means and how it would impact agriculture across the state if we could actually get them back up?

MR. WILLIAMS: Yeah, I mean, research is the lifeblood of agriculture. We need to keep up with other states and around the world on how to control pests or maximize our efficiencies or do -- help the environment. And so the more research we can get, the more research funding we can get empowers not only Cornell but every other agricultural institution in the state.

SENATOR HINCHEY: We just met with them and they said they had 54 requests and they're able to fund 12.

MR. WILLIAMS: Yeah.

SENATOR HINCHEY: That leaves a lot on the table for the future of agriculture.

I want to shift quickly to Nourish New York. An incredible program, I'm sure we'll get more questions on it. But in the Hudson Valley, as you mentioned -- I just met with a group who are doing emergency food,

and they've lost about $400,000, just under.

What is the fix? What would be helpful for us to do in this budget?

CHEF SILVERMAN: I think firstly -- I mean, HPNAP actually has a good model. There's direct and indirect. You know, some people don't have the bandwidth at their organizations to deal with the state granting process, so you go through the food banks. That's fine. But the option, if you want, is to go directly, because that's where you can maximize dollars.

How do we save money? We buy directly. We know how to do that.

So I think the options -- there's lots of issues with HPNAP as well. But I think the dual model has been working for a long time.

SENATOR HINCHEY: Thank you. And in my last few seconds, I just want to comment on school meals. Can you briefly talk about the change that's needed to add breakfast, and the increase in funds?

MS. PERRY: Yes. So we're excited

about the potential of universal school meals as a steppingstone for schools to be able to purchase more local foods. But we do have a Farm-to-School program that also needs to be fixed a little bit so schools can access it. Only 7 percent of schools right now can access this program.

SENATOR HINCHEY: Thank you. Hopefully someone will follow up.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you so much.

I'm going to pick up where my colleague just left off. So with regard to the school lunch -- Farm-to-School lunch program, my understanding is that one of the roadblocks is that school nutritionists, they generally buy -- their inventory is for all meals, including snacks, for the day. They don't separate out lunch. But the program requires them to separately order lunch. Is

that one of the roadblocks?

MS. PERRY: Yes. And we surveyed almost 300 school food authorities last summer that said the same thing. Again, this is the number-one challenge to accessing this program. They can't be separating purchases.

Sorry. Can you hear me better now?

ASSEMBLYWOMAN WOERNER: I can.

They can't be separating programs because they buy a bushel of apples, and some are used for lunch and some are used for breakfast, and a couple are taken for snacks. They don't account for them separately.

MS. PERRY: Exactly.

ASSEMBLYWOMAN WOERNER: Fantastic.

Jeff, if I might turn to you, the Farmworker Employment Tax Credit. I'm hearing that there are some challenges based on sort of the way farms are sometimes organized, that there are farm management companies and then the individual farmers who are owners of that company.

Can you give us a little on that and what needs to happen to fix that problem?

MR. WILLIAMS: Yes. We're so thankful for that overtime tax credit. And to be eligible for that tax credit, you have to actually employ farmworkers as part of your company.

ASSEMBLYWOMAN WOERNER: Makes sense.

MR. WILLIAMS: Many, many farms organize their farms in different LLCs, different companies, one to manage the cropland, one to do payroll, and one to -- you know, who does the milking. The one that does the payroll doesn't have any farm employees. The milking and the crop operations have the employees. So they aren't eligible for that overtime tax credit.

So what needs to be done is to recognize that any LLC or company that's part of an overall farm should be eligible for the tax credit.

ASSEMBLYWOMAN WOERNER: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Harckham.

SENATOR HARCKHAM: Thank you very

much, Madam Chair.

Thank you all for your testimony. Good afternoon, everyone.

My question is for Katie -- and Jeff, if there's time, please weigh in.

A lot of well-documented benefits of organic farming, both on the health and the environmental side. As a policy narrative, is New York doing enough to incentivize, to invest in and encourage farmers to make the transition to organic? You know, not just nickels and dimes in the budget, but is this a policy priority for New York State?

MS. BAILDON: I don't think I've seen it as a policy priority for New York State.

I think there is a lot of opportunity as farmers are interested in transitioning to organic. Most of the support for it at this point is coming from the federal government. But there is a lot of opportunity for the state to chip in and support that effort.

So transitioning farmers who are either, you know, new to agriculture and want to transition their land to organic and need

some support to do that, or, you know, farmers that have been farming and would like to transition in order to be able to get, you know, access to wholesale markets that sometimes require organic certification.

So I think there's a big opportunity there. Thank you so much for that question.

One way that the state does support organic is by administering the Organic Certification Cost Share Program, which is a really key program for allowing farmers to get some of the fees associated with certification reimbursed. So it's been great to work with the Department of Agriculture and Markets to get that funding to farmers, back to farmers.

SENATOR HARCKHAM: Great, thanks.

Jeff?

MR. WILLIAMS: I would just say that the best incentive for organic farmers was they got a lot more money for their product than traditional farmers. That's gone away a bit because we've seen consolidation in large organic farms, just like we see in large

traditional farms.

I think probably more -- and I hope you agree with me, that I think more investment in smaller farms, medium-sized farms transitioning to organic and raising -- giving the market-price raise. Because as that has fallen, it's been less attractive to be organic.

SENATOR HARCKHAM: Thank you both.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We go to our Ag Chair Assemblywoman Lupardo, three minutes.

ASSEMBLYWOMAN LUPARDO: Thank you very much.

Well, I'm in conversation with almost all of you, so you know that we're very committed to doing the basic restorations. Katie, in addition to restoration, I understand you need additional funding for outreach. What will that entail?

MS. BAILDON: Yeah. So the state has been helping us out with technical assistance funding. So that is enabling our education team to support farmers in completing their

paperwork for certification and adopting organic practices or improving upon their practices.

So that's one piece that we're looking for additional funding on, and that will of course require some outreach to let farmers know that assistance is available.

I think --

ASSEMBLYWOMAN LUPARDO: Maybe we'll let it go at that. I think you sent us some background information, correct?

MS. BAILDON: Yes. Yes. Absolutely, thank you.

ASSEMBLYWOMAN LUPARDO: Mikaela, we're going to be working on those fixes. Certainly if we can't get it done in the budget -- we need to do it in the budget, but if not, those have been filed.

Thank you very much for your work. We also have some restorations in the Environmental Protection Fund to work on on farmland protection.

Libby, thank you for not coming to us with -- that you have been creative to find

ways to add more to that. And Assemblyman McDonald has advanced the Animal Crimes Fund, which we're taking a look at.

And Jeff, we appreciate all the people coming to talk about the valuable work being done and the restorations that are needed. And I think we're going to be okay on the xylazine carveout.

MR. WILLIAMS: Oh, good.

ASSEMBLYWOMAN LUPARDO: It's been raised by a number of people --

MR. WILLIAMS: Wonderful.

ASSEMBLYWOMAN LUPARDO: -- and we feel optimistic about it.

Greg, in the remaining time, if you could just talk a little bit more about how things worked out for you when those funds were commingled, Nourish and the HPNAP. Because, you know, the Health Department appears to want to just work primarily through food banks, and I think you were making a compelling point that that really is not particularly helpful for people on the ground like you.

CHEF SILVERMAN: Yeah, I mean I think small businesses, small nonprofits know how to make decisions for their community. I think food banks are really good at being partners in big distributions, but not directly on the ground in the same way.

So what I would say is I think it's important to give multiple options, direct and indirect distribution, because previously Nourish was often direct. Now it is not; it is only going through 10 regional in a sense super-organizations, and that's not effective.

ASSEMBLYWOMAN LUPARDO: Gotcha. That's helpful to know.

So thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Helming.

SENATOR HELMING: Thank you all very much for your testimony.

Libby, I want to say thank you so much for bringing up the Animal Crimes Fund. I recently toured the Lollipop Farm in Monroe County, and they have a large number

of animals in holding that require great -- a tremendous amount of care. And that is a huge expense, a huge burden.

So whatever we could do from a state perspective I think is -- again, I appreciate you bringing it up as a priority.

Mikaela, the FPIG program has been phenomenal in the Finger Lakes region. We've wholeheartedly embraced it. It's been wonderful.

The New Farmers Program, does include veterans or prioritize veterans as new farmers?

MS. PERRY: The New Farmers Program? Farmland for a New Generation?

SENATOR HELMING: Yes.

MS. PERRY: Okay. It includes any farm-seeker that comes to us. Anyone can participate. We do work with specifically veteran and women veteran farmers with our Women for the Land program as well.

SENATOR HELMING: Okay, thank you.

And real quick, on Nourish New York, it's a program that we all love and we all

embrace. Of course we've heard today how maybe there are some tweaks that can be made to improve it.

A few months ago the State Comptroller's office audited Nourish New York, and they had some suggestions and talked about opportunities to grow the program in good ways, to increase the number of participating farms and the number of organizations that are eligible to purchase New York-made farm products.

And we've talked about -- Chef Greg, you've made some recommendations on how we can maybe do that, expand the organizations. But my question to you is, I've heard some concerns about barriers to purchasing New York State-produced honey, maple and whole milk. Have any of you experienced that or heard anything about that?

CHEF SILVERMAN: I mean, I think at the pantry level we have some of -- I think federal regulations related to what type of milk we're distributing with certain funds. So depending on how that funding stream runs,

we wouldn't be able to distribute whole fresh milk.

I know we've also had difficulties getting shelf-stable milk at the quantity and price we want from New York State as well, just because of processing needs.

SENATOR HELMING: Okay. Anyone else, anything to add? No? Okay. Again, thank you all for your testimony.

CHAIRWOMAN KRUEGER: (Mike off; inaudible.) Is Assemblyman Lemondes here?

CHAIRWOMAN WEINSTEIN: So Assemblyman Jones.

ASSEMBLYMAN JONES: Thank you, Lemondes.

Thank you. Great to see you all here. And Jeff -- all of you have mentioned these programs that work so fabulously for, you know, organizations and our farmers. And we've had many groups come in in the last couple of days, like they do every year, which is great. That's one of the few things that we can actually do, put that money in the budget to help our farmers and

organizations.

I guess my question is -- and I ask this a lot. We want to see New York products get to the people. Right? And we have all these wonderful programs. What is -- do we need to make another program? Or what can we do to ensure -- we can grow -- we don't have any, you know, anything over the weather or we can't control the price of markets, but actually getting the product to our people, getting New York-grown products.

Because we can grow, we can grow very well here in New York. What is the best way to go about that? And what are you hearing -- this can go to anybody, or I'm kind of directing it to Jeff.

But what are you hearing from farmers to make sure that our products -- we have transportation -- we have transportation issues with drivers, obviously. But do we need to make another program to make sure that we get these New York-grown products to the people, to the populations, that they can have the opportunity to buy them and to have

them? What's the best way we can do that? Because it seems as though we have that disconnect there.

MR. WILLIAMS: Well, first, I think it starts on the farm and it starts here in Albany, is that the best way to protect farms is to have profitable farms in New York State. And sometimes the best way to do that is to help them achieve those successes through regulatory and legislative environments. That's point number one.

And then it's that we live and produce in a high-cost state. You know, I think some of the transportation issues you've highlighted, they're very real.

We've been pushing legislation as part of the budget this year, too, to have a farm E-ZPass discount, so if farmers are bringing food into Queens or Brooklyn, that they get an exemption -- or not an exemption, a cut-rate deal on the toll costs. Same with congestion pricing in New York City.

I think aggregation of food products in different regions, enabled to then

transport those products into other areas, is a big thing.

I think road and bridge -- bridge -- what am I trying to say? You know, rebuilding them to make them safer and more efficient, another big thing.

There's no silver bullet here, but we do have to think in the holistic viewpoint of all -- how all of these things work together.

ASSEMBLYMAN JONES: Okay, thank you. And getting our dairy products and milk back into places that they need to be, yes.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

I know the time is limited. Just quickly, Libby, thank you for all that you're doing. You know, in New York State our shelters are no-kill shelters, and it's very expensive, but it's the right thing to do. And that means funding for our most vulnerable animals. So thank you for what

you're doing.

MS. POST: Thank you. I just want to echo what Jeff said about the xylazine. It impacts shelters as well and the euthanasia, the humane euthanasia that happens there. And, you know, I've asked a number of vets about this, and it not only impacts the animals that are being put to sleep, but also the people who are doing the procedures. And they don't want to see the animals suffer.

So taking this -- as you said, you seem to have it taken care of. It would be really important for the shelters as well.

SENATOR BORRELLO: Thank you.

I just want to talk quickly, both for Jeff and for Mikaela, on solar proliferation. You know, we have a lot of consumer protections here in New York State. We stop bad actors that are doing things that -- you know, the way they solicit and harass people. I hear from farmers all the time and people about a lot of bad actors in the solar field, in the solar area.

You know, would you both support legal

limitations on some of these solar projects? And wind also. You know, I can tell you that there's a lot of corruption going on in this. You've got, you know, members of municipal boards that have contracts, land contracts with wind and solar companies that are voting on these things. You know, it's just not right, it's not fair.

Would you support legal limitations and really, I guess, an anti-corruption campaign for these wind and solar projects?

MR. WILLIAMS: That's a big question. Anti-corruption campaign? Sure.

(Laughter.)

SENATOR BORRELLO: Limitations.

MR. WILLIAMS: Yeah. I mean, the solar is -- it's a delicate balance. Some farmers want to use it, want to put solar on to help diversify their operation and continue it for the next generation. Some landowners and farmers, you know, get taken advantage of. It's not really a one-size-fits-all thing.

But as Commissioner Ball said, it

needs to be addressed and thought through from a mitigation perspective, you know. So a thing -- it's not farmland, it's brownfields. You know, it's not taking land out of production.

SENATOR BORRELLO: Do you think a voting member of a municipal government should be involved in discussions in any way when they are actually creating the guidelines for these wind and solar projects?

MR. WILLIAMS: Speaking in a general sense, no.

SENATOR BORRELLO: Yeah, I think that's a problem. And we haven't addressed that here.

MR. WILLIAMS: But I just want to just throw an aside here, drop one last thing, is that it's not just the solar panels. It's been mentioned, transmission lines as well. I was talking to a farmer from Chautauqua County, and there's a transmission line being planned that's going to take, you know, tens of acres of grapes out of production --

SENATOR BORRELLO: Yeah, absolutely.

MR. WILLIAMS: -- against his will. And that's also a problem.

SENATOR BORRELLO: It's a problem.

And Mikaela, do you want to -- I only have a few seconds left, but if you --

MS. PERRY: I cannot say whether we would support legal limitations. What we do support is much higher mitigation fees and incentives for agrivoltaics. And I'd love to follow up with a conversation with our solar team.

SENATOR BORRELLO: Sure. Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you all for being here and waiting.

So I just have two things. One is kind of the lack of composting happening around our state and kind of what our farm and farm industry could do, as well as nonprofits in the city to incentivize it.

I'm wondering what you're hearing from farmers and the farm industry, especially our organic farms, around what they need from us

to kind of move them all in the direction of expanding composting on their facilities.

MS. BAILDON: I am not sure I can answer that question from an organic farming perspective. But I would like to get back to you about it.

ASSEMBLYMAN EPSTEIN: That would be great. And so -- I don't know if anyone else wants to answer that. But I can move on to my second question if you don't.

So we have a -- we do seem like we have a crisis kind of in our farming, and I'm wondering about what we need to -- you know, we are in some ways, in our society, moving to a more plant-based economy. And I'm wondering what we need to be doing to encourage and support farms and farmers who are moving in that plant-based direction.

And is that a way to potentially long-term preserve a lot of our farmland? And have you heard more from our farmers who may -- you know, people who may be wanting to move towards plant-based, and is that a potential that's available to preserve our

farmers and our farmland?

MR. WILLIAMS: I'll start. We're about 50 to 60 percent dairy in the state, but the other 40 percent is plant-based. It's -- we have one of the largest vegetable, you know, industries in the country, largest grape and fruit industries in the country.

So it's -- it's -- we're there when it comes to plant-based. We grow a lot of soybeans. Right now it's for dairy cows, for the most part, but we can certainly see -- if there was a market for it, I could certainly see, you know, people growing soy for I guess what you're calling traditional plant-based foods.

ASSEMBLYMAN EPSTEIN: Yeah, and we see like Chobani's expansion in New York, and really they're moving to the plant-based market as well as the dairy market. I'm wondering how we in New York State can be supporting that part of the industry as well.

MR. WILLIAMS: I think it really comes down to the market and the price, like anything else.

CHEF SILVERMAN: I'll just say like, you know, from a customer perspective, we have 80,000 New Yorkers in need who more and more are demanding fresh produce, and they want local produce, and they're not demanding as much animal protein. And so they are shifting. And so pantries have to shift as well. And so we're trying to find those deals. And I think incentivizing in grants, right, how you push us for what our purchasing is, Nourish and HPNAP, we will follow those grant guidelines.

ASSEMBLYMAN EPSTEIN: Thank you all.

CHAIRWOMAN KRUEGER: We've been joined by Senator Stec.

SENATOR STEC: Thank you, Chair.

Good afternoon. Thank you all for being here today.

If I could, for the Farm Bureau, I just wanted to see what your thoughts have been on the recent changes that we've done, particularly in areas of the farm labor and the overtime and what trends you're seeing -- or is it too early to say that you've seen

trends? Have the concerns been realized, or were they for naught?

MR. WILLIAMS: It's too early to tell in New York. I mean, we're the only state -- we're the envy of every other state in the country when it comes to the overtime tax credit. You know, we get calls from California and Washington State saying, How did you do that? How did you get them to negotiate that kind of program?

And it's going to be a tremendous help to farmers in the state. It's still a lot of paperwork. It's still a lot of bookkeeping. You have to, you know, take loans to basically float your payroll for six months to a year. So it's not a pretty program, but we're hoping this can be effective. But the jury's still out because this is the first year of implementation.

What's interesting to see is in California and those western states who also have implemented an overtime threshold in a faster way than New York has, farmworkers are actually having rallies and lobbying because

their hours are limited because -- by virtue of the overtime, and they're unhappy about it. And they want -- they're actually lobbying to roll back those overtime requirements, the actual farmworkers.

So that's the experiment results that we have from the western part of the country. It's too early to tell here. We're a much different case because we have the overtime tax credit.

SENATOR STEC: How are we doing with the labor market, though, access to labor?

MR. WILLIAMS: Like everybody else, it's tremendously tough. And that's not just a state thing, that's a federal issue as well.

SENATOR STEC: So you really couldn't say if any of our changes have added to that or this is the overall -- the entire labor market.

MR. WILLIAMS: It's too early, yeah.

SENATOR STEC: Okay. How about some of the recent legislation we've had regarding insecticides, pesticides? You know, some of

the new regulations that we've done; New York's done a few things on its own, early. What are you hearing from your members on that?

MR. WILLIAMS: The continual concern that New York is going to be an island unto itself with regard to competitor states and countries.

And if we need -- if we're going to do anything when it comes to regulation of pesticides, for example, it should be done at the EPA level so every state is on this level playing field.

These one-off bills that come out of the Legislature and then the Governor has to deal with are distressing. And every business likes stability, it craves stability. And these kind of -- these kind of issues create instability in the agricultural world. We're very, very happy that the EnCon chairs -- thank you very much -- were able to negotiate with Governor Hochul for a chapter amendment on the neonics bill that's I think workable from

both sides. But it's --

SENATOR STEC: All right, thank you.

MR. WILLIAMS: Thank you.

SENATOR STEC: Thank you, Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRWOMAN WEINSTEIN: Assemblyman Lemondes.

(No response.)

CHAIRWOMAN WEINSTEIN: Okay, Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Great. It's so wonderful that you all are here. Thank you so much, and for your patience.

Question for Jeff, though. I'm curious -- you know, I hear all the time less regulation for farmland, but I get a little frustrated because I see the industry like, you know, Caterpillar and John Deere, say you can't actually lift the hood on your tractor or, you know, you lose your insurance and you have to send it to us, we have to do it, and it's like five times more expensive.

MR. WILLIAMS: Mm-hmm.

ASSEMBLYWOMAN KELLES: Or you can't save your seeds because, you know, we have patented seeds and, you know, you can be -- or you can't dictate the cost of your milk because we dictate the cost of your milk and you have to throw it out if we say we're not going to buy it from you.

So I'm looking at all these things in the industry that, like, absolutely cripple all the farmers, but all I ever hear is you've got to regulate less because a hundred percent of the problem is the regulations. And I just -- I'd love to hear a little bit of a balanced --

MR. WILLIAMS: Yeah, that's a completely fair assessment. You know, farmers -- farmers have always gone into farming because they want to plant crops and they want to milk cows. And the frustration is is that now they have to be an HR manager at the same time, they have to be an environmental scientist, they have to be a seed purchaser. And so it's like death by a thousand cuts, because it's taking them --

they don't -- they're in the office now every day with a big binder instead of out there in the fields.

Industry creates those problems as well. I mean, the right to repair issue is a real thing for farmers when it comes to tractors.

You know, farmers to a certain extent can pick their seeds they want to grow, but legal contracts, you know, don't allow them to save their seeds.

ASSEMBLYWOMAN KELLES: That is definitely a big part of the issue too, just -- yeah, okay. I just wanted to make sure because it just feels like --

MR. WILLIAMS: No, no.

ASSEMBLYWOMAN KELLES: Thank you so much.

Libby, can you just -- you know, I only have like 15 seconds, but talk a little bit about have there been SPCAs that have had to close because of, you know, lack of funding that they're getting back for, you know, holding live evidence? Are they having

to reduce their services? Are they able to provide less support for their animals? Like how is it negatively affecting them?

MS. POST: Nobody's closed yet, because a lot of people give philanthropically to their shelters and they like to see the animals do well, and so the shelters are good at that kind of marketing.

But what we are seeing is that shelters are saying no to municipal contracts. Okay?

ASSEMBLYWOMAN KELLES: That's what I thought.

MS. POST: Because they can't manage the volume anymore.

ASSEMBLYWOMAN KELLES: So less service for their --

MS. POST: Municipal contracts are loss-leaders. They don't get paid for what they -- for the value of the care for the animals. And so the shelters are canceling those, which then puts -- what are you going to do with this evidence, right? That's the question.

ASSEMBLYWOMAN KELLES: Absolutely. Thank you.

In the last 10 seconds I'm just going to say a comment, which is thank you so much for your comments on Nourish New York. I really appreciate it. And the plant-based, the market's there. So, you know, I want to make sure that we support the farmers so that they can capitalize on it. You know, that's going to be really helpful.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate now.

ASSEMBLYWOMAN KELLES: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I think follow-up for Libby. So when you were talking about the fact that the shelters are having to pick up the costs for live evidence, I think a bunch of us, our eyes looked open and we went "huh?"

So why isn't criminal justice paying for this?

MS. POST: That's a really good question. I have no idea. There are -- there is this security bond posting process

that had been working well, especially down in New York City. But a lot of the defendants' lawyers have figured out a way to get around that.

In rural areas, you have these cases going to town courts or village courts where they're not necessarily lawyers, right, who are the justices. So that adds to it. And -- oh, I know this person, oh, they can't be that bad. I mean, this happens a lot.

And then there are times when the district attorneys say no, we're not going to do the bond proceeding for you, you have to do it.

So on top of having to care for the live evidence, the animals -- the dogs, the cats, the cows, right, because there are farm animals that we end up taking care of -- then they also have -- the shelters then have to hire an attorney to go and do a bond hearing. And I can tell you from the survey that we did, the majority of the shelters do not go through the bond hearing process because it's just not working for them. And it takes

months and months and months for that bond hearing to happen, and they're caring for these animals, at a minimum -- based on where you are, at a minimum of $20 a day. Plus veterinary care.

So it's an expensive proposition. We're not saying we're not going to do it anymore. But this fund would be a way to help offset those costs. I'm not saying it's going to pay for everything -- you know, the horse case in Erie County was millions of dollars -- but it will pay for some and help offset those costs.

CHAIRWOMAN KRUEGER: Okay, thank you.

And I don't really have time today, but I would love to have a follow-up chat with you, Chef, about how the Nourish system is working now and why you think there's a cheaper way to do this.

I'm dating myself to 40 years ago, but I set up the original emergency food bulk purchase system, at least with state and city funds, back then. So if it's not working, we should be reevaluating and coming up with a

better model, because we obviously want to get the best bang for our buck. We also want to buy the most New York State product we possibly can with this money.

So maybe afterwards we can coordinate. Thank you.

Okay, next, Assembly?

CHAIRWOMAN WEINSTEIN: Yes. Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: I have two questions, one for Mikaela, one for Libby, so I'll start with Mikaela, but I'm going to talk -- I'm going to put out both questions.

First of all, how do you reach out to those new farm-seekers? How do people know to find you and to get involved in this match system? And how do farmers who frequently don't have a succession plan if they don't have kids interested in farming -- how do they know about it? That's the question for you.

And Libby, I understand that there are resources now. But what do you estimate is the unmet need going forward that might be

out there for upgrading for so many more shelters that are coming online?

Mikaela?

MS. PERRY: Sure. So we have a team of about eight staff members who work for Farmland for a New Generation, and they conduct outreach across the state.

We also have a regional navigator network of 39 partner organizations that working directly with farmers across the state. So these networks, we rely on them to do the outreach to farmers directly.

If you are a retiring farmer who doesn't have a succession plan, you can go onto the Farm Link website. The Farm Link website itself is a nationally ranked website, and so it is fairly well known. But we are consistently working on outreach.

ASSEMBLYWOMAN GLICK: Thank you.

MS. POST: Well, I can tell you that in the last year's capital survey it was over 60 million.

The year before, it was over 200 million because ACC, the Animal Care

Centers of New York City, had their projects going.

The RFP for last year's money, the 5 million in last year's budget, just closed on Monday. And I understand there are over 45 organizations that have applied for $5 million. So I think you're going to see more and more need as organizations, both shelters and rescues -- because they are covered by the Companion Animal Care Standards Act -- understand that they need to meet these standards and that this capital money is going to be available to them.

So, you know, we're hoping -- you know, I said last year or two years ago I'm not going to ask you for any more money for this, right -- I'm really hoping that we can get up to $10 million in that fund on an ongoing basis so that we can continue to do this work.

Because while the bill kicks in December 15, 2025, the capital needs are going to continue after that.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN WEINSTEIN: Any more Senate?

CHAIRWOMAN KRUEGER: The Senate is done.

CHAIRWOMAN WEINSTEIN: Okay. So Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: My question is for Mr. Williams.

Mr. Williams, I've traveled around my district -- like my colleagues, you know, I went to the Farm Bureau meetings in the fall, just like I've talked to school districts -- you know, our school districts are up in arms about this electric school bus mandate. They're scared to death, don't know how they're going to handle it. There's a lot of problems with it.

When I talk to the farmers in the counties, and I went to several of my Farm Bureau meetings, the farmers are concerned about this reliability -- you know, what's going to happen. You know, we talked to the commissioner about the electric vehicles down the road for our farmers, about the use of

natural gas. You know, some use propane, some use oil. There seems to be a lot of uncertainty up there from the farming community, which is really taking it on the chin with the mandates that have come through from the Legislature with the Farm Labor Act, and it's just one thing after another.

What are you hearing from your members on this issue as far as this push to the full electrification? And especially on conversion costs. I mean, conversion costs for a homeowner, they say average conversion costs from natural gas or whatever to electric is $35,000 plus. And it's going to be even more for our farmers and businesses.

What are you hearing from your members along that line? Is there concern?

MR. WILLIAMS: There's a strong concern, because farm equipment is hard to electrify -- at this point, impossible to electrify.

Same with school buses in rural areas in winter. The range isn't very big, and farmers are on school boards all over the

state.

So I think what I'm hearing is we're going too far too fast, and we need to take considerations in for commercialization of technology, affordability of new technology, access to new technology which isn't -- doesn't exist yet in the first place.

And so farmers, as Commissioner Ball said, want to help and do contribute to helping with climate, but they need to do so in a way that actually makes sense for their business and as far as commercialization of technology.

ASSEMBLYMAN PALMESANO: It's almost like we're tearing down the bridge before we build a new one with our energy infrastructure. That's the problem. Going too fast and not putting that technology in place.

So back to the farm labor costs, I mean obviously we just had the decrease now that was authorized. What are you hearing as far as impacts -- I mean, I know we're starting this -- as far as the concerns on

the impacts of the farm labor costs? Because we know, even before this started, farm labor costs as a percentage of farm income was significantly higher than other states.

MR. WILLIAMS: Yeah. Especially when it comes to H2A workers. Where, you know, a lot of our farms, especially fruit and vegetable, hire offshore workers through the federal visa program. And that hourly wage is very, very, very high. And then that drags other farm wages up, non-H2A wages up. We're some of the highest in the country.

And so labor costs, especially when we have high value, hand-picked crops, it is a lot. And it's really hard to compete against Michigan and Pennsylvania and California. And so it's -- it's not going to get any better.

ASSEMBLYMAN PALMESANO: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you, Madam Chair.

And thank you all for being here

today.

My question is for Farm Bureau. And, you know, land is being sold on Long Island for development, and a lot of farmers are being displaced. They're losing their lease agreements, whether it's because the well is no longer functioning and the property owner doesn't want to reinvest in a new well. And so it's like a giant chess game where everybody just keeps moving around and looking for land. And a lot of the farmland, because it is leased, is turning into industrial development.

So, number one, what are you doing or trying to do to help those farmers that are being displaced? Is there a line or a number that they could be calling so that -- I mean, we're working with Parks right now trying to get a piece of land that was farmed previously to allow this farmer to farm again.

And then also what are you doing -- or what can we do better as policymakers to create a more competitive market with

adjoining states that don't have the labor rates or regulations that we have?

MR. WILLIAMS: The first question is very simple. There's an amazing program in New York State called FarmNet, which provides counseling for farmers who are in mental health crisis, but also with succession planning and business planning.

Sixty percent of the land in New York State is rented for farming. And it's extremely stressful, and FarmNet plays a huge role in that. It's hard enough for an established farmer to deal with this issue, let alone a beginning farmer, a new farmer, to try to find access to land. And it's a big problem.

The answer to your second question -- I can't remember your second question, sorry.

ASSEMBLYWOMAN GIGLIO: What can we do as policymakers to make a more competitive market.

MR. WILLIAMS: Oh, yeah. I think just be mindful of the fact that everyone needs food, everyone values local food. But

sometimes -- I'm sorry, Ms. Kelles -- sometimes the Legislature makes decisions that make it harder to access that food.

And so I'd just be mindful of the agricultural -- impacts on the agricultural economy when making decisions on legislation.

ASSEMBLYWOMAN GIGLIO: So comparably to other states that are adjoining, how much more do you think that New Yorkers pay for their local produce than they do in adjoining states?

MR. WILLIAMS: I would turn that question around and say if you look at the GrowNYC farmers' markets in New York City, more and more of those markets -- marketers, farmers -- are coming from Pennsylvania and New Jersey.

ASSEMBLYWOMAN GIGLIO: Interesting.

MR. WILLIAMS: Because the New York farmers can't compete.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you,

Chair.

And thank you all for your testimony.

It has seemed to me, in following this over the last several years and talking to folks that deal in this area, in food pantries and such, that Ag & Markets and the farm community, in collaboration among themselves, as well as food pantries, have done a great deal to address food insecurity.

Question for the West Side Campaign Against Hunger, Farmland Trust and Farm Bureau, say two sentences each: Top suggestion on what more we can do.

CHEF SILVERMAN: Get more money in the hands directly of people in need, whether those are farmers or small pantries.

ASSEMBLYMAN BURDICK: Great, thanks.

MR. WILLIAMS: Make it easier to transport that food to the areas that need it.

ASSEMBLYMAN BURDICK: I'm sorry, make it easier --

MR. WILLIAMS: -- to transport that food.

ASSEMBLYMAN BURDICK: Okay.

MS. PERRY: Save the very land we need to grow that food.

ASSEMBLYMAN BURDICK: Great, thank you. That's all I have.

CHAIRWOMAN WEINSTEIN: So we go to Assemblywoman Shrestha.

ASSEMBLYWOMAN SHRESTHA: Hi. This is for Mikaela.

I think previously you said that there were some bills that if we put in the budget, that would help you. What are those bills, and can you tell us a little bit about each one?

MS. PERRY: Yes. So the first would change the language of the Farm-to-School 30 percent incentive program. On the Assembly side, it's sponsored by Assemblywoman Lupardo -- thank you so much -- No. A08587, and in the Senate sponsored by Senator Hinchey -- thank you -- S08378.

That would make a slight language change from not to exceed 25 cents to an additional 25 cents, so that schools could

get their full reimbursement if they purchased 30 percent of their food from local sources. Right now their reimbursement is being reduced if they qualify for a community eligibility provision, which is a huge equity issue.

The second bill would include breakfast in the program. New York is the only state that does not include breakfast in its local food purchasing incentive in the nation. So Assemblymember McMahon has sponsored A00870, and Senator Hinchey has sponsored S00423, to include breakfast.

ASSEMBLYWOMAN SHRESTHA: Thank you.

I'll yield the rest of my time.

CHAIRWOMAN WEINSTEIN: One final Senator -- I mean Assemblymember, Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

My question is for Mikaela. Going on Mr. Williams' comments about going too fast too soon with the electrification effort, I'm wondering if the trust will take a position

on the transference and preservation of land with respect to land that has been encumbered with windmills and solar farms where it may no longer be of value, really, traditionally, agriculturally.

MS. PERRY: I'm sure we can take a position on that, and I'd like to discuss that with the solar team and renewable energy team before I answer that question on the record.

ASSEMBLYMAN LEMONDES: Of course. And that's acceptable. But I would love for you to get back to me, because obviously you can see the impacts far-reaching into the future and how this impacts our food security.

MS. PERRY: Yes.

ASSEMBLYMAN LEMONDES: Madam Chair, I yield the rest of my time.

CHAIRWOMAN KRUEGER: So we've no doubt not run out of questions, but we have run out of time.

So I want to thank you all for being with us today. Of course, feel free to continue to follow up with each and every one

of us. And I want to thank you for your work and your time and your patience, and I want to ask you to leave --

(Laughter.)

CHAIRWOMAN KRUEGER: Nothing personal. You don't really have to leave the hearing; you can go back to the seats and listen to the next six or seven hours. Next up -- I'm not kidding, I think it could be six or seven hours.

All right. Our next is Panel C: New York State Department of Environmental Conservation, Basil Seggos, and NYSERDA, Doreen Harris.

(Off the record.)

CHAIRWOMAN KRUEGER: Good afternoon, both of you. How are you?

So I got the notebook, Basil, and I've studied. So I'm going to be asking you questions from the footnote section of the notebook that you were studying so carefully. We enjoyed the video very much, thank you.

Doreen, I didn't see your video. So maybe that will come afterwards.

(Inaudible.)

CHAIRWOMAN KRUEGER: So why don't we just take you in the order, Basil Seggos first, and Doreen after.

Everyone, we're back to a government panel. They each have 10 minutes to present. And then, legislators, if you're a chair, you get 10 minutes -- if you're a relevant chair. And if you're a ranker, it's five minutes. Everyone else, it's three minutes.

All right, please.

DEC COMMISSIONER SEGGOS: There we go. Okay.

Good afternoon, Chairs Krueger, Weinstein, Harckham, Glick, members of the fiscal, Environmental Conservation and other legislative committees. An honor to be in front of you today for the ninth time, along with my colleague Doreen Harris. Thank you for the opportunity and the chance to discuss Governor Hochul's environmental priorities for 2025.

We often say that New York leads on the environment. So what does the science

tell us? Air pollutants from 2000 to 2022, particulate matter cut in half. Sulfur dioxide, cut by 90 percent. Nitrogen oxide, by 30 percent. On climate we've reduced greenhouse gas emissions by 20 percent from 2005 levels. And on water, conservative estimates say that 70 percent of our assessed water bodies in New York are now meeting standards.

That's good, but the science also tells us that we're not there yet. Our planet is warming. 2023 was the hottest year globally on record, and every single one of us should be concerned about the statistic and what that means, what the scale and pace of change means for our way of life and the way of life of our children.

Over the last decade, every New York State county was impacted by severe storms and flooding driven by climate change. Half of New York's counties saw more than five disaster events. Major federal disaster declarations now exceed $37 billion over the last 10 years. And we again conservatively

project another $55 billion of impact over the next 10 years.

NYSERDA's research that I know Doreen will get into today reveals that New York has experienced a major uptick in severe weather -- total precipitation up 20 percent, with another 17 percent expected by the end of the century. This means more extreme weather and more frequent weather.

Sea levels have increased by a foot and are projected to increase at a steady rate, as we've determined, from two to three feet by 2100, with a potential high end of 10 feet.

We're discovering also that microplastics and some emerging contaminants such as PFAS are ubiquitous in our air and water and across the landscape.

And while New Yorkers are better off because of all the work we've done to improve air and water pollution, the benefits are not being felt equally.

For example, while emergency room visits related to asthma for adults and

children are declining statewide, not so in places like the Bronx, where lower-income communities, younger age groups, and communities of color are subjected to constant, persistent pollution.

And that's why we've worked so hard over the last year -- and certainly for many years before that -- at the direction of this Governor, to maintain our national leadership on the environment.

On climate, Doreen and I, DEC and NYSERDA, have launched the NYCI process, New York cap-and-invest process, focusing on affordability and giving us the tools to meet our climate targets.

We continued capping orphaned oil and gas wells, now up to 18 percent of the wells identified.

We proposed new regulations to address sulfur hexafluoride, SF6, and hydrofluorocarbons, which is HFCs, both refrigerants and powerful pollutants. Those regulations are open for comment through the next month.

We're also working to strengthen our Regional Greenhouse Gas Initiative program by aligning it with our climate goals, and certainly working with other states.

We've adopted key regs for the transportation sector, including the Advanced Clean Cars II and Advanced Clean Trucks, as part of our efforts to transition to zero-emission vehicles.

And we're addressing methane leaks across all of gas and oil operations and making sure that our food scraps are ending up in the hands of the hungriest New Yorkers. We had a landmark of 5 million pounds donated to pantries this year.

We've also continued to strengthen all of our policies to be consistent with the Climate Act and our protections for disadvantaged communities.

On resiliency, we're implementing the $4.2 billion Bond Act. We hired a leader, we took our road show statewide, and we solicited more than a thousand project ideas from the public.

We're also ramping up spending: $200 million for water; $100 million -- out of 500 -- for zero-emission school buses; and $100 million for green schools.

We've also -- to help guide us, we've also completed 48 state-of-the-art resilient New York stream studies that provide a specific program of almost shovel-ready projects to enhance flood safety for individuals across the state, individual watersheds, with 53 more studies along the way.

And at the federal level we're working with the Army Corps of Engineers and local partners to improve coastal resiliency on Long Island, with more than $4 billion in projects either completed or underway.

On the pollution front, we've completed the first-of-its-kind-in-the-nation statewide Community Air Monitoring Program in 10 disadvantaged communities, covering 5 million New Yorkers. We will publish those results this year.

Air enforcement, $1.75 million in

penalties. We co-led the state's very visible response to the Canadian wildfires.

Over the last two years we've set a two-year record on water spending -- $1.76 billion in grants, $3.6 billion in loans. No other state in the union is making these kinds of investments in water.

In Mount Vernon alone, we continue our $150 million project to rebuild the city's water infrastructure system.

And on brownfield land pollution, we issued 58 certificates of completion and admitted 68 new projects into the system.

Our plastic bag ban is also working, with about 99 percent compliance, 23 billion bags diverted from landfills.

And environmental justice in Indian Nations work. Last March DEC and our climate justice working group partners finalized our disadvantaged communities criteria. This focuses on areas of our state with the highest exposures to pollution and will help guide our investments to meet our climate targets.

The Office of Environmental Justice continues to offer competitive grants to support this work, with more than $21 million awarded to 275 projects.

We also created DEC's first-ever Office of Indian Nation Affairs. This office is focusing on strengthening our government-to-government relationship across the state, and this includes ongoing collaboration on some major projects, including the biggest ever land transfer in New York State history to the Onondaga Nation, with a thousand acres.

We're getting people outside as well. Hunting and fishing license sales are exceeding pre-pandemic levels. Usage in the Adirondacks and the Catskills -- the visitors, the hikers -- again, record numbers. And our campgrounds are full.

We're fighting invasive species: 250 boat stewards at 200 locations inspected 220,000 watercraft and intercepted 14,367 aquatic plants and animals.

Our ECOs and Rangers. Our ECOs

responded to 30,932 calls; 16,900 tickets, ranging from deer poaching to illegal dumping and illegal mining. Our Rangers rescued 370 individuals lost in the woods and helped extinguish 146 wildfires in the state and battled wildfires in Canada, California, Montana, Wyoming and Idaho.

We also completed our 23rd Basic School to bring new Rangers and new ECOs into the ranks. We expect our next academy to be in the spring.

We also responded to more than 3,400 oil, chemical and other spills.

We pride ourselves in being transparent and accountable. Our FOIL response time is now 12 days. With more than 1,000 engagements with legislators, we make ourselves available to you. That does not include today.

Hundreds of community meetings across the state. Our social media accounts are full, 39,000 followers on X, formerly Twitter; 86,000 on Instagram and 179,000 on Facebook. (Laughing.) Ay-yi.

The Governor's Executive Budget proposal for 2025 positions us to continue this incredible work. The Governor proposes a $435 million resiliency program to help the state withstand that severe weather that we all expect. That's $250 million out of that for a Blue Buffers program, home buyouts in flood-prone areas; $130 million for Green Resiliency Grants to support flood-control projects; $40 million for Resilient and Ready, to help some of our low- and moderate-income homeowners withstand these storms; and $15 million through homeland security for local capital grants.

We're also setting, as the Governor said, a bold goal to plant 25 million trees by 2033. And we now have the resources to begin modernizing our tree nursery, thanks to the Bond Act, and creating a tracking database so we can begin planting these trees.

The Governor also proposes to keep the EPF at its highest number ever -- thank you for all your support over the years on the

EPF -- $400 million in the coming year, and another $500 million for Clean Water Infrastructure over the next two years to leverage our Bond Act and federal dollars.

We continue to advance our cap-and-invest program, a declining cap on emissions with revenue to invest in the transition to the economy of the future, focused on affordability, linkability, creating jobs, investing in disadvantaged communities, and funding our future.

We issued a pre-proposal document, a series of pre-proposal regulations in the beginning of this year, and held a series of webinars over the last few months. We anticipate dropping regulations for public comment and having a robust and transparent stakeholder process over the course of this year.

DEC's budget recommends State Operations funding of $579 million. That's a $27 million increase. Capital budget from all sources is $9.7 billion, and that includes the Bond Act, of course, and

water. And our staffing number, I'm very proud to report, is at our highest number ever, at least in the last 15 years: 3,313.

The Governor's Executive Budget prioritizes the environment. It gives us the resources necessary to handle this. And we're grateful to you all for the relationship that we have and our shared efforts to protect New York's environment.

CHAIRWOMAN KRUEGER: Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Doreen?

NYSERDA PRESIDENT HARRIS: Thank you. Thank you, Chair Krueger, Chair Weinstein, Chair Barrett, Chair Parker, and members of the committees. I'm Doreen Harris. I'm the president and CEO of the New York State Energy Research and Development Authority, or NYSERDA.

I'm pleased to appear here today with my colleague Commissioner Seggos, certainly to discuss New York's path to a decarbonized economy, which is indeed fully in motion, and the ways that NYSERDA is specifically

expanding the state's economy by implementing our mission, which is to advance clean energy and address significant environmental, climate change and other issues fundamentally to improve the quality of life all across our state.

Certainly Governor Hochul is committed to both energy security and our environment and has further demonstrated this through her leadership and decisive action necessary to achieve the scale and pace that is implicit within our Climate Law -- and indeed the urgency of the climate crisis itself.

As we transition to a clean energy economy, the Governor has proposed several key actions in the State of the State and the budget, focused on growing our economy to help reach our ambitious clean energy goals while increasing affordability for New Yorkers.

So I'd like to highlight some of the steps we are taking to achieve these outcomes. As you just heard, the Governor has directed NYSERDA and DEC to advance a

cap-and-invest program, fundamentally to reduce greenhouse gas emissions consistent with our law, but also to ensure a sustainable and affordable future for all New Yorkers.

The 2024 enacted budget established a Climate Action Fund to that end, designed to directly defray the costs of the program for New Yorkers every year. And certainly cap-and-invest will be designed to launch new investments in industries and technologies consistent with the findings of the Scoping Plan that the Climate Action Council adopted at the end of 2022.

Indeed, this work is economy-wide, and I look forward to talking about that very economy-wide transition today.

This year we will be advancing the next phase to build out the cap-and-invest program in a manner that focuses on affordability for New Yorkers. In addition, certainly we at NYSERDA continue our work toward the state's 70 percent by 2030 renewable electricity goal, through the

development of 9,000 megawatts of offshore wind, 3,000 megawatts of energy storage, and 10,000 megawatts of distributed solar, all contributing to a zero-million grid by 2040.

And certainly in the face of global renewable energy supply constraints and inflation pressure, Governor Hochul reinforced her leadership in this respect this year with the issuance of a 10-point action plan -- which we are certainly implementing now, expanding the growing large-scale renewable energy industry here in New York as a cost-effective solution and competitive solution across our state.

In addition, the Governor's Executive Budget proposed the RAPID Act, which will streamline the buildout of transmission infrastructure for a reliable and clean-energy grid, helping to expedite the integration of large-scale renewable energy projects.

We are also advancing opportunities to leverage federal funds. NYSERDA alone is working to deliver nearly $1.2 billion in

federal funding through programs administered through federal agencies. And our approach to federal funding is focused on reducing costs for New Yorkers, advancing toward New York's Climate Act goals, ensuring benefits accrue to disadvantaged communities, creating new jobs, reducing emissions, and driving health and economic benefits.

Leveraging of state and federal strategies is most evident in our approach to building efficiency and decarbonization. The fiscal year 2024 budget provided NYSERDA with funding to launch the $200 million EmPower+ program, which helps low-income families retrofit their homes by incorporating energy-efficient measures and switching to clean, efficient electric heating and cooling.

To further advance this work, in December NYSERDA was actually one of the first states in the country to submit its application to the Department of Energy for the deployment of the Home Electrification and Appliance Rebate Program. We remain very

proud of the NY-Sun program that has positioned New York as the number-one community solar market in the nation, and among the national leaders in distributed solar development.

And this year we propose to expand the successful Solar for All program, through authorization by the Public Service Commission to directly enroll low-income New Yorkers and consumers in community solar subscriptions statewide.

In parallel, NYSERDA led a statewide coalition proposal requesting $400 million of federal funding to further build out the NY-Sun program and also provide subgrants to housing agencies and the city.

In New York, transportation accounts for nearly 30 percent of greenhouse gas emissions. And certainly to continue the movement to 100 percent zero-emission vehicles, we recently announced more than $14 million in additional funding for the Drive Clean Rebate Program, to help consumers purchase electric vehicles.

I'm pleased to report there are nearly 200,000 EVs on the road in New York, up from 24,000 just six years ago, and more than 13,000 EV charging stations installed statewide.

And notably, through the Clean Water, Clean Air and Green Jobs Environmental Bond Act, we are now making $500 million available to school districts to ensure they can begin the transition to zero-emission school bus fleets.

So certainly building the market for clean energy will provide opportunities to fulfill the promise that these investments will result in more jobs across our state. We already support more than 171,000 clean energy jobs across the state, and all analyses show that we stand to benefit by hundreds of thousands of additional jobs created through the pursuit of these new programs.

And certainly our efforts in workforce development prioritize training programs for the state's most underserved populations --

veterans, disabled workers, single parents, formerly incarcerated persons, and individuals from disadvantaged communities.

Certainly the effect of our clean energy work will have a direct impact to grow our economy and demonstrate to the world New York's leadership in protecting our environment.

So this concludes my opening remarks.

CHAIRWOMAN KRUEGER: Thank you, both of you.

And our first questioner will be Chair Pete Harckham.

SENATOR HARCKHAM: Thank you both very much. I just want to first of all thank you both for your partnership and the great work that both your teams do. You have amazing folks who do amazing work, so please pass that on to them.

Having said that, I have a few questions. First, these are not questions, these are requests for budget numbers. So if you could, when I ask, just say "got it" and then maybe your budget team can get it to

Chairs Krueger and Weinstein.

The first is across both departments, all departments on-book and authorities off-book, how much will New York State -- what's the proposed spending on climate change this year, or fighting climate change this year?

A similar question across agencies on fighting, studying and eradicating harmful algal blooms. And then, the same question, you had mentioned an amount on flooding and stormwater. If we could break that out, because I know that's across a couple of different agencies -- if we could have that.

And then the last in terms of a budget request, there's 12.5 million proposed from EPF slated to go to salaries. As you know, that never goes down well on the street. But could you get us, please, a list of what those proposed positions are -- again, across agencies. All right, thank you.

All right, on to some questions, then.

This year the administration is proposing to cut in half, or by $250 million

for the next two years, clean water funding -- a program, as you mentioned in your remarks, that has been enormously successful.

And just a couple of notes. As you also noted, 30 percent of our water bodies are still not up to par. The toughening standards on PFOS -- we're finding PFOS and other emerging contaminants more and more.

And just one last note. The Environmental Bond Act was meant to supplement on-book funding, not supplant it. So why is the administration choosing at this time to cut in half clean water funding?

DEC COMMISSIONER SEGGOS: Thank you for raising that, Senator. We have had an incredible run on water recently. I mean, as I mentioned in my remarks, the last two years setting a record in state history for the amount of investment. And that's not just the loans but the grants as well.

We expect that investment level to continue. We don't believe that the Clean Water Act money that you reference is

actually a cut, because we do not of course have the Bond Act. We have federal dollars that we haven't had in a long time. And we have some unspent appropriations, which is enabling us to spend more. I mean, already this year we have $480 million committed to programs upcoming, and that's on the grant side. On the loan side, 2.6 billion. And that's just now in February.

So we expect that rate of spending to very much continue. It is a priority of the Governor's, it's a priority of ours, for all the reasons that you mentioned. And we look forward to working with you through the budget cycle to explain that more fully.

SENATOR HARCKHAM: All right. If you could, in addition to the other numbers, detail the amount of federal money that is being earmarked to this, that would be helpful. And also the amount that's left over. I think that's troublesome to municipalities and environmental advocates because that money has been appropriated, and their belief is -- and our belief is -- we

should be getting that money out on the street. We shouldn't have any left over.

So we'll shift to another subject matter to bring in President Harris as well.

In the initial cap-and-invest preliminary analysis scenario -- and this is for both of you or either of you -- the cost we are looking at was around $23, I think was mentioned. That's a quarter of what California is doing for 2025. And some academics have said the actual social cost of carbon is anywhere above $125.

Are we really going to make a dent in the problem at $23? How was that figure settled upon? And what is the long-term plan to both address emissions and fund the massive amount of work that we need to do?

NYSERDA PRESIDENT HARRIS: Certainly. Thank you for the question.

We were pleased to present analysis recently via a series of meetings and webinars really looking at several different scenarios for cap-and-invest. It's important to note really where we are in this process,

is we are seeking to obtain input for the actual draft regulations that would be issued later this year.

And in doing so, we presented three scenarios, three scenarios which do represent various versions of NYCI, as we call it, ultimately looking at the tradeoffs of different price ceilings and different progress that could be made under those different scenarios.

And in doing so, we really thought hard about the scenarios that we presented in light of the Governor's principles that we are working within. Which, again, one major principle of NYCI is the principle of affordability. And we would say that we recognize that NYCI is a tool in the state's toolbox. It's a very important tool in the state's toolbox.

I would say it is not the only tool in our toolbox. Much like with the Regional Greenhouse Gas Initiative that we've run for many years successfully, we have complementary policies that are really part

of how we get from here to there. And our view is that NYCI is no different.

So the proposals that we're seeing really expose that analysis and do reflect on the progress that could be seen under them. And frankly, we really look forward to input so that we can craft the best regulations possible.

DEC COMMISSIONER SEGGOS: I would agree completely. I mean, these next few months are very important for us. I mean, that's why we embarked on a pre-proposal process before putting the regulation out because we want to hear from all of the stakeholders. Both the advocates, industries, governments give us the space to understand how to use NYCI as one of these powerful tools in New York State to reduce emissions, generate enough revenue to hit those really important numbers.

So that's where we are right now, and we expect this year to be a very busy year on this front.

SENATOR HARCKHAM: All right, quick

question and then I have a longer follow-up.

The quick question is, how much progress did we make on our renewable goals from last year to this year?

NYSERDA PRESIDENT HARRIS: So we report annually to the Public Service Commission on our progress toward the Clean Energy Standard, which is the primary means by which we're intended to reach toward that 70 by 30 goal.

This particular year we just filed the report a couple of weeks ago, and the progress was just over 25 percent renewables in the state, largely hydroelectric power and increasing amounts of solar and wind. So that was our progress. It was a slight decrease, actually, over the prior year, largely due to changes in imports. We had a very dry year, and specifically Canadian hydro imports were diminished.

So this is the reality of our interconnected grid, and fundamentally data that we report transparently every year.

SENATOR HARCKHAM: All right. So the

follow-up question I have is, you know, this is something that's been reported in the press and I hear a lot meeting with renewable developers. They say the challenge in New York is that we're overly prescriptive in creating the market, whereas other states sort of get out of the way and let the market drive, achieving the goals.

Do you think that's true? Do you think we're overly prescriptive? And are there other things that we can do to kind of step back and free the market to help us achieve our goals?

NYSERDA PRESIDENT HARRIS: Well, that's a great question, and certainly one that we look at in a dynamic way.

The market has shifted very significantly in the world of renewable energy since the adoption of the Clean Energy Standard. We see activity in the state certainly through our own, as you would say, prescriptive programs, those that are administered by NYSERDA on the orders of the Public Service Commission.

But I would say that as the years have gone on there's new methods by which we will be deploying renewables. And I'm sure you'll hear later much about the progress New York Power Authority has made in advancing their own expanded authority from last year.

We also see increases in voluntary market activity. We have real interest in buyers who have claims of their own to make -- entities, for example, like Micron, when they are committing to come to the state, they want to do so in an environment that is clean, a supply that's clean.

So it is, it's necessary that we constantly evaluate. I'm pleased to say the commission processes allow us to do so literally on a -- every other year. In fact, this year we're in the middle of a program review again.

SENATOR HARCKHAM: All right, thank you. In my 18 seconds we probably won't get to an answer to my next question, but I've got three minutes at the end, so I'll pose the question now so we don't lose the time

then.

Last year we all created the Office of Just Transition. When we come back, if you could give us an update on their activities.

Thank you. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Deborah Glick.

ASSEMBLYWOMAN GLICK: Thank you.

It's always good to go second because you can cross off some of your questions.

Just to follow up on the clean water, EPA has proposed a couple of new regulations around strengthening drinking water standards, particularly around PFAS, and requiring the replacement of 100 percent of the country's lead service lines by 2037.

So I'm just wondering, how does this impact in dollars what you think we're going to need to commit, considering there was a cut -- which I would question the appropriateness of -- but how much more do we have to be thinking about putting aside for the clean water?

DEC COMMISSIONER SEGGOS: It's a good

question. I realize that Health already testified in front of you. Health actually manages the drinking water and lead side of the ledger, so I'll work with them to get you an answer on that.

ASSEMBLYWOMAN GLICK: The CLCPA requires us to use both Bond Act and other resources to -- and to use at least 35 percent of our resources to address problems in disadvantaged communities. We've seen an exponential growth in e-commerce; people don't apparently want to get on the subway and pick things up, they want it delivered to them.

So we've seen this increase in large warehouses which come with lots of trucking, and they are primarily going to be in industrial areas that border disadvantaged communities. So I think you already were committed to doing some sort of air-monitoring program, but what else can you do in regard to an indirect source rule to set up some oversight, some requirements that could reduce those emissions in those areas?

DEC COMMISSIONER SEGGOS: You're right, we have been monitoring air emissions in those areas. We are seeing what you just said, increased emissions in conjunction with some of these big-box retailers and some of the shipping that goes on related to them.

Our authority is somewhat constrained to force those last-mile operations to make specific changes. Although we can certainly work with the regulated parties to begin upgrading their fleets and reduce the amount of fossil fuel that they use.

Our focus now is certainly putting a light on the level of emissions. I've been down to a few of these communities -- in particular, Red Hook, where {inaudible} in a very acute manner -- and I know the Legislature has considered ways in which to control that over the years, and I would just say that DEC is a willing participant to discuss that with you.

ASSEMBLYWOMAN GLICK: If you need additional authority, I think we are prepared to provide some additional support, but would

like to have your input on how to best craft that.

DEC COMMISSIONER SEGGOS: Be happy to talk with you about that.

ASSEMBLYWOMAN GLICK: So the $25 million that is sort of taken out of the EPF for what seems to be personal services, but there aren't additional FTEs in the budget. So I'm just wondering, what is that money intended for? And why is it in the EPF to begin with?

DEC COMMISSIONER SEGGOS: Well, listen, I would say what I think has already been said by the Governor, which is this is a very challenging budget year. And we in the same token have been the beneficiaries of our staff being protected. The Governor recognizes what we do and knows that we need to keep our staff at the level that it's at.

So the FTEs, the individuals that are programmed for the -- for work under EPF spending would be helping to carry out the mission of the EPF and the really important work that we do getting dollars out the door.

So be happy to discuss that in greater detail with you offline, but -- and we see that there's a direct connection between that fund and the work that they do.

ASSEMBLYWOMAN GLICK: Well, along with that, there seem to be cuts that are to things like municipal parks, zoos, botanical gardens and aquaria, land acquisition, and municipal recycling and stuff. So it just seems like we're eroding longstanding and important programs that should not be taken out of the EPF in order to provide for personnel.

In the EPF we have, and the Governor has continued -- because of the overuse of our parks that -- like the Catskills and the Adirondacks, there is an overuse and stewardship line in the EPF that was hard-fought for. And a lot of -- and even though this was during the pandemic, we have seen a continued -- people got a taste of nature and seemed to enjoy it, so they're continuing to go.

However, it looks like there's -- out

of that 8 million, it looks like there's a $1.25 million piece for road resurfacing. And I'm just wondering why we're using EPF dollars for roadwork.

DEC COMMISSIONER SEGGOS: I think you're referring to the Lodge Road paving recommendation. The Lodge Road in the Adirondacks is a gateway to a very popular hiking area for many years. We've been looking at the condition of that road, which in some weekends, as some of the Adirondack legislators would know, is jammed with people. And frankly the road falls apart.

And we have been working very closely with the advocates and leadership in the Adirondacks to ensure that we have good parking, good access to those locations so that in fact we can get those New Yorkers back there safely.

ASSEMBLYWOMAN GLICK: I appreciate that. And I also appreciate that there was a park-and-ride effort. Is that continuing?

DEC COMMISSIONER SEGGOS: It is. We launched it unfortunately just before the

pandemic, so people didn't want to get into small buses for the first couple of years of the pandemic as they were accessing the outdoors.

But we are going to continue that. Ridership has been a little bit lower, I think in some part due to the education we've put on, just out there getting people into the outdoors to a broader number of places, as opposed to just that High Peaks corridor.

But we're doing all kinds of strategies such as a better parking reservation system. We have teams of people educating folks about getting into the southern Adirondacks as well.

So we're going to continue that, of course. And we've been working closely with the counties up there to make the visitation of the Adirondacks a safe experience, one that people want to come back to. In the old days of crowds on the roads, it was dangerous, it was tough for us to enforce, and people didn't enjoy themselves.

ASSEMBLYWOMAN GLICK: This is for both

of you, because I think the Green New York Council is a shared responsibility.

DEC COMMISSIONER SEGGOS: Yes.

ASSEMBLYWOMAN GLICK: And the budget seems to include $50 million, and I'm wondering what the funding is for, how it will be allocated, and on what basis, what criteria.

And is there a list of projects that are included to be used for this -- for this funding to be used for? And if you don't have that right now, we would like that followed up.

DEC COMMISSIONER SEGGOS: I think we'd be happy to get back to you on that, what the specific dollars are for.

ASSEMBLYWOMAN GLICK: Yeah. Because it was -- there's money, but it's not clear what it's going to be used for -- always concerning.

I'm glad you mentioned the improved safety. We have -- just this past week, I think, somebody had to be rescued at Haines Falls. So those are our Forest Rangers. And

how does the -- and I know you've mentioned that you've been increasing staffing. And I don't know if that was for both Environmental Conservation Officers and Rangers, but I'm working in my minute and a half, how does it stack up to the staffing that we had 15 years ago when we didn't have quite as many people interested in going out into the woods?

DEC COMMISSIONER SEGGOS: On the Ranger side, I believe we're at our highest number ever. I'd have to go back to the 1960s and '70s to see whether or not there were higher numbers.

But we are at a very robust level on the Ranger side, and that's due in part to our knowledge of visitation usage, need for rescues over the years. Our ECO numbers are about flat to where they -- from where they were about 15 years ago. We have an academy upcoming; it will be actually my sixth academy, I believe, since I took this job.

So we expect to continue increasing the ranks of the ECOs as well.

ASSEMBLYWOMAN GLICK: What outreach

are you doing downstate, particularly in New York City, where we have very few Environmental Conservation Officers? And I'm just wondering what we can do to get more into the city where they're following up on issues like illegal dumping and the like.

DEC COMMISSIONER SEGGOS: That's such a great question. I mean, attracting individuals to the DEC ECO ranks is really important. And I often thought, you know, billboards aren't going to do that, it's going to be do you recognize this person, is this person improving my quality of life.

So we've actually begun putting more of a focus into environmental quality in urban areas like New York City, to reduce environmental crimes, to reduce quality-of-life problems. And that way somebody sees perhaps an officer in green, saying what are they doing, why are they serving as an officer in my area? And I think that's actually beginning to turn the corner a little bit. We're telling that story in a more deliberative way. Our leader

of our ECOs, Karen Przyklek, has been emphasizing that since she took office.

ASSEMBLYWOMAN GLICK: Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our next questioner is our ranker, Senator Stec.

SENATOR STEC: Thank you, Chair.

Good afternoon, both of you. Thanks for being here.

Commissioner Seggos, in reference to your remarks about your department's social media, I want to congratulate you. It's been very robust. And I too enjoyed your tweet, and I hope you are ready.

DEC COMMISSIONER SEGGOS: We'll see.

(Laughter.)

SENATOR STEC: We'll see.

I'm going to save a little time, because I do have questions for both of you. But I want to reiterate both Chair Harckham and Chair Glick brought up two questions that I wanted to talk about and to express my concern for the proposed Executive's

reduction in the clean water from 500 to 250.

I heard and I understood what you're saying. I too am concerned with how quickly we get that money out into these local projects. It seems like it's allocated and it sits there. And of course I always get worried when good money sits there unused because in a future bad budget year, it's very tempting for that to get pulled elsewhere.

But there's tens of billions of dollars of need in water infrastructure in the state, and so I'm concerned with that as well as both chairs.

Also in the EPF, as you know, I'm a big supporter of the work that you do in the EPF, and I think you do a great job with it. But I am concerned that the Executive has $25 million there allocated for personnel expenses in unallocated funding. I won't bother you with questions on that, but I just want to echo what the two chairs mentioned.

But with that said, I do want to build off of what they had said in talking about

the -- so there's no increase in full-time equivalents for the department. And yet I've asked this every year, right? It seems like every year the Legislature finds ways both in and out of the budget to burden your department with more work. And I'm concerned that, you know, we're putting too much on your plate where we're doing too much and none of it well.

Do you feel like you have sufficient resources not only for what your boss is asking you to do but what my colleagues and I are undoubtedly going to continue to ask you to do?

DEC COMMISSIONER SEGGOS: Well, I would correct you in one way, that we're doing a lot and we're doing it well, I think.

But I take your point, and the Governor does as well -- again, in a tight, tight budget year, our staffing level is flat at its highest level at least in 15 years. So that tells me, of course, that the Governor is putting the priority on keeping DEC's mission healthy and robust.

I believe that will continue this year. Yes, I believe we have the staff necessary to carry out our mission. When we take on new things, like climate, the Bond Act, air monitoring, you know, we've asked for increases in staff. And this Governor has actually given those. When I first started, we were at about 2800 -- 2855 staff. Now we're up to 33. So we have made considerable gains because our mission has increased over the years, and thanks in part to the advocacy of this body.

SENATOR STEC: Okay. And I too want to express specific support for the Adirondack and Catskill visitor safety and wilderness funding, the $8 million. And I want to comfort Chair Glick; being intimately familiar with the history of the Adirondack Lodge Road, and a frequent traveler of it, that is a good project. And I know that you and a lot of local partners have been working and negotiating that for many years. So I know that both visitors and residents alike will be very pleased to see that project

happen however it gets funded.

And President Harris, if I could pivot quickly to you. The current energy generated by renewables, are we on track to meet our targets? I'm curious, if you know, how many customers are currently on natural gas or delivered fuel. And how long do you anticipate this transition to take?

NYSERDA PRESIDENT HARRIS: Well, certainly I would agree, and we all recognize, I think, together how ambitious New York's Climate Law actually is as we have set out to implement its provisions.

We have had a particularly challenging year in the markets, the renewable energy markets. These challenges are not unique to New York by any means. These are the product, actually, of a global energy crisis that we could really think about how we're exposing ourselves to those volatilities via the system that we have today.

But I will say, in the interests of time, our work continues apace. The Governor set forward a 10-point action plan that we

have been hard at work in implementing that has allowed us to very quickly -- and major thanks to the NYSERDA team for implementing all of this on a very expedited basis.

SENATOR STEC: If I could briefly, with respect to the grid capacity, our latest ISO report shows that the grid is near max capacity and we could potentially be dealing with energy deficits next year.

Are we doing anything to correct this? Specifically, should we consider moving back the deadlines and slowing down our retirement of existing energy sources?

NYSERDA PRESIDENT HARRIS: Well, certainly the NYISO process is a critical part of how we manage this transition. And we need all of these pieces to work together. So we look carefully at their analyses. It informs the next steps on really your specific question of retirements.

SENATOR STEC: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYWOMAN GLICK: We will hear

from Mr. Simpson, the ranker on Environmental Conservation.

ASSEMBLYMAN SIMPSON: Thank you, Chair.

Great to see you both here. And I'll start with questioning Commissioner Seggos.

I think I heard you talk about the funding in the Water Infrastructure Act as some of it being offset maybe by the EPF. And so my question really is, how many programs -- or how many dollars that are in existing programs are being offset now by the Bond Act?

DEC COMMISSIONER SEGGOS: Okay --

ASSEMBLYMAN SIMPSON: Would you be able to provide -- I would have some concern over the fact that it seems like we're offsetting, you know, current budget --

DEC COMMISSIONER SEGGOS: Well, listen, I think the Bond Act is giving us capabilities I believe as intended to do more than ever to protect the state and increase its resiliency -- air, water, climate, communities.

So we've been -- while early days with the Bond Act still, again, only $800 million identified thus far, with the bulk of it to come. We've been looking for ways in which to move Bond Act dollars quickly into projects, projects that we know are shovel-ready or that there's a substantial amount of demand.

So that entails identifying specific projects that are enumerated in the Bond Act, like Clean Green Schools, school buses, but also what can we do with Bond Act capabilities for water. And that's where we know that there's a sweet spot.

And that's why I believe we're having already an extraordinary commitment from this Executive to put money into water. Already, as I think -- as I noted, $480 million already conceived this year. So this should be a very busy year for the Bond Act and for all -- frankly, all of our funding buckets.

ASSEMBLYMAN SIMPSON: Okay. And related to the Water Infrastructure Act, you know, there's been a great program that your

agency has had with the septic replacement program, especially in the area that I represent. You know, you've got Lake George, you've got a lot of small lakes.

And, you know, how will that program be affected by the reduction over two years? Will you see any impacts or --

DEC COMMISSIONER SEGGOS: We don't expect any impacts to that program. It's been a great $30 million program, Long Island all the way up to Lake George, as you note -- really, 30 counties around the state that want to put money into modernizing or getting rid of septics. So we expect that to continue.

ASSEMBLYMAN SIMPSON: That's being fully utilized? You're, I mean --

DEC COMMISSIONER SEGGOS: Yes.

ASSEMBLYMAN SIMPSON: Okay. And another question I have is related to the 30x30 legislation, and where we are at with assessing what is actually the correct number that is conserved in New York, and where we need to be, and whether there's funding in

this year's budget to accomplish that goal.

DEC COMMISSIONER SEGGOS: There is absolutely money in the budget this year to accomplish that goal. Again, the Bond Act and Clean Water Infrastructure Act, EPF, all enable us to use those funds to do land acquisition, whether it's fee or easements. We're working very closely with land trusts as well, to help them reach their goals.

This year we expect about 50 projects total, several tens of thousands of acres protected. So we expect that to continue over the coming 12 months.

ASSEMBLYMAN SIMPSON: Okay, thank you.

And with my remaining time I would like to ask President Harris a question about the rebate program to homeowners towards electrification, as to how successful that has been. Do you have any kind of data, info of, you know, who's -- who has benefited, how many households, and where we're at with that program?

NYSERDA PRESIDENT HARRIS: Yes, certainly. We aggregate funding from

multiple sources for those types of programs. Obviously we just discussed the ways in which we're employing the $200 million from last year's budget toward an expansion of our EmPower program to now EmPower+. But also we utilize ratepayer funds, and now federal funds that we have recently applied for, to really scale this up.

The long and short of it is the number of homes that we reach at this point is around 20,000 a year households. We need to scale that up because of the imperative to really get at home electrification as a key means by which we will reduce emissions in this sector.

And that's how these federal funds certainly can be leveraged when they come in, but also ways in which we can look to the future. As an example, cap-and-invest is a great potential source for expansion. Buildings are a huge challenge in our state, but we are deploying those funds at scale consistent with the pace of receipt.

ASSEMBLYMAN SIMPSON: Yeah, especially

in the region that I represent where there's a lot of older homes, you know, we're using other sources of heat -- propane, oil. We don't have natural gas. So it's just -- if you could provide some of that data for me, that would be great.

NYSERDA PRESIDENT HARRIS: Certainly.

ASSEMBLYMAN SIMPSON: Thank you both. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hinchey.

SENATOR HINCHEY: Thank you very much. Thank you both for being here.

I want to give a quick shout out to our Forest Rangers in the Catskills. Over the last year they've had to do some heroic rescues and saves, and so we're deeply appreciative of their work and being there.

In regards to the chair's questions specifically on supplementing versus supplanting for clean water, respectfully, it sounds like very clearly like we are supplanting with the federal funding and the Bond Act funding. And I agree with my

colleagues it feels kind of completely in the opposite direction of where we should be going when we know there is extreme need in our communities, especially for things like a program that we actually put in our one-house, which is a swap program that would provide funding to municipalities for water and wastewater upgrades, which is critical.

And so I agree with the thoughts of our colleagues and think we could do a lot more in -- as it pertains to funding clean water than what is reflected in the original Executive Budget.

But my first question is, as you know, Commissioner, you are currently reviewing an Article 19 state air facility permit for the Iroquois Pipeline Company, which is looking to increase its capacity of a 30-year-old fracked gas pipeline. Which is diametrically opposed to the goals that we have here in the state that we are all, and you all leading the charge, working to hit.

These two locations are in Athens and Dover in my district. And I'm wondering if

for pipeline expansions like these, do they need to show compliance with the CLCPA before being granted the permit?

DEC COMMISSIONER SEGGOS: Yes. Applications that pertain to fossil fuel infrastructure would have to show compliance with the CLCPA. And there's a range of filters that we'd run that through, one of those being not just emissions but also reliability. And we would defer to our partners in the DPS on any reliability questions.

SENATOR HINCHEY: Okay. When do you think we'll have an answer to the -- your department reviewing this project?

DEC COMMISSIONER SEGGOS: I actually reached out to DPS -- I being DEC. DEC reached out to DPS to ask that very question: Is this pipeline needed to maintain supplies for heating? And I expect that question to be answered soon.

SENATOR HINCHEY: Thank you. Please keep us posted.

DEC COMMISSIONER SEGGOS: I will.

SENATOR HINCHEY: We appreciate it.

I don't have much time left, so thank you very much.

DEC COMMISSIONER SEGGOS: Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

ASSEMBLYWOMAN GLICK: Assemblymember Didi Barrett, chairing Energy.

ASSEMBLYWOMAN BARRETT: I got weak sitting here -- I can't even get the light turned on.

(Laughter.)

ASSEMBLYWOMAN BARRETT: Hi. Thank you so much, both of you, for being here.

The -- I'm going to start with just CLCPA questions, which either of you can answer, and then I've got some specifics for each of you.

So back to -- you know, we started the conversation about the goals. Can you just talk to us a little bit more about where we are in terms of those goals, specific projects, the impact of the cancellations, the impact of some of the decisions and

things. And what does this mean for us as well.

NYSERDA PRESIDENT HARRIS: Certainly. So again, I assume we should be talking about the 70 percent renewable electricity goal --

ASSEMBLYWOMAN BARRETT: Yes. I'm sorry, yes. Exactly.

NYSERDA PRESIDENT HARRIS: -- which is part and parcel to the broader goals within the Climate Law.

So as I had said, certainly it has been a challenging year for this industry. We've had an opportunity really to rapidly reset some challenging circumstances upon the Governor's direction, and we've made quick work of really achieving some incredible outcomes in expedited RFPs to really move projects forward.

ASSEMBLYWOMAN BARRETT: Could you be specific about what -- you know, what projects have moved more forward and --

NYSERDA PRESIDENT HARRIS: Certainly.

ASSEMBLYWOMAN BARRETT: -- you know, give us some -- something to get excited

about.

NYSERDA PRESIDENT HARRIS: Yup. So where we sit today we have contracts and awards that would allow us to get to about 63 percent renewables by 2030.

We did have upwards of 80 projects actually terminate their agreements with NYSERDA, including two offshore wind projects and the balance land-based renewable projects. As we speak, we're working around the clock with two RFPs to really refill that pipeline, largely with these land-based projects that have recently submitted bids and an expedited offshore wind RFP.

So unfortunately, for the moment I'm in a moment of reset. But what I can say is that we have strong momentum. And certainly New York has been a leader in really accounting for these challenges in ways that not only the market is responding to, but I would say other states. It's been extraordinary the ways in which we've responded to these conditions.

ASSEMBLYWOMAN BARRETT: And on the

offshore wind, do we have any of those -- I mean, I know that there was a reset around that as well. Could you give us where that -- a status report on that, please?

NYSERDA PRESIDENT HARRIS: Certainly. Certainly. So while New York has its first operating offshore wind project -- some of you may be familiar with the South Fork project, so that's a huge opportunity to celebrate.

In addition, Governor Hochul announced awards for three new offshore wind projects in October, a blockbuster award group -- actually, all told, over 6 gigawatts of capacity. So those projects will be moving forward as well.

And then the other contracts are really subject to the RFP that we have on the street. We took in bids recently and will be announcing awards by the end of the month. Included in that RFP we received six bids for three different projects.

ASSEMBLYWOMAN BARRETT: I see. Okay, thank you.

On the subject of electric school buses, the Times Union published an op-ed piece yesterday that I did to try to, you know, just sort of reassure that there are resources out there. But I have to say this morning I started my day with a school district visiting at 9 this morning that said when they talked to NYSERDA about school bus stuff -- and it's a big district and -- they said, you know, they were told basically: You're going to have to figure this out yourself. Your district's too big, it's too sprawling.

You know, I think all of us are hearing from school districts in our Assembly and Senate districts about how scared they are. And these are the sorts of things that -- you know, that don't reassure. So what can we -- what can we look to -- for from NYSERDA that really will help these school districts? Including, you know, part of the panic is just the deadline. I mean, it's looming.

NYSERDA PRESIDENT HARRIS: I

appreciate the opportunity to really speak to this issue. I would say opportunity, but issue nevertheless.

Certainly we are hard at work in deploying not only the funds allocated through the Environmental Bond Act toward the realization of electric school buses across our state, but also federal money. The EPA has funds that we are leveraging as well.

And really part and parcel to this is indeed education. One thing that we are actually funding is transition plans on the part of these school districts, because we recognize that much like our broader statewide transition, this is a transition that these school districts will need to undertake both in the near, mid- and long-term.

And so in the near term, the great thing about these funds is that literally they're going to allow these districts to get a couple of buses, a handful of buses to actually begin their process of understanding how they operate, what routes they want to

use and beyond.

ASSEMBLYWOMAN BARRETT: The near funding will just get buses for school districts across the state to -- that fit the needs and that are currently being produced, is that --

NYSERDA PRESIDENT HARRIS: Yes. So the funds between the Bond Act and EPA funds we estimate can allow us to purchase -- or work with school districts to cover the incremental costs of about 3,000 buses.

Now, we have 45,000 buses on the road, so I'm not claiming that to be the be-all and end-all. But relative to this near-term need our focus is really deploying those funds to allow both, number one, the transition plans to be executed so they know what to do when, and then, second, to begin the process of utilizing those buses.

So I would ask please that you put this school district in touch with us directly. We've reached -- of the 700 school districts we believe we've touched every one, and about 150 in a very detailed way.

Clearly there's work to do. This is a journey, and we need a long-term relationship that we're committed to achieve.

ASSEMBLYWOMAN BARRETT: Thank you. I told them that we would arrange a roundtable in the county, so --

NYSERDA PRESIDENT HARRIS: Certainly.

ASSEMBLYWOMAN BARRETT: I'm glad you'll meet partway on that, so --

NYSERDA PRESIDENT HARRIS: Absolutely.

ASSEMBLYWOMAN BARRETT: Thank you.

Commissioner, I wanted to ask you a question about your comments about the disadvantaged communities. And first of all, I want to thank both of you for all of your leadership, and I know this has been a complicated time.

But do you think it's possible -- because I see in my district, which is, you know, largely rural, that we have a lot of rural poverty which doesn't get identified as a disadvantaged community because it doesn't seem to have the density.

Do you think that the criteria for

disadvantaged communities, which is really important in terms of funding and programming and all those things, is being skewed based on density at all? Is that possible?

DEC COMMISSIONER SEGGOS: I don't believe it is. I mean, we tried to use the most scientific approach to this, you know, relying on 45 different indicators, a range of indicators -- socioeconomic all the way to quality of life, pollution burdens, things like that. And if you look at the disadvantaged communities maps, I mean, it certainly appears to be more focused in urban areas, but there are rural areas that qualified as well.

And just a really important point. That is meant to guide us to hit those CLCPA and now Bond Act targets. But that doesn't mean that the communities that aren't part of those mapped areas aren't eligible. Of course they are, and they're getting enormous sums of investment already through our various programs at the state.

And if there are any areas that are

feeling the need to have more water money, Climate-Smart Communities monies or the like, they should come to us. For example, on the water side, we're helping -- through EFC we're helping a lot of these smaller communities actually get access to dollars. And this budget would in fact move some of those communities into a better scoring position so that we could actually cover more of their needs up front. I know we've talked about water in the past. That's exactly what that's designed for.

ASSEMBLYWOMAN BARRETT: That's a good segue to what I was going to also ask.

Is there literally money for new water and sewer systems? Because my district's -- I mean, my communities don't have anything to improve, expand, upgrade because there's nothing there. So that initial money, which it's been so hard to find any real source of that in the traditional water funding programs.

DEC COMMISSIONER SEGGOS: Yes, that is very much our objective, is to make it easier

for smaller communities that are struggling to get access to those dollars.

EFC's community assistance teams are there to answer questions and then hopefully we get a change in the way in which we score and grant money so that smaller communities can get access to that.

ASSEMBLYWOMAN BARRETT: I mean, and even communities without any infrastructure yet, so that this is startup money, kind of, is really what they're looking for.

DEC COMMISSIONER SEGGOS: Yes, but I would just say have them reach out to me directly on that.

ASSEMBLYWOMAN BARRETT: Uh-huh. Okay. Thank you.

DEC COMMISSIONER SEGGOS: Sure.

ASSEMBLYWOMAN BARRETT: And just a final general question about -- the Executive proposal included the six-year extender for the Build-Ready program, and only one project, it seems, has been built so far. Do you have a sense of what the steps are to make this work more productively and what the

delays are?

NYSERDA PRESIDENT HARRIS: Well, yes, so the Build-Ready program puts NYSERDA in the role of identifying projects, primarily on underutilized property.

And it has resulted actually, as you said, in our first project in the Adirondack Park. The Benson Mines project is actually out for auction right now with a really robust response from the industry. And I'm pleased to tell you it does take a while to fill a pipeline, I wouldn't deny it, but we have dozens of projects that we have identified, all the way from Long Island to the North Country, that are in various stages of development.

I'm confident that this is going to be a contributor to our goals.

ASSEMBLYWOMAN BARRETT: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Webb.

SENATOR WEBB: Thank you both for being here. I have just a few questions.

The first question I have, both of you

feel free to answer.

So as has been shared, there's a company that's cropped up in my district, Southern Tier CO2 proposing to burn natural gas and then replace the natural gas with captured carbon.

And so my question is -- you know, I sponsor this bill with Senator Krueger, along with Assemblymembers Lupardo and Kelles. We're definitely interested in banning this practice.

So my question is, would such a process that would include the construction of potentially 10 fossil fuel-burning plants to capture the carbon for insertion into the wells, even be allowed under the CLCPA?

And then my second question is specifically for you, Commissioner Seggos, with respect to the Cayuga Salt Mine, also in my district. Along with Assemblymember Kelles we introduced a bill that would require, upon the sale of the mine or transfer of the deed, that a mandatory environmental impact study would be conducted

by your agency.

And so it is our understanding that a comprehensive EIS has not been conducted, and one that was done was actually done by Cargill. And so my question is, what is the decision-making behind your department's lack of a formal EIS with respect to the Cayuga Salt Mine?

DEC COMMISSIONER SEGGOS: Good questions. Maybe I'll take both of those.

So on the Southern Tier CO2 fracking concept, I will just say right now we have not gotten any outreach from the company, there's no application in front of us. All we know is pretty much what we've read in the papers about it.

So it's very premature for me to weigh in as to how they would comply with the state's Climate Law, how they would comply with the range of other laws such as water, air, endangered species, and so on.

I am skeptical because of that. I'm skeptical of its ability to comply with the law, because we just know nothing about it.

And, you know, we went through an exhaustive process when it comes to fracking in the Southern Tier back before my time, 2015 -- '14-'15.

So on Cargill, recognizing we're short on time, sales of facilities don't trigger a full EIS. They're literally -- they're not permissive. It's considered a Type 2 action under SEQR. Unless there's a change to the operations -- increased rates, expansion -- then we would be prohibited, effectively, from forcing an EIS on the company or conducting one ourselves.

If that changes, obviously we would look at that. But right now, the sale would go through as a Type 2 action.

SENATOR WEBB: I only have a few seconds left. Can you respond with regards to the first question? We can also follow up offline.

NYSERDA PRESIDENT HARRIS: Yeah, I wouldn't add anything beyond the commissioner's points.

SENATOR WEBB: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. I think you'll follow up on this question and any others.

Next we go to Assemblyman Palmesano, the ranker on Energy, for five minutes.

ASSEMBLYMAN PALMESANO: Yes. Good afternoon.

DEC COMMISSIONER SEGGOS: Good afternoon.

ASSEMBLYMAN PALMESANO: As you both know, I'm a strong critic of the CLCPA. I've been very vocal because I believe the likely cost, affordability and reliability are not a part of the equation or a priority. This is not an energy transition. This is a train wreck.

Last year, about a year ago, during the budget process, about a month before, the both of you made the TV rounds, you wrote an op-ed talking about -- and saying the right things that we need to focus on affordability and the Governor's going to make it more affordable for everyone with the consumer cost impacts, and if the businesses and

people can't afford it, it's not going to work.

So what do we know? Your own plan said for full electrification, conversion from natural gas, 20,000 to $50,000 for a family. The PSC last year approved 43 billion, with a B, in future rate increases for New York families, farmers and businesses. The school bus mandate -- we know the cost, 400,000 to $450,000 for an EV school bus compared to 100 to 125 for a diesel, a clean diesel.

But here's the one where I have trouble with. When you were out there talking about this last year, the difference is because the CLCPA calls for a 20-year methodology of emissions. Every other state uses 100. Internationally uses 100.

And by your own numbers, you said if we can't change it to a hundred-year, it's going to increase prices at the pump for New Yorkers by 63 cents a gallon and increase natural gas costs 79 percent, or $600.

So President Harris, I'll ask you,

because I talked to the commissioner earlier this week. Does the Governor support an increase in the prices at the pump for New Yorkers for 63 cents a gallon and increasing natural gas costs by 79 percent? Or -- is she okay with it? And if not, why did she not put that in her budget?

Because, you know, if you get it in the budget, that shows your priority. Why did she not put that provision in her budget?

NYSERDA PRESIDENT HARRIS: Thanks for the question.

So specific to where we are on cap-and-invest, we --

ASSEMBLYMAN PALMESANO: President Harris, with all due respect, does the Governor support a 63-cent price increase at the pump and a 79 percent increase in natural gas costs for New Yorkers? And if not, why did she not put it in her budget?

That was one way -- it wouldn't have changed any of the clean energy goals, and then we could have addressed it. It still would have went up if you didn't have

100 years; it still would have gone up, but not as much.

So if she does, why didn't she put it in her budget?

NYSERDA PRESIDENT HARRIS: I see your question. Sorry, I wasn't understanding -- so you're specifically tying this to the accounting question?

ASSEMBLYMAN PALMESANO: Absolutely.

NYSERDA PRESIDENT HARRIS: Understood.

ASSEMBLYMAN PALMESANO: Change it to a hundred years and --

NYSERDA PRESIDENT HARRIS: So certainly we went about the process of socializing this potential change last year, and I think we can all agree that the resounding answer was that that was not something that the state was interested in taking up, including this body here.

ASSEMBLYMAN PALMESANO: Okay, can -- I'm going to try --

NYSERDA PRESIDENT HARRIS: So I will just say that is not our focus as we speak. We're focusing on implementing --

ASSEMBLYMAN PALMESANO: So -- wait a minute, though. I'm sorry, I only got five minutes. And I don't want to interrupt you, but I know you're going to talk.

So the Governor's okay, obviously, if she's not putting it in her budget, it's not a priority, she don't want to fight for it. We know it's going to increase prices at the pump for New Yorkers who are watching this, listening, by 63 cents a gallon and increase natural gas costs for New Yorkers by 79 percent. That's what's going to happen to families, farmers and businesses.

So my next question is for Commissioner Seggos --

NYSERDA PRESIDENT HARRIS: Yes, so let me answer that question directly.

(Overtalk.)

NYSERDA PRESIDENT HARRIS: The answer to that is -- the answer to that is no. The answer to that is no.

ASSEMBLYMAN PALMESANO: Well, then, why didn't she put it in her budget?

NYSERDA PRESIDENT HARRIS: Because

we're not at that point in the process.

ASSEMBLYMAN PALMESANO: Well, we are at that point.

NYSERDA PRESIDENT HARRIS: The scenarios that we've advanced will --

ASSEMBLYMAN PALMESANO: All right. President Harris --

NYSERDA PRESIDENT HARRIS: Yeah, certainly. But the answer is --

ASSEMBLYMAN PALMESANO: Thank you. We can talk another time. I want to ask a question about reliability.

NYSERDA PRESIDENT HARRIS: -- the answer is no.

ASSEMBLYMAN PALMESANO: Yeah, well, then, she should have put it in her budget if she doesn't.

Reliability. The NYISO, Mr. Seggos -- Commissioner Seggos -- says that we're 27 to 45 gigawatts short of dispatchable emission-free resources to meet the CLCPA goals by 2040 and with the Climate Action Council plans. But we have no idea -- dispatchable doesn't include wind and solar.

But there's no technology, there's no resources -- we don't know if we're going to allow renewable natural gas, renewable propane, nuclear. What can be done in that?

And you're -- the DEC is responsible for approving air permits. There's a proposal not to allow new natural gas power plants. You've declined permits for new plants. You've denied renewals for air permits. Why are we tearing down -- you don't tear down a bridge before you build a new one, and that's what we're doing. We're shutting down our whole infrastructure before the technology and resources are in place.

How are you addressing reliability with this plan? Because it seems like reliability, just like costs, are not part of the equation.

DEC COMMISSIONER SEGGOS: There's a lot there. I will just say that we are working hand in glove, in particular with the Department of Public Service, to matters of reliability. We don't make those determinations at DEC. We are air

regulators.

And I'll maybe let Doreen finish her answer on the first question.

NYSERDA PRESIDENT HARRIS: Well, certainly on the first question I'd point you to the scenarios we've produced, none of which would produce a result of the numbers you are quoting. That's really where we're focusing our cap-and-invest program.

CHAIRWOMAN WEINSTEIN: Thank you. The time is up.

We go to Senator Mattera, ranker, five minutes.

SENATOR MATTERA: Great, thank you, Chair. And I heard you gave me your five minutes also, and I thank you for that, so I have 10 minutes then.

(Laughter.)

SENATOR MATTERA: First of all, I'd like to thank you, Commissioner and President Harris, for being here today. And I know you guys got a tough job ahead of you.

And this is just quick for our Commissioner Seggos. I appreciate it very,

very much for you having an August listening tour that was very informal for everybody about the Bond Act money and everything like that.

Quick question, the Gyrodyne property, I actually -- before, I asked the question but that maybe DEC is looking at the Gyrodyne property to purchase that for the open space. Do you know anything about that, Gyrodyne St. James?

DEC COMMISSIONER SEGGOS: I don't know that firsthand, but my staff may. I can get back to you on it.

SENATOR MATTERA: All right, get back to me.

So to my -- to President Harris, this is going to be very interesting. You know, I'm going to get right away with the battery storage. I'm going to get into this right now going on fire. Zinc8 pulled out because they lost $68 million, lost 500 jobs. What are we doing about all these fires that are going on in all -- all the different areas? Right now we have battery fires in Warwick,

out in Chaumont and even East Hampton, Long Island, with this experiment -- that's what I call this battery storage, an experiment.

What are we doing about this, please?

NYSERDA PRESIDENT HARRIS: Yes, certainly. And it is true that Governor Hochul made quick work of forming the Inter-Agency Fire Safety Working Group on the third fire in Chaumont, as you had identified.

And I'd say there's been a number of work streams that are important to note, one of which is really assessing the initial findings regarding those fires -- air quality, soil, water data. And we released that last year showing that there was no contamination in any respect from those three fires. So I think that's an important deliverable.

SENATOR MATTERA: I understand that. But what are we doing about this situation with these fires and this toxin -- are you going to tell me there was nothing, no toxic

fumes going up in the air with all these fires that you can't put out?

NYSERDA PRESIDENT HARRIS: That's what the analyses showed, and we did release them.

SENATOR MATTERA: Really? That is -- that is amazing, that in other words all those toxic fumes aren't doing anything to our environment.

And what are we doing about that? In other words, they're going on fire. I mean, what are we doing about these battery storage facilities and people pulling out? Just like -- just like the company that lost $68 million, Zinc8. Five hundred jobs were lost because obviously this is failing miserably. Just like what my colleague just was saying.

NYSERDA PRESIDENT HARRIS: So yesterday I do want to point, in case you didn't see, that another deliverable was issued, which is really some recommendations from the working group as to how we can improve both from a siting, a codes perspective, a training perspective, a

regulatory perspective and beyond.

SENATOR MATTERA: So this is an experiment, then. That in other words all the -- all of us ratepayers are going to be paying triple to quadruple because of what's happening here. So again, this is an experiment.

How are we going to implement this plan when all solar arrays are being canceled upstate because of the high cost and interconnection difficulties? The battery projects are being canceled because of the high cost, and offshore wind prices could come in at two to three times the current cost of electricity in New York State.

NYSERDA PRESIDENT HARRIS: Well, what you're speaking of is really a situation in which, much like many commodities across the world, we're struggling, right, from inflation, supply chain issues, interest-rate hikes, et cetera.

We have upheld the commission's longstanding process of competitive principles. So as we speak, NYSERDA's in the

midst of a competitive RFP in which the market will be competing to re-initiate their agreements in that manner.

Time will tell on the price implications. Certainly that's --

SENATOR MATTERA: And who's going to -- and please, President, who is going to be paying for this? Please let all New Yorkers know who is going to be paying for this experiment.

NYSERDA PRESIDENT HARRIS: Well, I would never use the word "experiment" --

SENATOR MATTERA: Well, I can.

NYSERDA PRESIDENT HARRIS: Okay, but in my world, what I would say is these are technologies that are being deployed at scale across the world --

SENATOR MATTERA: No, no, who is -- please, just answer it. Please, all New Yorkers need to know because they're going to be losing their natural gas and their propane. Who is going to be paying for all of this, that right now we have no idea 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 --

no. No.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Okay. So now we go to the Assembly.

Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you both very much.

I want to use my three minutes to ask about something that was in the Governor's State of the State but didn't quite make it into the final budget, and that is a study around the low-carbon fuel standard.

You may have read that yesterday the State of New Mexico joined the list of states that are embracing the low-carbon fuel standard as a means to dramatically reduce the emissions from the transportation sector.

California has been doing this the longest; they've got now I think -- you know, well over 60 percent of their diesel is renewable diesel. They've taken out hundreds of millions of tons of emissions in the transportation sector.

Where is New York on the low-carbon

fuel standard?

DEC COMMISSIONER SEGGOS: Hmm. Well, the Governor has made it very clear to us that we have to keep affordability in mind in everything that we do when it comes to climate. So as you know, we've launched a cap-and-invest program that's underway right now. The Governor in the State of the State directed us to study how we would pursue a low-carbon fuel standard here in New York and ultimately, as we approach it, the DEC and NYSERDA, we want to see how it can be integrated into all the various programs that we have -- again, keeping costs low and making sure that we're not putting more of a burden on New Yorkers during this transition period.

So we will be studying this. We know that the Climate Action Council weighed in on it. But New York is different than Washington and California. We need to -- and New Mexico, to that point. We need to make sure that if this is something the state goes after, that it fits into all of our programs.

ASSEMBLYWOMAN WOERNER: So thank you for that.

So I assume that you need no additional funds to study this.

DEC COMMISSIONER SEGGOS: Correct.

NYSERDA PRESIDENT HARRIS: That's right.

ASSEMBLYWOMAN WOERNER: Okay, fantastic.

So I'm not sure that I agree with the premise that New York is different than these other states. New York has road miles, it has trucks and airplanes and marine vessels that travel on those road miles and in the air and on the water. So under what circumstances do we say that New York is different than California? And certainly the low-carbon fuel standard, coupled with the cap-and-invest in California, has proven to be a successful combination.

DEC COMMISSIONER SEGGOS: Understood. I mean, New York is different than California in the sense that more people take mass transit in New York than in California. We

have a different fuel mix, we have different winters. We have, you know, concentrated populations. We have very rural areas. I understand that there are very rural areas in California as well. But to the extent that --

ASSEMBLYWOMAN WOERNER: -- very concentrated population centers, I would say.

DEC COMMISSIONER SEGGOS: To the extent we launched a program like this in New York, it has to be New York-specific, and that's the intent of our study.

ASSEMBLYWOMAN WOERNER: Thank you very much.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator May.

SENATOR MAY: Thank you.

And thank you for -- I missed your testimony, and I hope my questions won't --

DEC COMMISSIONER SEGGOS: It was great.

(Laughter.)

SENATOR MAY: Oh, I'm sure.

I had a question for Commissioner Seggos about some language in the State of the State book that said that DEC is poised to begin stakeholder outreach about reforming the SEQRA process for housing construction.

Is that true? And can you tell me where you are in that process and what you anticipate?

DEC COMMISSIONER SEGGOS: Sure. For -- so in the grand scheme of housing development there are a number of barriers that the Governor wants a number of agencies to explore how to overcome.

SEQR is a part of that, so we're going to explore SEQR -- what within SEQR can we do, if there are any tweaks necessary to facilitate the growth of housing, and while respecting the protection of our natural resources.

So something will be undertaken this year.

SENATOR MAY: Thank you. And you

probably know I carry legislation to that effect, and one of the points is to discourage some of the sprawl development that happens when some of these -- some infill housing gets denied or is not able to move forward because of lawsuits and things like that.

So I don't know to what extent you can take a broad brush on the environmental impact of a project, but I would love to talk with you about that.

DEC COMMISSIONER SEGGOS: We'd welcome the discussion on that.

SENATOR MAY: And let me also just talk about PFOS testing. I know that DEC has started doing some -- requiring some disclosures from facilities that might be emitting PFOS into water, New York drinking water sources.

Is there a plan to expand that to other sites as well?

DEC COMMISSIONER SEGGOS: Very much so. I mean, we are digging everywhere, drilling everywhere and testing everything

for PFOS. Unfortunately, we're finding it everywhere. And we're -- that in a way helped launch the renaissance of water investment here in New York State.

So that will very much continue. You know, we've looked at the landfills. We're looking now at industrial users, seeing the potential impacts on water supplies, drinking water and otherwise. It would be something that we help to lead in the country until there's truly federal leadership and money on this.

We're heartened by the progress of the Biden administration thus far to make this a national problem to be solved.

SENATOR MAY: Tremendous.

And my last question is last year the Governor had language about expanding the Bottle Bill and EPR in the budget. It's not in the budget now that I've seen. Is that -- should I take that to mean she's waiting for us to come up with good legislation and will support it when we do?

DEC COMMISSIONER SEGGOS: Well,

listen, I think the Governor made clear that we need to do something about solid waste, and that involves reducing the amount of solid waste that we generate. We're in the middle of a needs assessment right now which would ultimately inform -- potentially inform the direction the Legislature goes on this. We'd expect to be at the table with it, with all of you, as that happens.

SENATOR MAY: Tremendous. I appreciate that. Thank you, though.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Stern.

ASSEMBLYMAN STERN: Thank you, Madam Chair.

Commissioner, good to see you.

DEC COMMISSIONER SEGGOS: Good to see you.

ASSEMBLYMAN STERN: President Harris, good to see you as well.

NYSERDA PRESIDENT HARRIS: Likewise.

ASSEMBLYMAN STERN: Thank you. Thank you for being here.

So, pleased to see that NYSERDA issued an RFI on agrivoltaics research and development last year. These projects are critical to ensure the viability of farmland and help the state achieve its renewable energy goals under the CLCPA.

However, there still hasn't -- we haven't seen yet a recommendation from NYSERDA regarding the agrivoltaics adder for the NY-Sun program. NYSERDA was directed to put, you know, something out on this in the PSC order from April 2022. Can you tell us, what's the status of that -- of the NYSERDA proposal and when we may -- we expect to see that information come out on the agrivoltaics adder.

NYSERDA PRESIDENT HARRIS: Certainly. I'm glad to hear of your interest in agrivoltaics, first of all. But also the fact that we've got a number of different workstreams underway on the topic of agrivoltaics, including the work going on at

Cornell University in that respect.

In many ways the RFI is intended to inform next steps. We have $5 million that we are intending to advance. It could be advanced in a lot of different ways; thus the RFI is the best way to really inform the investments that we will be making, which could certainly bolster the investments at Cornell and beyond.

As to the NY-Sun program, I would say I will need to check on the exact timing. But as I'm understanding it, they've been hard at work on various enhancements to the NY-Sun program, and I'm committed to following up with you directly as to the timing of the filing.

ASSEMBLYMAN STERN: All right, thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN STERN: One last question for you. We see the storage moratoriums throughout the state. So my question is, what if anything is NYSERDA doing at this point to work with municipalities to provide

information and/or guidance as these moratoriums play out across the state? What might we expect to see as NYSERDA's involvement in providing that kind of guidance to municipalities throughout the state?

NYSERDA PRESIDENT HARRIS: Yes, certainly. So I had reflected on our work in the Inter-Agency Fire Safety Working Group. I'll leave that to say that that's a very active process to really address some technical issues that we need to consider in siting.

But as to the actual engagement with communities, NYSERDA does have a Clean Energy Siting Team. We've worked with 425 communities thus far around the state. So it's about a quarter of the communities.

The questions used to be about solar in the large portion, but now we expanded our capacity in storage, so we can build on that. We can build on that.

ASSEMBLYMAN STERN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Helming.

SENATOR HELMING: Thank you, Chair Krueger.

Commissioner, thank you for your testimony. President, thank you for your testimony. I appreciate it. So little time and so many questions. Making sure that we have adequate clean water funding for our small villages, our towns and our counties. The safety, the reliability, and the costs associated with the electric school buses. HABs and protecting all of our Finger Lakes. Building flooding resiliency in Lake Ontario and actually in all of our communities. And something else that is so important to people I hear from: That's giving back the power to make decisions about solar and wind projects to local communities, local elected officials. It impacts their quality of life. They need to have more of a say.

But since I have such little time, I'm really going to focus on two questions, and to me it's all about saving upstate jobs, something that we don't talk enough about.

I've heard from so many upstate manufacturing companies that are concerned about the uncertainty surrounding the energy-intensive and trade-exposed industries designation. Their question is, when will we know whether or not we're in or we're out? We're trying to make long-term decisions now about our company. Do we keep our jobs here in New York State, or do we go to a more friendly state?

So what I'm looking for is what assurance, Commissioner, can you provide to these businesses about their future in New York State?

DEC COMMISSIONER SEGGOS: Well, Senator, thanks for raising that. I mean, that's why we're taking a very careful approach to launching this cap-and-invest program so that we actually have a legitimate discussion with the regulated industry about it. Remember --

SENATOR HELMING: Are you having this -- I'm sorry, my time is so limited, but --

DEC COMMISSIONER SEGGOS: We're having this discussion now. We're having this discussion now.

SENATOR HELMING: So I would like to hear from you, and I'd like to talk to you about some specific companies and how you're communicating with them. Because what I'm hearing is there's no feedback. And they're making decisions now on whether to stay here in New York State with their jobs or do they pull out.

DEC COMMISSIONER SEGGOS: We'd welcome the discussion.

SENATOR HELMING: Okay. Along that line too, I'm hearing from numerous food manufacturers about the extended producer responsibility discussions that are going on. What I'm hearing is that they propose these criteria and implementation dates that are not realistic. They can't possibly meet these. They can't change over as quickly as what's being discussed.

Again, it's creating uncertainty among these companies that we need in our

communities. Not only do they supply jobs, but there are so many other smaller companies that rely on them. You know, they donate to our Little Leagues and so much more to support our communities.

So again, I want to say to you that we need to make sure we're having conversations with them, they're involved in whatever discussions are going on, because we don't need them leaving out of state.

So what is being done by DEC to work with food manufacturers to ensure a workable approach to the EPR and, more importantly, to keep more waste out of our landfills?

DEC COMMISSIONER SEGGOS: Great question. In my six seconds I'll say that we aren't advancing EPR this year, but we're working with the Legislature on a needs assessment, and we'll make that public and engage the stakeholders along the way.

SENATOR HELMING: Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman

Shrestha.

ASSEMBLYWOMAN SHRESTHA: Hi. Thank you. My questions are for Doreen.

So what do you think are the risks facing renewable development in our state? You know, the primary reasons for the recent cancellations, I think you said upwards of 80. And how is NYSERDA hoping to address these risks going forward?

NYSERDA PRESIDENT HARRIS: Yes, certainly. The three primary reasons that we're seeing the challenges in this industry, as I said earlier, relate to what has become a global energy crisis -- inflation, supply chain and interest rates are really the drivers of the challenges that we've seen.

And so we've amended our RFPs in particular in ways to account for those risks, still balancing the risks between consumer and developer, notably through including inflation adjusters in our RFPs and including ways in which the interest rate challenges can be hedged.

So for all of those reasons, we're

seeing a very strong industry response. I mentioned the Governor's 10-point plan. We ran RFPs in an expeditious manner and are seeing the industry respond with what are very late-stage projects, actually, that can move forward quite quickly.

ASSEMBLYWOMAN SHRESTHA: And you mentioned previously the new authorization of NYPA to build its energy. Do you think that the publicly built renewables are much more protected from those factors that you mentioned?

NYSERDA PRESIDENT HARRIS: Well, certainly President Driscoll could weigh in directly, but I would say there are very specific and important ways that NYPA is advancing their own contributions toward this big -- big goal of ours. I'm sure he'll share some of them this afternoon.

However, NYPA is not shielded from those challenges either. These projects are very capital-intensive and they require financing that has impacted NYPA or otherwise. They do have some specific

benefits, though, that I hope he'll expand on.

ASSEMBLYWOMAN SHRESTHA: Okay. And would you say that NYPA's authorization is part of -- like plays a picture in how you hope to address some of these --

NYSERDA PRESIDENT HARRIS: Definitely. And we've seen this year, through their conferral process and through an RFI they've issued, that they're seeing places that they can slot in that is complementary to the work we're doing today.

ASSEMBLYWOMAN SHRESTHA: Okay. And then lastly, in light of the rebidding process, what will be the impact on New Yorkers' energy bills? And how does -- how do you think NYSERDA will ensure affordability to energy-burdened disadvantaged communities?

NYSERDA PRESIDENT HARRIS: Definitely so. And that is -- in fact, the Public Service Commission's denial of the petitions reflected on the need for a competitive process to bring forward the best prices for

consumers. So that's just what we're doing now. We have not concluded the RFPs, but when they are concluded, we will release detailed cost numbers for the procurements that we have run.

ASSEMBLYWOMAN SHRESTHA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Gonzalez.

DEC COMMISSIONER SEGGOS: Hi.

SENATOR GONZALEZ: Hello. So thank you so much for being here today.

Commissioner Seggos, this is for you.

I want to start off by thanking you for your career of service defending the vulnerable waterways of New York. As a former Riverkeeper attorney who sued ExxonMobil for its actions in and around Newtown Creek, these questions should be familiar to you. I do have the honor of representing Newtown Creek today, and so I wanted to focus on that and ask a few questions about the work that we're doing with EPA.

So, you know, my first question is

regarding the Superfund site and the integration of DEC with the work of the EPA. EPA has jurisdiction over the creek and waterway, and DEC has jurisdiction over the upland sites, but this division has slowed up the rollout of progress.

So could you speak to what the challenges have been working across levels of government with the EPA?

DEC COMMISSIONER SEGGOS: Well, I think it's always a challenge working with multiple authorities and agencies at levels of government to effectuate cleanups. But we've been very successful over the last couple of years, certainly with the leadership of Lisa Garcia in Region 2, who has deep knowledge of both DEC and Newtown Creek that's helped to break down some historic barriers.

And I believe we are coordinating very well on this. Even though we have different jurisdictions, we certainly are able to exchange information, perspectives. We want whatever we do in the uplands, right -- all

that water's going to flow toward the body of water -- to integrate well with what they're doing on the Superfund site. And it is a challenge, but it's one that we can -- we can balance, given the commitment we both have.

SENATOR GONZALEZ: A hundred percent.

And given that it's the most polluted waterway, you know, definitely a priority for us and I know for you.

We're also aware that the Greenpoint energy center Superfund site had a remedial investigation about seven years ago. Do you have an update on when we can expect a draft of this report?

DEC COMMISSIONER SEGGOS: Good question. I don't have an update on the timing of the draft report, but I can get that to you.

SENATOR GONZALEZ: Thank you so much.

And another issue that I hear a lot about from constituents is air pollution in and around the creek. Just two weeks ago DEC issued Green Asphalt a notice of violation for this. So this notice of violation that

was issued only after complaints by numerous residents, does DEC have the resources to find and investigate air quality issues like this one?

DEC COMMISSIONER SEGGOS: We do. I mean, we -- as I mentioned in my testimony, $1.75 million in fines last year on air pollution.

We rely on reports, though. That's why we have a hotline. So we want to take the reports from the public when they see something, say something, come to us and we'll send our investigators out.

SENATOR GONZALEZ: Right. And of course it's great to have folks who are so engaged and accessing that hotline, but we also want to take a proactive approach --

DEC COMMISSIONER SEGGOS: Agreed.

SENATOR GONZALEZ: -- so we don't get to the point where folks are so frustrated with the air pollution in the area.

And then finally, I'm sure you know that, you know, Newtown Creek has faced decades of combined sewage overflows. It's

incredibly stressful, especially with the climate crisis worsening.

What are you doing about stormwater? As storm amounts increase, what are you doing to address increasingly problematic CSOs?

DEC COMMISSIONER SEGGOS: Great question. So the CSO problem is acute in New York City. It's getting extraordinarily better -- billions of dollars invested from the state and the city. And I can give you more breakdown on that.

SENATOR GONZALEZ: Great. I appreciate it. Thank you.

DEC COMMISSIONER SEGGOS: Thanks.

CHAIRWOMAN KRUEGER: (Mic off) -- and any more detail you want to offer us in writing --

DEC COMMISSIONER SEGGOS: Happy to.

CHAIRWOMAN KRUEGER: -- a very long question and a very short answer -- {inaudible}.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you both.

As our rapid questions continue, for the Bond Act, I want to make sure there's infrastructure available for composting infrastructure. I know we raised that in the questions; if you can get back to me on that.

DEC COMMISSIONER SEGGOS: Okay.

ASSEMBLYMAN EPSTEIN: I appreciate that.

I know you raised the issue about potential buses in the Bond Act, and I think there's a lot of concern on our front that the buses could overtake the $4.2 billion. So I'm wondering if there's any cap related to the potential buses in the Bond Act, and what that cap might look like. Because we know, we've heard from our colleagues about the costs associated with the -- not just the buses themselves, but the infrastructure for the buses.

DEC COMMISSIONER SEGGOS: Maybe I'll have Doreen answer that one.

NYSERDA PRESIDENT HARRIS: Yes, certainly.

So the amount of funds committed to buses through the Bond Act is $500 million. So that's where that wedge sits. Does that answer your question?

ASSEMBLYMAN EPSTEIN: Yeah. I just -- I think we're going to need more money for buses and we're --

NYSERDA PRESIDENT HARRIS: Definitely.

ASSEMBLYMAN EPSTEIN: But the Bond Act can't be the vehicle for doing that. So I just want to --

NYSERDA PRESIDENT HARRIS: Correct. Yeah, we're -- as I had indicated earlier, one major source of funding we're utilizing is the federal EPA grants that's really going to allow us some very major leverage.

And obviously cost reductions along the way.

ASSEMBLYMAN EPSTEIN: Right. Thanks.

Just to go to the EPF, first I can -- you know, obviously the -- we note about trying to take -- this divert money to staffing is I think a concern for all of us, just because -- but part of my concern is the

really cuts in money for recycling and the really limited number for composting, $2.5 million for composting of food waste and only 16 million for recycling statewide.

So I'm wondering, you know, how important that is, especially with Executive Order 22, especially on our municipal sites, how we get those numbers up to really kind of get to a place where we're doing enough waste reduction that we need to do around the state.

DEC COMMISSIONER SEGGOS: Yes, our 10-year plan for waste in New York State recognizes waste reduction, reuse, as much as possible diverting from landfills. I mean, that's -- and the EPF will be one small tool to help us get there.

Ultimately this is going to be give-and-take between us and the municipalities.

ASSEMBLYMAN EPSTEIN: I encourage us to just add to that in the EPF just because we're going to really need some resources, and municipalities are going to need money,

we're going to need money to advance that throughout the system.

DEC COMMISSIONER SEGGOS: Got it.

ASSEMBLYMAN EPSTEIN: Just on the charging infrastructure, I know 13,000 stations -- great. But we'd love to know, within that number, how many of those are publicly available to the public who are not, you know, in a building or behind a paywall for a garage. Because this is a concern I know you know that I care about, is like getting enough people who are middle-class folks to be able to move to EV vehicles. If all of these are like in buildings and behind those paywalls, it's going to be really important to kind of move that in a different direction. So I'd love to have that number. I'd love to hear what that might look like.

NYSERDA PRESIDENT HARRIS: Totally. So the 13,000 is publicly available, that's --

ASSEMBLYMAN EPSTEIN: But publicly available as defined in the statute doesn't mean publicly available like on the street

where someone can just drive up. Or in a mall where someone can drive up. So publicly available can mean in a garage or other places.

So -- and just quickly, three seconds, indoor air quality, love to hear more about where we are, indoor air quality and regulations on that.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

First of all, Commissioner Seggos, always good to see you. Thank you for your help on our lakes and waterways issues and in our region. Appreciate that engagement.

DEC COMMISSIONER SEGGOS: Thank you, Senator.

SENATOR BORRELLO: Thank you.

And I guess just to both of you, look, I think you've heard from people on both sides of the aisle there are concerns here

about reliability and affordability in this push by 2040.

But let's talk about the numbers here as far as generating capacity. Okay? Right now, in the last 25 years, we've only brought on 12.9 gigawatts of new power. And we're going to need something like 111 more gigawatts of new power by 2040. Where's that going to come from?

Now, the other issue is wind and solar make up 6 percent of our current portfolio, which is about 7.5 gigawatts. And we're looking at 70 gigawatts in order to -- which is projected to be needed in wind and solar. This is just not achievable. It's not practical. But also, we're really throwing out, first and foremost, reliable forms of energy like natural gas. There's nothing in the CLCPA that says we need to eliminate reliable forms of energy like natural gas, which is a lower carbon footprint. But we're also ignoring things like RNG, green hydrogen, you know, other forms of supply, increasing our capacity for hydroelectric

power -- New York State's I think number three in the nation for hydroelectric power now.

Why are we one-trick ponies with wind and solar?

NYSERDA PRESIDENT HARRIS: Thank you for asking that question.

I agree that we have had a very clear focus on renewables because of the immediacy of our 2030 goals that are part of the Climate Law. And I'm encouraged by the fact that in the coming year you may have noticed the Public Service Commission has kicked off a proceeding which is asking just your question, which is what does a zero-emission grid in 2040 look like.

And in that proceeding we will be analyzing potential contributions from resources like those you indicated, including nuclear power as another example of a resource.

SENATOR BORRELLO: Well, I'm glad to hear that, because I think most of my colleagues on the other side of the aisle are

not embracing nuclear power, which is going to be needed.

Also, when you say zero-emission grid, what are we going to do about the increasing number -- amount of power that we're importing from other states? You know, from places like Homer City, Pennsylvania, which is a dirty, old-fashioned coal plant. We are now ramping up and importing more power than we ever have. Does zero-emission mean we're going to pretend we're zero-emission and still import more power, or are we going to cut those cords and be truly zero-emission?

NYSERDA PRESIDENT HARRIS: So one of the first questions before the commission is actually the question you just asked, which is what is a zero-emission resource, according to our law, and how will it be accounted for. So I would just sort of put that in one place.

But as to how we count, you're absolutely right, we count imports toward our goals. And if we are importing natural gas or coal or anything like that, it is

reflected in the ways we contribute. So we are impacted by the interconnected grid for sure.

SENATOR BORRELLO: Importing power is a horrible way to do this, and it's pretending that we're zero-emission, in my opinion.

But thank you for your responses.

CHAIRWOMAN WEINSTEIN: Thank you.

I just wanted to alert Assemblymembers that the next handful of members is going to be McDonald, Burdick, Giglio, Fahy, Simon, Lemondes, McMahon.

I just want to remind those members if you're not here when we call your name, you'll have to wait till next year --

(Laughter.)

CHAIRWOMAN WEINSTEIN: -- to ask your question.

So now we go to Assemblyman McDonald.

ASSEMBLYMAN McDONALD: Present.

Doreen and Basil, it's good to see you. Thank you for being here.

DEC COMMISSIONER SEGGOS: Good to see

you.

NYSERDA PRESIDENT HARRIS: Likewise.

ASSEMBLYMAN McDONALD: Doreen, I'm going to start with you.

You know, as you know, myself and Member Fahy and Senator Breslin have an interest in the Port of Albany, so therefore we have an interest in offshore wind.

So you mentioned it earlier when Member Barrett asked a question, but for New York 4, are we pretty confident that there's going to be some awards at the end of February?

NYSERDA PRESIDENT HARRIS: Oh, you're making me answer a question I cannot -- I cannot answer.

But I will say it was a robust response and we were pleased to see the bids that we took in. We're committed to hitting our deadline, so stay tuned.

ASSEMBLYMAN McDONALD: We will, don't worry.

So New York 3. Developers, from what I understand, are all under contract now, is

that correct?

NYSERDA PRESIDENT HARRIS: We are negotiating the contracts now.

ASSEMBLYMAN McDONALD: All right. You know, as you know, not just New York, throughout the country there's been problems with these projects going upside-down, for lack of a better term. Are you able to talk about how things are looking with those contracts? Is pricing holding? Are we having any excursions or surprises?

NYSERDA PRESIDENT HARRIS: So I'd say, given the nature of the negotiation, I would probably be best not to answer your question directly, other than to say that we negotiate on many, many terms with these counterparties. So that's work in progress, and it's proceeding.

ASSEMBLYMAN McDONALD: Okay. Going back to New York 4 -- and this is probably pushing it too, but I'm going to ask the question anyways -- you know, obviously pricing is always important. But also impact on the community and meeting the spirit of

the CLCPA and having impacts on disaffected communities is important.

Is there a weighting balance of some sort? You know, we're looking at the fact that we have hundreds of jobs ready to go into action in the Port of Albany if we have a suitable partner. How does that look in regards to the scoring?

NYSERDA PRESIDENT HARRIS: So we definitely -- this particular RFP is weighted heavily on price for the very reasons we're talking about today, but also on economic development commitments to the state. And so -- and the viability of the project. These projects are quite well advanced, so that's perhaps less relevant.

But we do look seriously at the ways in which they will invest in the state. This is part of the major reasons we're committing to offshore wind, because we have facilities like the Port of Albany here in the Capital Region that can benefit --

ASSEMBLYMAN McDONALD: Thank you. I want to give Basil some time, give you a

break.

NYSERDA PRESIDENT HARRIS: All right.

ASSEMBLYMAN McDONALD: Basil, you know, I think you've heard enough from people about the fact that there's an incredible disappointment about the reduction in capital funding for the Clean Water Infrastructure Act. And quite frankly, I'd make the argument that particularly with the U.S. president indicating lead pipe replacement needs to happen nationally, we should be adding another $100 million and getting up to $600 million.

But the one question I have that you can maybe take back to the right people -- because EFC's not here -- there still seems to be confusion at the municipal level about the ability, when bonding, to fix private water services. I think that needs to be clarified in a bulletin.

Thank you.

DEC COMMISSIONER SEGGOS: Thank you. We'll follow up.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

Next we have -- I apologize -- Senator --

SENATOR O'MARA: -- Canzoneri-Fitzpatrick.

CHAIRWOMAN KRUEGER: Thank you. I'm practicing, I swear.

SENATOR CANZONERI-FITZPATRICK: Thank you.

And I have to say thank you for both of you being here too, because you've endured so many questions for so long.

There are so many questions to ask, and I only have three minutes. But of course clean water, trees, just so much that's within your purview. But I do have to focus on one area because I represent the district that includes Long Beach that was recently the subject of an offshore wind project that the parkland alienation bill was vetoed by the Governor.

One of the things that I am very concerned about is ORES is going to work with

DEC coming up with regulations that may ignore any local law or regulation if it determines that the local law or regulation unreasonably is burdensome in view of the CLCPA targets.

So my question specifically is what types of local law are we going to be overruling? Are we overruling potentially zoning, parkland alienation? And what can we do to protect the communities so that they have input?

DEC COMMISSIONER SEGGOS: Well, I'll just weigh in from our -- from our perspective, we're going to continue having that conversation with ORES. I mean, it's early days now. We all have an interest in expanding renewables in New York State, with DEC doing our part, as we have been over the years with ORES. And we'll explore that in conjunction with our state partners. But it's preliminary at this stage.

SENATOR CANZONERI-FITZPATRICK: And I also understand that there'll be a Farmland Protection Working Group, and I'm

wondering -- I agree with protecting farmland, without question, but I'm wondering why we don't have protection working groups implemented to protect our offshore -- you know, our rivers, our lakes, our beach line, our coastlines.

So is there any plan to have any of those working groups to look at those desirable natural resources that we have?

DEC COMMISSIONER SEGGOS: Well, I would say DEC would continue to play a very active role in the ORES process. I mean, you mentioned all of those -- all of those resources. That's something that's part of our mission. As I say, we've been at this now with -- several years with ORES, and it's worked quite well on the natural resource front, and we've been able to balance all those objectives.

NYSERDA PRESIDENT HARRIS: If I could just jump in on that topic, there actually is an Environmental Technical Working Group that we have formed a number of years ago, focusing on these issues as relates to

offshore wind. I'd be glad to brief you separately on the work we're doing, because it is central, much like the Farmland Protection Working Group.

SENATOR CANZONERI-FITZPATRICK: That would be great.

And then following up on some of the things that my colleague Senator Borrello said, you know, we seem to be off-schedule for the offshore wind goals that we have of 9,000 megawatts because of where we are right now.

Do you think that it's reasonable that we are going to meet those goals in the period of time that's been set out by the CLCPA, as well as within a parameter that's not going to overly burden our ratepayers?

NYSERDA PRESIDENT HARRIS: Well, I would agree it certainly is a balance. We have worked diligently to continue our progress toward the 9 gigawatt goal. That is a goal we are working to achieve for sure.

SENATOR CANZONERI-FITZPATRICK: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: I don't believe Assemblyman Burdick is here, so Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Good afternoon, and thank you for being here.

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYWOMAN GIGLIO: So as far as the water -- you know, clean water is life, and we have an ask of $600 million in the budget for water projects this year. And as the EPA has lowered their maximum contaminant levels, there's less money in the budget for funding for water districts to provide clean public water to meet those standards.

So the Governor has been very generous in the past, I'm sure with your help, of $500 million for the last two years. But chopping it down to 250 million when there are still people that are drinking, cooking and bathing with contaminated water from contaminated wells and trying to get those people connected -- is the problem that the

EFC can't keep up with the demand and the requests from the water districts? Or is it just that the clean water is not a priority in this year's budget?

DEC COMMISSIONER SEGGOS: Well, listen, I would say clean water is very much a priority for us. And I'd said at the outset we expect to continue making investments consistent with the rate of prior years. Now we have the benefit of the Bond Act, so the Bond Act will help us to augment the Clean Water Infrastructure Act money and the federal dollars that have come in. So I think we will have a very robust year of investment to match all of the priorities now that have been put on the State of New York by virtue of either federal law or regulation or the reality of pollution.

ASSEMBLYWOMAN GIGLIO: Yeah, it's so important. And the policies that we create in lowering the standards that water districts are expected to comply with -- meanwhile, still trying to keep up with the infrastructure to connect people that aren't

connected, is -- it should be the number-one priority. And it's something that the state touts, especially with the Bond Act on clean air, water and a healthful environment that was, you know, passed and flew by with numbers and I think people are expecting a lot more from New York State.

So I'm hoping that we are going to do something about that.

As far as the solar panels and the renewables that are going into my district because the land is less expensive than anywhere else on Long Island, for the most part -- and we do have vast land with farms and other properties that have not been developed as of yet -- the ratepayers in my district are saying, We're not getting any benefit of this. We're not getting a reduced rate by driving by and looking at solar panels instead of industrial development for jobs.

So what can you do, President, to make sure that districts that are oversaturated with renewable energies, that they are not

only getting the jobs but they're getting the benefit on their utility bills?

NYSERDA PRESIDENT HARRIS: Well, certainly. And on a -- I'd say one major objective of ours in the coming year is to expand the Solar for All program. That's a great example of ways in which --

ASSEMBLYWOMAN GIGLIO: But you have to be eligible for that, don't you? Solar for All, you have to be income-restricted --

NYSERDA PRESIDENT HARRIS: Exactly. And given Long Island, there's obviously differences --

CHAIRWOMAN WEINSTEIN: Thank you. So maybe you'll be able to follow up with that.

NYSERDA PRESIDENT HARRIS: Let's follow up.

ASSEMBLYWOMAN GIGLIO: Yeah --

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Chairwoman.

Hello, nice to see you both again.

DEC COMMISSIONER SEGGOS: Senator.

SENATOR PALUMBO: Commissioner, I just have a few questions on the recycling issues. I know that DEC issued a report about $100 million in fraud. I think only -- I think about 40 states don't have bottle bills. And now the EPR, which I supported, I felt -- we thought it was a good idea and needed some tweaks to it. Now that we're expanding -- obviously costs to consumers, costs to handling, costs for distributors -- can you comment a little bit maybe on the enforcement side of that? Because New Jersey and Pennsylvania, of course, don't have bottle bills. So I should think that that has been probably the -- it's cultivated an environment where it's kind of rife for fraud. Do you have any comments, either one of you, regarding that?

DEC COMMISSIONER SEGGOS: Sure.

I mean, enforcement is vital when it comes to the Bottle Bill. Right? There's an incentive to cheat the law. And we found

mis-grants in New York, New Jersey and beyond.

So our enforcement has been very robust on it. And we often -- some of these cases often take a long time and they're very complicated, as you can imagine, when you get to that level of fraud.

SENATOR PALUMBO: Sure. Sure. And, you know, do you think additional resources would be needed to ultimately maybe enhance that a little bit better? Because that's certainly $100 million that the state and of course, you know, the fraud aspect of that is a real number. It's not like it's, you know, a few million, it's a big number.

DEC COMMISSIONER SEGGOS: Well, I would say this. I think we have the resources to do these investigations, but often it's difficult to get the district attorneys interested in some of these cases because they individually are a bit small.

But it's a work in progress. We've had some success over the years. And, you know, our focus -- I would agree with you, in

the beginning our focus has got to be on reducing waste. And it's been a very good program for many, many decades.

SENATOR PALUMBO: Sure. It's probably pretty tough to police as well.

DEC COMMISSIONER SEGGOS: It is.

SENATOR PALUMBO: Now, Madam President, how are you?

NYSERDA PRESIDENT HARRIS: Very good, thanks.

SENATOR PALUMBO: I just have a few questions. I know it's been touched on a little bit, is there any sort of a report or empirical data regarding the current load, the grid load, with respect to our expansion into renewables?

Because this is something -- it's a goal that we all want to proceed to. We want to get there someday. But I think those CLCPA dates may need to be moved, from what I'm seeing, because it seems as if now that we're making this really bold transition, it looks like the grid is really quite weak in that regard.

Can you comment on that?

NYSERDA PRESIDENT HARRIS: Well, certainly the Climate Action Council integration analysis -- if you didn't read the 300 pages, I won't blame you, but I will tell you it revealed exactly --

SENATOR PALUMBO: Can you read it for us today?

NYSERDA PRESIDENT HARRIS: -- what you're describing.

SENATOR PALUMBO: In my next 20 seconds?

(Laughter.)

NYSERDA PRESIDENT HARRIS: It is going to necessitate a rough doubling of our grid's capacity in the coming number of decades. And that is exactly what we need to be planning for in order to realize this transition. It's well known, and it is what we are executing against.

SENATOR PALUMBO: Great. Thank you both.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Fahy.

ASSEMBLYWOMAN FAHY: Thank you. Thank you, Chair.

And welcome, so great to see both of you, and always a pleasure to get the updates.

A couple of questions, and I just want to start with Commissioner Seggos. And first a comment. I share the concerns -- I know we've already talked about the water infrastructure and the cuts. So I share the concerns expressed on that, and I won't -- I won't dwell any further on it as I watch the clock.

But if you would, I didn't see mention of the 30x30 goals. As you know, that was a bill that I helped work on for a number of years with former Senator Kaminsky. And haven't seen any updates on that. I think the plan is due at the end of the year or end of September. And I know land acquisition is hitting a low as well.

Any quick updates you could do on that? And then I can get to President Harris.

DEC COMMISSIONER SEGGOS: Sure.

We're excited by 30x30. It's a great program. I mean, we do expect a robust year on acquisitions, fee and easement, 50 projects, 28 -- potentially 28,000 acres. So that's a big deal for this calendar year, and we're looking to get creative with our land trusts as well on that front to hit those numbers.

ASSEMBLYWOMAN FAHY: Okay. And the report, then, the 30x30 report, the plan?

DEC COMMISSIONER SEGGOS: We expect it to be coming this year. I'm not sure on the exact date, but we can get back to you on that.

ASSEMBLYWOMAN FAHY: I'll check again as well. But okay, we'll keep an eye out, thank you so much.

And President Harris, thank you, I know you've addressed this a little bit today. But I think you said, in response to Ms. Barrett, that you expect the NY4, the rebid, the rapid rebid process, to know something by the end of the month. And you

said you have six major bids?

NYSERDA PRESIDENT HARRIS: That's right. We took in three bidders submitting six bids. And we are committed to concluding that RFP this month.

ASSEMBLYWOMAN FAHY: Okay. As you know, the Albany Port is -- I know you can't see me without hearing about the Albany Port, which we are so interested in in terms of the wind projects.

Can you tell us with regard to those decisions, is it cost that is driving the project? And I know it's, you know, added to the hurdles here. Or is it how the project contributes to the goals of the CLCPA? Like what is the --

NYSERDA PRESIDENT HARRIS: Are you referring to the offshore wind project or the port?

ASSEMBLYWOMAN FAHY: For NY4, for the current rebid. Is it cost driving it, or is it -- do you know what weighs in more heavily?

NYSERDA PRESIDENT HARRIS: Cost is the

primary method -- evaluation criteria. But we do look at the economic benefits to the state as well.

ASSEMBLYWOMAN FAHY: Okay, so it's a bit of a mix, then, still.

I've got 22 seconds. Any -- once those rebids are cast -- and again, we're still hopeful for the Albany Port -- what's next? Thirteen seconds. (Laughing.) No pressure.

NYSERDA PRESIDENT HARRIS: We have on-budget funds we're really going to be looking to deploy to advance additional supply chain investments across the state. So that would be a very important next step we'd be taking.

ASSEMBLYWOMAN FAHY: Thank you.

Thank you, Chair.

CHAIRWOMAN KRUEGER: Thank you.

Senator Tom O'Mara, ranker, five minutes.

SENATOR O'MARA: Thank you.

Thank you for putting up with us for hours here, and your answers. I wish we had

more clarity on where we're going with this energy plan.

You know, Basil, you started out talking about all the great reductions we've had in New York State in lowering emissions, and it's been fantastic. And we have been doing the right thing, and we will continue to do the right thing. And we need to continue to do the right thing.

A big problem in this discussion is that whenever you ask questions about reliability and affordability, all of a sudden you're a climate denier, you don't care about the environment. And I can tell you that can't be further from the case. Certainly with all my colleagues on my side of the aisle, that that's not the case. And we're here to do what we can, responsibly, feasibly, affordably, and reliably.

But you're not giving us that comfort. You know, April 3rd last year you gave everybody in this room whiplash with your 20-versus-a-hundred-year op-ed that you put out. And Mr. Seggos here, your comments that

day were if we don't switch from 20 to a hundred years, these costs are going to be extraordinary.

Ms. Harris, you said New Yorkers will pay substantially more out of their pockets at the pump and to heat their homes and beyond. Yet you're providing us no pathway, no plan here, other than we got these goals and we're going to meet it.

You know, as of some stats I've got from a couple of years ago -- I think they're maybe two years stale, but probably still consistent -- New York consumes less total energy per capita than all other states, and it consumes less energy per capita on transportation. In 2020, New York State's per capita energy-related emissions were lower than any other state.

And this is what concerns me about the planning that we're in. At that point, New York State and our energy leaders decided to close Indian Point nuclear facility. Since then, our emissions have risen from energy production in the state. In the

New York City metropolitan area that Indian Point served, my understanding is emissions have risen by over 40 percent in these last three years. Not the direction that we want to be going in.

And most concerning about your April 3rd comments was there was no cost analysis completed. And you wait till four years after the CLCPA to tell us that -- when we've been claiming that all along -- and you come up four years later and say, Oh, these costs are going to be extraordinary if we don't do something about it.

Well, we're going to save the day on everybody, your heat's not going to go up 80 percent, your cost of gas isn't going to go up 60 cents a gallon, we've got this thing called cap-and-invest that we're going to come up with. And we still have really nothing on that from either of you. So the track record's not good, and our faith in this process is not good. And we want it to work, we need it to work without bankrupting the state and running businesses out of the

state.

Two questions. How many more megawatts of energy production do we need before 2040 in New York State? And what is the total amount you plan to raise through cap-and-invest from New Yorkers, or New York businesses?

Because you're going to put these fees on polluters -- who are permitted emitters, by the way. These are manufacturers and industry in this state that provide goods and services to New Yorkers. So those -- either the fee or the tax you put on them is going to raise those costs of goods for everybody.

So how much energy do we need by 2040 more than we have? And cap-and-invest, how much are you going to raise and who are you going to raise it on? Who are the chosen few going to be, and who's not going to be chosen?

NYSERDA PRESIDENT HARRIS: So on the first question around grid needs, as I said, we're looking at a rough doubling of our grid's capacity. So we're about 150 terawatt

hours a year of load. So between now and 2050, that would roughly double. I hope that answers your question as to the grid buildout.

And then on the topic of analysis, I would point you to the recent publication of our NYCI pre-proposal, which lays out very clearly various scenarios focusing on affordability and ways in which that can achieve -- or contribute to our goals as well as impacts.

SENATOR O'MARA: You haven't identified who's going to pay or how much they're going to pay. My constituents are very concerned over what these costs are going to be.

CHAIRWOMAN KRUEGER: Thank you. I'm sorry, the answer will have to come to the question a little later. Thank you.

Assemblymember Simon.

ASSEMBLYWOMAN SIMON: Okay, thank you. Well, I have lots of questions, so I'll be quick.

So first of all, Commissioner Seggos,

thank you for your town hall. Fortunately everyone kept their shirt on and nevertheless, important issues were raised -- they're laughing in the back because they know what I'm talking about.

Two things. The sewage retention tank that the DEP, City DEP delayed for way too many years, besides the current work smelling a lot, they're building a lot of new housing and it threatens the additional CSOs, which of course is critical to the cleanup of the canal.

So I wanted to know what DEC is doing to control for that in its brownfield cleanup efforts, and also what is DEP doing to enforce the cleanup of the sites which National Grid is responsible for, without increasing the burden to ratepayers.

DEC COMMISSIONER SEGGOS: Good questions. So very complicated area, very small area with 49 brownfields and a lot of CSO discharges into a very small location.

So we're in a bit of a balancing act, moving us forward as far as we can, as we

know we need housing, of course, downstate.

In terms of CSO discharges, we're looking at that issue very carefully, into what the buildout of that area, what effect it will have on the city system. We're grateful for the investments that the city has made and is prepared to make in the region. But we always need to ask ourselves, is it going to be enough.

And how we integrate our brownfields work with the canal itself, it's a relationship between DEC and EPA and ensuring that we're doing the appropriate level of cleanup within the canal, we're not making it worse by forcing more water, more dirty water into the canal itself and ultimately undermining that cleanup.

So it is a big balancing act. We're down there a lot, from myself, exec dep and beyond, asking these very questions, as we know we need to get this right the first time and not have to dig up problems and fix them again in the future while the area is built out.

ASSEMBLYWOMAN SIMON: And then another quick question I have is, you know, I have a bill with Senator Krueger and Assemblywoman Kelles to stop climate polluter handouts, which is the eliminating the subsidies that New York gifts to the most harmful parts of the fossil fuel industry. And clearly it's time to cut some of the $1.6 billion in fossil fuel subsidies that New York offers.

What can you do to help support this effort in the budget that will generate revenue and help us meet those CLCPA goals?

DEC COMMISSIONER SEGGOS: Good question. We can certainly answer the questions as to who is polluting and who is not. We have that information at DEC. And we're happy to inform your office of that, to the extent you advance that legislation.

ASSEMBLYWOMAN SIMON: Could you inform the Governor's office and the budget?

DEC COMMISSIONER SEGGOS: I think you just did.

(Laughter.)

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

So I think I'm the next Senator.

So I actually would like you to follow up where you couldn't answer with Senator O'Mara's questions. Because I see this all as -- first off, I think the entire energy and climate team of this Governor is trying to do an extraordinary job. And yes, we don't have all the answers. And yes, we're behind. And yes, I have lots of more questions that I think I've tried to raise with both of you and will continue to do so.

But we don't have a choice. We've got to do this. I think that's the critical issue. Even if we don't have all the answers, we have to keep pushing ahead.

So please, help me understand. How are we going to continue to move forward? Because we don't have a choice, we have to meet these targets. And somebody is going to pay for some of this cost, although I am totally confident that green energy will be less expensive -- forget long-term, in the 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

openly about the concerns. And that's frankly informed our approach in a very powerful way since then.

So when we talk about the new cap-and-invest that we're advancing right now, that's with all of those concerns built in. Right? Advancing a program, ultimately, that's below where we were concerned last year, so that we're not putting this on the backs of New Yorkers, we're not driving New York businesses out of state, that we're ultimately creating the revenue streams necessary to make this transition in a way that protects New York, puts us in a better position to compete nationally for the best minds and the best jobs.

So that's really where we -- how we approach this. We invite the public to participate in our very -- admittedly very wonky discussions and webinars when we get into these details, because we really dive deep into them. We ask and answer every question of us. And we're going to be putting out an enormous amount of information

for the public to digest.

Keep in mind, we were supposed to finish by the end of the last calendar year. We both determined there is no way we can do that. We need to do this in a way that's transparent, open, and fully engaging of the public.

So that's been our -- very much our posture. The concerns that you all feel are the concerns that the Governor and we feel, internalize, every single day when we advance this very challenging concept. But we have to do it.

I'll let Doreen handle --

NYSERDA PRESIDENT HARRIS: Well, I'd say as we have worked to implement the Climate Law, we're obviously all learning more and more about what it takes. The Climate Law is ambitious in scale, but also in time. Right? It has very near-term goals. We've been talking a lot today about how we're going to get to 2030. But I think what we really need to be thinking about more often is how we get to 2040 and 2050, given

that this is a multi-decade transition.

And I'd say that this is something that is sometimes lost in the sauce, so to speak, because of the fact that over decades is a very different planning horizon than over, you know, next year or even to 2030. And that's what I'm particularly excited about in the coming number of years and even this year, is when we start to talk about this transition, we can start talking about it in ways that allow us to think about not just these near-term issues but the longer-term issues. Which is what many of you are bringing to bear.

We are not, you know, asking all of this change to happen tomorrow. And that's something that sometimes gets lost but is critical to the transition, and that there are technologies like those 2040 zero-emission technologies that are going to help us along the way.

So I would say, for me, it's really getting tangible about the outer years of this transition that will help us all as

well.

DEC COMMISSIONER SEGGOS: Can I make another point, Madam Chair?

CHAIRWOMAN KRUEGER: Yes.

DEC COMMISSIONER SEGGOS: I think it's really important and should not be lost is that we are already experiencing these costs right now. They're just hidden elsewhere in society, right?

The $37 billion of damage that we sustained post-Sandy, right? The $55 billion of damage that we expect to receive as a state because of climate change in the next 10 years -- 55 billion. That's based on a nonprofit independent study.

The 1500 people a year that die early because of emissions in urban areas. I mean, those are real costs that we are all bearing.

So it's really important, as we try to shift these costs over the course of decades, right, to resolve problems, to generate economic activity, to bring new jobs into this state, we have to be honest about how that cost is being transitioned over time,

and do it in a responsible manner.

So I know this is a very long-winded explanation to say that we agree, but we are very aware that we need to do this the right way.

CHAIRWOMAN KRUEGER: Well, I agree. And I don't think it's because we passed a climate law. If we hadn't passed the Climate Law, we'd still be facing the exact same crisis, even a worse crisis. So it's not even somebody wants to propose we reverse the Climate Law -- that won't reverse the climate crisis. And that's actually the target.

So I will ask you both, again, why don't you love my Climate Superfund Act --

(Laughter.)

CHAIRWOMAN KRUEGER: -- which would get us $3 billion a year from the oil and gas polluters, not from the taxpayers and ratepayers in New York State. Because we don't have enough money and we hear we don't want to have to raise more money than we need from people. Let's take a leap and try that

law.

NYSERDA PRESIDENT HARRIS: Well, I'd say obviously you understand our focus has been on cap-and-invest as a means by which --

CHAIRWOMAN KRUEGER: They're not competing proposals.

NYSERDA PRESIDENT HARRIS: Just to give you a couple of the numbers, though, from our analysis, I think it's important to note -- obviously we recognize the Climate Action Council had brought forward cap-and-invest as a means by which to create these enforceable limits, right. That's a critical part of achieving this law.

But also to create the scale of investment necessary to realize both the cost reductions that you have laid out, or that are realizable, but also sort of the behavior shift, right, over decades that can be more nimble in the design of this program.

So the analysis, the scenarios we just presented do reveal that under different scenarios we are looking at revenues being raised on the order of $5.5 billion to

$12 billion a year. We recognize this is not the be-all and end-all, but rather a tool in our toolbox. So I want to note that these are the types of investments we're looking at through the scenarios that we've laid out for feedback.

CHAIRWOMAN KRUEGER: I'm going to jump to the Clean Water Fund and the concern that people have that the Governor proposed a reduction, and yet the argument is that there's, you know, money sitting in an account that isn't being spent fast enough.

We keep hearing that there are lots of proposals from all over the state for those funds that don't get through. Is it because you don't have enough staff to process these applications? I mean, apparently there is demand for that $1 billion that's already sitting there. How come we're not able to get it out?

DEC COMMISSIONER SEGGOS: Listen, there's no doubt that there's demand. And quite often it isn't -- it isn't always on the state, on the state as a grantor or

loaner of these dollars. You know, we have to get good applications. Sometimes we don't get good applications, and that's the result of give-and-take over time with developers.

So, you know, for us to tap into more dollars, I just point back to the past dollars. I mean, we've had -- we had the most -- two of the most robust years in a row in New York history. So money is getting out the door. EFC is doing a tremendous job -- DOH, DEC. As we score these projects together, we are moving money very quickly.

Is there some money left over? Yes. Are we going to over time, as the Bond Act allows, bring Bond Act money into this program? Yes. Federal money, yes.

So again, I believe we're in the middle of this renaissance right now in water spending. That is going to continue, and we have EFC community assistance teams that will help reduce errors in application, which is a really big problem.

CHAIRWOMAN KRUEGER: Okay. And I believe you said this earlier also. So you

referenced, when talking about these funds, that we had Bond Act money. I'm a little confused between what we thought the Bond Act was for, which was other costs that weren't being paid for through state money, and I'm concerned that we're not substituting state budget money with Bond Act money, because that wasn't the goal in the Bond Act.

So maybe you don't have sort of tracking right now, but I really would like to hear back from you how we're not doing a replacement, as opposed to a maintenance of effort of state money and additional, very specific projects with the Bond Act money.

DEC COMMISSIONER SEGGOS: I can just tell you right now the Bond Act had a specific category for water. We put out the criteria, the eligibility criteria for it, built it into our existing funding pots, and received a considerable number of applications based on that.

So I would say let's follow up after, and I'll get some clarity on that for you.

CHAIRWOMAN KRUEGER: Great.

And I ran out of time, even though I had more questions, so thank you very much.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: The next speaker is Assemblymember Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

Thank you, Commissioner Seggos, President Harris. Nice to see you both.

I'll like to start out with a simple question. Do either of you recognize that New York has attained the title again, for the third consecutive year in a row, of highest out-migrating state in the country?

DEC COMMISSIONER SEGGOS: I've heard that.

NYSERDA PRESIDENT HARRIS: Yeah, as have I.

ASSEMBLYMAN LEMONDES: Oh.

DEC COMMISSIONER SEGGOS: I'm not sure who issues the title, but I've heard it.

ASSEMBLYMAN LEMONDES: So taking that in light, my question is about the $47 million allocated to 25 million trees in

New York, with respect to the usage of our land mass. So I'm talking about land use efficiency. And it seems inconsistent to me.

Let me go through a couple of facts. In the 1700s, New York State was completely forested. By the early 1900s, we were 20 percent forested. Today we're 65 percent forested. Our harvesting -- our regeneration is three times faster than our harvesting, forests lost because of disease and/or land cleared for other usage.

Recognizing that, this 25 million trees would take roughly -- at 100 trees per mature forest acre, would be approximately 250,000 acres, or more than the entire land mass of New York City, two-thirds of Albany County, and one-half of my county, Onondaga.

Taking all of that into account, with respect to the proliferation of solar, seemingly everywhere, and its impact on agricultural land, prime and/or otherwise, do you think this is the best use of our land mass? Either one of you.

DEC COMMISSIONER SEGGOS: I'll just

weigh in on trees and then I'll let you talk about solar.

NYSERDA PRESIDENT HARRIS: Sure.

DEC COMMISSIONER SEGGOS: So I think it's a fantastic investment for a few reasons.

First of all, we're going to be very strategic about where these trees go. I mean, going into a heavily forested region might not make the most sense for tree regeneration, but going into areas like the South Bronx or parts of Buffalo where you have no street trees and no tree mass whatsoever, that can serve a very public purpose in a very quick way. So we will be very strategic about that over time.

Now I'll maybe let Doreen weigh in on the solar issue before time's up.

NYSERDA PRESIDENT HARRIS: Yes, certainly. On the topic of solar, couldn't agree with you more that land use is likely the most significant impact of solar siting, and recognizing that we need to think about the scale of penetration across our state,

right, like to keep that under control, but also to direct these projects in the underutilized lands, as you may have heard Commissioner Ball referencing earlier today.

ASSEMBLYMAN LEMONDES: Right.

NYSERDA PRESIDENT HARRIS: We see the industry responding according to the directives we've set. But I would say you are -- I agree with you that we need a diversity of resources to get from here to there, and we need to look at resources other -- you know, in addition to solar, for sure.

ASSEMBLYMAN LEMONDES: Thank you.

Madam Chair, thank you very much. Thank you both.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Three minute follow-up for Chair Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

We left off I believe at the Office of Just Transition. But before we get to that, two quick comments.

First, Commissioner Seggos, thank you for eloquently a few moments ago stating that essentially the costs to do nothing are greater than the costs to make this transition. So very well said.

DEC COMMISSIONER SEGGOS: Thank you.

SENATOR HARCKHAM: Having said that, now I have to give you a polite ding. To Senator Krueger's point -- and you've said several times to folks the Bond Act is augmenting the cuts in clean water funding. I just want to remind everybody here that the legislative intent of the Bond Act was to supplement, not to supplant.

So, you know, we can agree to disagree, but I just want to, you know, level-set for the folks here about what the legislative intent of the Bond Act was.

DEC COMMISSIONER SEGGOS: Noted.

SENATOR HARCKHAM: And with that, the last two minutes I'll give to both of you to give us an update on the Office of Just Transition.

NYSERDA PRESIDENT HARRIS: Yes,

certainly. I'm glad that you're interested in our progress.

I must say I cochaired the Just Transition Working Group with Commissioner Reardon, and last year you know that this office was established at the Department of Labor. So I'll give you what I -- you know, the awareness I have as a partner, but I would like to follow up with the DOL team.

So they did establish the office last spring, using initial budget funding, which is now proposed to expand the office and -- in time and in scale. And I'd say the progress that many agencies have worked with them in establishing this office is quite marked, because we did, I think effectively, have funds really looking at cessation mitigation, we have funds that look -- at NYSERDA we're investing in these transitioning communities, helping with reuse plans for the sites themselves.

But now we have an ability to look at, through this office, both transitioning

workers as well as new clean energy workers. And so they've established a new -- not only a team working at the office, but web resources, public engagement, and ongoing programming that they are going to be expanding.

So it's well underway.

SENATOR HARCKHAM: All right, thank you. Thirty seconds, New York lags in EV sales behind states that publicly don't even believe in climate change, that it's real. We're far behind Texas, far behind Florida. We are not close to the compact goals that we meant when we signed the compact. What is the Governor's plan to jump-start EV sales in New York?

NYSERDA PRESIDENT HARRIS: Well, obviously we have one of the most efficient transportation systems in the country, so that's one of the realities behind those numbers. But our EV sales for November were almost 12 percent.

I'm feeling that our inflection point is solid and will be increasing over time.

SENATOR HARCKHAM: All right. I'd like to follow up with you on that offline, please.

NYSERDA PRESIDENT HARRIS: Please.

SENATOR HARCKHAM: Thanks. Thank you both.

CHAIRWOMAN KRUEGER: Thank you.

Next is Assemblymember McMahon.

ASSEMBLYWOMAN McMAHON: Okay, here I am.

(Laughter.)

NYSERDA PRESIDENT HARRIS: Oh, sorry.

DEC COMMISSIONER SEGGOS: You moved.

ASSEMBLYWOMAN McMAHON: Thank you so much, both of you, for your testimony today. I really appreciate it.

I just have a couple of quick questions for you, Commissioner Seggos.

DEC COMMISSIONER SEGGOS: Okay.

ASSEMBLYWOMAN McMAHON: I understand that the department has recently proposed regulations eliminating some refrigerants. I'm fully supportive of our efforts to eliminate toxic or harmful refrigerants in

our environment. I just wanted to flag a concern that's been raised with me from a constituency -- namely, small grocers.

And as we work to bring healthy food options to underserved communities, there's a concern that significant costs to grocers would lead to closing of stores and just exacerbating the problem of food deserts.

So my question is, is the department focusing on refrigerants that are most harmful to the environment? And is there a way to possibly give small businesses like grocers flexibility as we transition away from these harmful chemicals?

DEC COMMISSIONER SEGGOS: Good -- really good question.

So we are right now considering this through regulation. There's a public comment period that's open right now on it. So I would highly recommend the grocers associations, concerned individuals, weigh in with us, please, during the public comment process.

There's a range of directions we can

go. We're obviously looking at the most dangerous chemicals that have this super-pollutant nature, right -- they're far more damaging for climate purposes than carbon dioxide, for example. So we aim to create a program that's both consistent with where the federal government is going on this, but also one that works for New York and ultimately doesn't put a squeeze on small businesses.

ASSEMBLYWOMAN McMAHON: Great, thank you. I have one more question.

Of course last year we were all affected by those Canadian wildfires. My understanding is that the Governor deployed some Forest Rangers to help with putting out the fires in Canada. And given the increased effects of climate change and crazy weather events, has there been any additional training or preparations that's being offered to state Forest Rangers to help prepare for crises like this, whether it's in New York or out of state or out of the country?

DEC COMMISSIONER SEGGOS: I would

speak very parochially and say that the Rangers, our Forest Rangers, are the best in the country on this. I mean, they really are -- I've said this before -- the Swiss Army knife of DEC. They do everything from police work to putting out fires, not just here but out of country, even.

They're trained as well as anybody. They know how to do this really challenging job. They do it for many days on end. And we've sent several crews to Canada and then crews into Western states. And they have the best training possible on this.

We are going to be challenged in an increasing, increasing way. I talked about the existing costs of climate change; I think we will challenged in an increasing way on this issue. Last year was a big wake-up call for everybody. The cleanest air in 60 years to the dirtiest air in the world in one day. That was a big paradigm shift, I think, for New Yorkers and those caring about the environment.

ASSEMBLYWOMAN McMAHON: Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Okay, we're going to stick with the Assembly, because I think we've actually gotten through the Senate. Thank you.

We are next going to hear from Assemblymember Flood.

ASSEMBLYMAN FLOOD: Thank you. And this is for both you guys on the panel. This is going to deal with the transition to EV school buses. You know, I know we touched on this slightly briefly, and you mentioned it.

Can you just briefly describe the timeline districts have to upgrade their fleets?

NYSERDA PRESIDENT HARRIS: Sure. Thank you for the question. I'm glad you asked, because I want to make clear this is a transition that is not happening tomorrow for these buses.

The current requirement is for 2027 for purchases of buses to be zero-emission. And so what we have today is, between the Bond Act funding as well as EPA funding, we

have the ability to fund up to 3,000 school buses, sort of the incremental cost of those buses for these districts, as well as the chargers themselves, as well as transition plans.

ASSEMBLYMAN FLOOD: Okay. But briefly, you had said we have about 45,000 buses statewide, right?

NYSERDA PRESIDENT HARRIS: That's right.

ASSEMBLYMAN FLOOD: So that's basically a drop in the bucket. I'm not good at math, but that's roughly like 6 percent of the school buses.

So again, we're going to talk about the cost. Each one of these buses costs about $400,000. I think to replace a battery, I've seen estimates between 40,000 and 60,000. Also under this Executive Budget, as you may or may not be aware, total school aid increased; however, many suburban and rural areas actually took significant decreases. And specifically, several districts that I represent have gotten hit

with massive Foundation Aid cuts.

So while we're trying to, you know, implement this, who's going to pick up the rest of that tab? Because, you know, where is this money coming from?

NYSERDA PRESIDENT HARRIS: Well, certainly. One thing that I did want to note, that the Governor's budget amends Transportation Aid to exclude these grants. So just in case you were unclear on that aspect of it.

As to the funding, this is exactly what we're intending to fund, is the differential cost of a diesel bus versus these buses. Which is the reason why we're allocating up to $280,000 per bus for these school districts.

You know, our goal is fundamentally to sort of launch the transition with these first handful of buses in each school district, recognizing, of course, that we're going to learn, we're going to see the cost compression that we see in other markets advance, and we will better understand,

through these transition plans, the path to 2035, which is the broader goal of the state.

ASSEMBLYMAN FLOOD: All right, and just -- so I'm just going to jump in quick because I don't have much more time.

Now in terms of reliability, in November we saw out in San Francisco one of these buses just stopped, rolled backwards, caused massive amounts of damage, and sent some people to the hospital. In Chicago we had -- just last month you had people, you know, outside the charging stations for eight, 10 hours because the buses freeze.

What are we doing to -- what measures are being taken for the safety of our children and our bus drivers so that this doesn't happen during implementation?

NYSERDA PRESIDENT HARRIS: I'd be glad to follow up with you. Thank you.

ASSEMBLYMAN FLOOD: Thank you.

CHAIRWOMAN KRUEGER: {Mic off; inaudible.}

ASSEMBLYMAN MAMDANI: Thank you very 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

think. I didn't have as good of a morning as this guy did.

(Laughter; overtalk.)

NYSERDA PRESIDENT HARRIS: Sorry, don't count me against me on the time.

So ultimately we are in the midst of an industry reset. That's the facts on the ground. And what I am here to say is that we have made quick work, under the Governor's leadership, to do just that.

ASSEMBLYMAN MAMDANI: But we haven't actually made progress in our anticipated goals in the last years.

NYSERDA PRESIDENT HARRIS: As we sit today, we have -- those numbers that you are referencing reflect the contracts that have terminated that in some parts are actually competing for new contracts as we speak.

So once that settles out, we'll have a new number and certainly can report as such.

ASSEMBLYMAN MAMDANI: Okay, thank you.

And just to follow up on Assemblywoman Shrestha's earlier question, while NYPA may also have to weather supply chain issues and

inflation, it does not have to deal with any issue of a profit margin. Is this -- and President Driscoll's description of NYPA as having, quote, unparalleled knowledge of the grid -- not evidence of the state being uniquely situated to meet the gap between the anticipated 63 percent and the law of 70 percent?

NYSERDA PRESIDENT HARRIS: Well, I'll certainly point you to the next panel.

But I'm excited. NYPA has been working hard to advance transmission projects across our state which I believe are central, really, and not talked about enough, as to aiding in the transition. We now have, through their process, ways in which they're going to be proposing to contribute on the generation side --

ASSEMBLYMAN MAMDANI: I'm sorry, President Harris --

NYSERDA PRESIDENT HARRIS: -- and with unique value.

ASSEMBLYMAN MAMDANI: Thank you so much. Just because of the lack of time.

NYSERDA PRESIDENT HARRIS: Yup.

ASSEMBLYMAN MAMDANI: Commissioner Seggos, I just want to move over to you for the last 30-odd seconds.

DEC COMMISSIONER SEGGOS: Sure.

ASSEMBLYMAN MAMDANI: You know, I was quite moved by your taking leave from your position to volunteer in Ukraine.

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN MAMDANI: And I've read of how you helped deliver ambulances to the frontlines of Ukraine, sorely needed given Russian targeting of emergency vehicles. I've appreciated your clear-eyed description of the deliberate targeting of apartment buildings and homes as, quote, war crimes on an epic scale, as well as the moral, political and economic implications for Americans.

Are there any other reflections you can share from your time in Ukraine?

DEC COMMISSIONER SEGGOS: Indeed, but I see the clock has run out.

ASSEMBLYMAN MAMDANI: We can catch up

later. Thank you very much.

DEC COMMISSIONER SEGGOS: Thank you for asking.

CHAIRWOMAN KRUEGER: Assemblymember Steve Otis.

ASSEMBLYMAN OTIS: Thank you. Thank you.

First I'm going to start with a thank you to DEC related to flood response, the watershed studies that you're doing in Westchester, the resiliency plan and new projects that are coming out in the State of the State and in the budget. That's all great work, and so thank you and your team. Jim Tierney, Tom Snow, Kelly Turturro -- they've all been great and very responsive. And you've been responsive when we've had these issues come up in Westchester County.

Question. The stormwater grant program that was in the Bond Act, that's not been launched yet. What are the plans, timelines? Because through Ida, stormwater deficiencies were really the number-one sort of new cause of damage around the region.

DEC COMMISSIONER SEGGOS: Thank you for the compliments to my staff. They are awesome.

We expect to put out some guidelines on that this year. I mean, we are trying to mete the Bond Act out in a way that is good for project-makers, the construction industry and the demand in the field. And that's going to be a really important location for those investments because stormwater ultimately is creating all these other sources of havoc in community and daily life.

ASSEMBLYMAN OTIS: That is great.

On the clean water -- you know I'm a devotee of the clean water -- you know, I'd say the simplest way I think to look at this is even with the new federal money and with the Bond Act money, given the enormity of the need, which is expanding because of heightened requirements and everything else, the simplest case to make for restoring the other 250 is to keep that in the pipeline and keep the healthy nation-leading expenditure of money for clean water going in New York.

And so I'd say a very simple way of looking at that, as we have the budget discussions, is hopefully everyone can say yes to adding back the other 250 because we're going to need it and it -- and I'd also say some of the money not out the door is because projects that have been approved are not ready to go, municipalities are not ready. So it's not all on the state. EFC does a fantastic job of moving the money.

So that's my pitch on that, but I think hopefully we can all get to the same place.

DEC COMMISSIONER SEGGOS: Noted.

ASSEMBLYMAN OTIS: And then President Harris, on the conversations you're having with school districts related to technical assistance on EV buses, is that related simply to the cost of purchase or are you into the infrastructure, technical expertise? Because what we're hearing from school districts, they're sort of going it alone.

Betty Rosa had a proposal there should be a better working group to provide

technical assistance to school districts. But it sounds like you're sort of doing part of that already.

NYSERDA PRESIDENT HARRIS: Yeah, I appreciate that feedback.

Certainly we are seeking to provide broad insights over a series of years through these transition plans that look both at the buses and the infrastructure, but I can see more to do.

ASSEMBLYMAN OTIS: We'll talk later.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN OTIS: Thank you. Appreciate it.

CHAIRWOMAN WEINSTEIN: Assemblyman Brown.

ASSEMBLYMAN KEITH BROWN: Thank you, Chair.

Hello to you both. Nice to see you.

DEC COMMISSIONER SEGGOS: Good to see you.

ASSEMBLYMAN KEITH BROWN: I want to first thank you, Commissioner Seggos, for your help with the deer problem in

Huntington, and I look forward to getting you out to that site tour when you come down to the Island.

DEC COMMISSIONER SEGGOS: Let's do it.

ASSEMBLYMAN KEITH BROWN: I want to ask you about Region 1 administration. We recently lost our deputy director. Just wondering about plans to replace him. He was excellent at his job. He's moved on to bigger and better places.

But with regard to the budget, do you have enough staff in Region 1 under the budget to provide good-quality services to Nassau and Suffolk counties?

DEC COMMISSIONER SEGGOS: Good question. You didn't lose Rob Calarco; he didn't go far. He's going to help make us even stronger down there. And yes, we will replace him, hopefully soon on that.

I believe we do have the staff down there. As I noted really since my first year in this job, 2800-and-change staff; we're now up to 3313. So we've made increases all across the board, not just central office but

crucially, out in the regions, especially Region 1. And to the extent there's anything that your constituents are frustrated by, please just come directly to me and tell us and we'll address that.

ASSEMBLYMAN KEITH BROWN: Great. Appreciate that.

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN KEITH BROWN: Recently I held a panel discussion for Touro Law School on solid waste. It's the second one I've done. increasingly there is a growing need. Our county executive's been asking for a regional plan for solid waste. It seems to be something that has never been addressed by DEC. Long Island's number-one export is garbage, as you know, and we're losing Brookhaven Landfill in 2026 now.

What are the chances of our addressing that regional plan in the near future?

DEC COMMISSIONER SEGGOS: I think very strong. We clearly have to. It's a major priority of DEC as well as the region, and we feel that on every transfer station, every

landfill issue statewide. It's a Long Island issue. And we've started the dialogue with the municipalities down there on that.

ASSEMBLYMAN KEITH BROWN: Great. Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN KEITH BROWN: President Harris, if I could ask you just a couple of quick questions on EV charging.

I've heard from the libraries in my district that they are looking for grant money to install EV charging stations. It seems to be a very good use; people going to libraries spend a considerable amount of time in the libraries, usually.

Is there anything out there that's available for them?

NYSERDA PRESIDENT HARRIS: Yes, there certainly is. There are parallel programs that are run by the Long Island Power Authority. So depending on the jurisdiction, there's different programs. But the Charge Ready program is really designed for these we would say semipublic areas.

I'll have my team reach out.

ASSEMBLYMAN KEITH BROWN: Great. That will be great.

And the last thing is, I have a pet peeve with the travel plazas. All of them are being redone. None of them have EV charging facilities in them. I know that in the leases that they're supposed to have three, then I heard four recently. But I just don't understand why it wasn't, you know, put in the construction that the lines be run before they're built, because now they're going to have to be torn up.

So what's your take on that? You can get back to me on that.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN KEITH BROWN: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We move on to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Thank you both for your grace and patience with all of us.

I'm going to make a few comments, out of the interests of time. They could have been questions, but -- one with the Bond Act.

It would be great to see some of the money go to resiliency and adaptation specifically, because the Scoping Plan noted we have, you know, 200 -- 300 million base funding that we need for adaptation. Things like dredging in Ithaca, for example. We're like one storm away from what they saw in Vermont recently.

Another point for the environmental officers, Conservation Officers, they actually bring in more money than it costs us. I mean, you know, they have fines that they do on the corporations for their illegal dumping, for example. But also when you say they go to firefighting in Canada and California, California pays New York for the work that they're doing in California. So I just want to note that we are -- it's a great investment. I'd love to see more in that.

My one greatest concern in that is the enforcement, because they don't have enough enforcement officers to in fact do all of the follow-through with the crimes that are happening. So that was one point.

The 3 million from Ag & Markets going into EPF -- as you've seen here, EPF is way overextended already. I just personally hope that that doesn't end up in the final budget.

So those were just a few comments. One last one that I did want to make was I'd just like to note on record that we are in the place that we are with climate change because of deferred maintenance. You know, many, many decades of deferred maintenance for polluters that should have been taking care of it from the very beginning because we now have documentation that they knew from the '40s that they were actually the cause of climate change.

So I just want to acknowledge here that we're trying to do catch-up, and so the Superfund, for example, is retrospective, saying let's have you pay for the damages you've already done. Cap-and-invest is prospective, saying now you should pay for the continued contributions. So I just want to make that distinction. And I think it's a valid distinction and important to include

both of them.

So now to a couple of questions, President Harris, please, two of them in particular. These are numbers you may not have, so if you don't, just -- we'll follow back up.

But do we have any sense of how many households that apply for the incentive programs get inspected and do not qualify because they need like to fix the roof, they have mold they have to take care of and they therefore don't qualify? If we don't have it, you can get back to me.

NYSERDA PRESIDENT HARRIS: I don't have the percentage, but it is a very real challenge in certain segments of our population, to actually make the home electrification-ready. Right?

ASSEMBLYWOMAN KELLES: Yeah, I'll follow up with you. But I definitely want to know that.

Do you know what percentage of funding for your New Efficiency: New York programs are put towards gas efficiency and LED

light bulbs versus the more effective upgrades like weatherization and heat pumps?

NYSERDA PRESIDENT HARRIS: So the commission proceeding that's underway is actually looking at just that, how to get past those initial investments and into deeper -- deeper --

ASSEMBLYWOMAN KELLES: Saved by the bell, because I was going to get into HABs with you. We'll do it offline.

(Overtalk.)

ASSEMBLYWOMAN KELLES: Thank you so much.

CHAIRWOMAN WEINSTEIN: We'll go to Assemblyman Gray.

ASSEMBLYMAN GRAY: Thank you very much, Madam Chair.

And so first, Commissioner, nice to see you.

DEC COMMISSIONER SEGGOS: Good to see you.

ASSEMBLYMAN GRAY: I just wanted to thank you for your diplomacy to Ukraine.

And I just want to plant three things

with you. Invasive species, right, in waterways. We have a tremendous invasive species station situation in northern New York in our waterways.

Boat launches, take them over from Parks, please, so they can be staffed and operated properly.

And thank you to the Governor for the support for Blind Bay yesterday. So --

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN GRAY: And President Harris, so the state is on -- for EVs. The state is on a track of I believe 2040 rolling out for their heavy-duty vehicles. And yet the schools are on a 2027 track for school buses. Shouldn't it be the other way around? Shouldn't the state -- shouldn't there be parity there and the state be leading versus forcing other entities to lead the way?

NYSERDA PRESIDENT HARRIS: So there are different timelines that do apply depending on the sort of aspect of -- you're right, different types of transportation are subject to different timelines.

You know, in many instances it's really having to do with the market readiness and the applicability of electrification as a technology. So a school bus, as we learned, runs about 80 miles a day and is really well suited for electric vehicle charging because of the ways in which they go to the depot at night, the bus garage at night, and can be charged.

Whereas medium and heavy-duty transport in part is long-haul trips, right, that are less sort of subject to those types of -- I'd say applications.

So I think it is the case that we need to sub -- I'd say separate the segment into multiple applications for those very reasons.

ASSEMBLYMAN GRAY: So I would just say in that regard, then, they should be on some parity, right, should be on the same timeline, the state and the schools. We should not expect anything different from the school districts that we're not prepared to do ourselves. Right?

And in many cases, and I believe some

of the legislation reads "if feasible" for the state. So let's talk about "if feasible" for bus -- for school districts. Because as you know, capital projects are being rejected time and again. Right?

And I had one district up north had a $16 million facility to house the buses and it was rejected by the voters. And you say?

NYSERDA PRESIDENT HARRIS: Well, I'd say that we are recognizing ever more so that we need to scale up our engagement on this. We feel very good about the ways in which we're working with school districts. But the depth of that engagement needs to be expanded.

ASSEMBLYMAN GRAY: But the voters aren't prepared to support this, right, through a referendum. So how can we expect them to accomplish the task?

NYSERDA PRESIDENT HARRIS: I'd say that there are many areas of support, but we have more work to do.

CHAIRWOMAN WEINSTEIN: We'll look forward to seeing some of those answers.

CHAIRWOMAN KRUEGER: Again, you can write them down and share them with both committees. We'll make sure everybody gets the answers.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Next, Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Just a question for NYSERDA going back to somewhat of what my colleague from Long Island was talking about earlier in terms of, you know, siting processes. We're going through renewable projects. We know we exempted the major renewable facilities from the Article 10 siting process. Obviously this has an impact on local communities having the ability to weigh in on siting.

So am I correct that now we would be doing the same thing for transmission infrastructure?

(Off the record.)

NYSERDA PRESIDENT HARRIS: I'd say when one looks at the RAPID Act, which is the

topic that I would assume the next panel will be talking about in more detail, we do need to recognize that there needs to be strong standards and strong community engagement as really part of the siting process that remains. I'd say ORES is a good example of the process, perhaps, but transmission siting being unique from generation, it will necessitate specific approaches for the very reasons you describe.

ASSEMBLYMAN RA: As my colleague mentioned, you know, we had this issue last year with, you know, a bill being brought up, somewhat a local bill disguised as a statewide bill. And obviously I think it created a lot of distrust with regard to that project. Obviously we know what has happened since.

But these are issues that are going to continue to pop up anytime we have that type of, you know, infrastructure going in and having to come through communities from an offshore project. So I think continued engagement with local governments and

communities is essential to that process.

NYSERDA PRESIDENT HARRIS: I couldn't agree more. And for successful projects as well.

ASSEMBLYMAN RA: Sure. With regard to -- you know, this came up earlier with the cost-benefit analysis. Am I correct there was a CLCPA cost-benefit analysis that was done? Is that public?

NYSERDA PRESIDENT HARRIS: Yes. Back last year -- or the year before last, as we were finalizing our Scoping Plan, we conducted what was called an integration analysis that looked at the very metrics that Commissioner Seggos was referencing, which is that we see massive benefits coming from these investments, on the order of $115 billion.

And so now as we seek to implement the Climate Law, knowing that we can recognize those benefits, we look at each policy against that lens, which we are now doing with cap-and-invest.

ASSEMBLYMAN RA: Okay. And

Commissioner Seggos, just going back to the clean water infrastructure issue, I know like many of my colleagues, right, I've had local water districts that benefited from that funding in dealing with what we all know has been very expensive remediation of many of these new chemicals.

So I understand you're saying we'll be able to continue to keep up given other sources of funding, but are -- is basically that the idea, that some of the federal infrastructure money or the Bond Act money is going to, going forward, be maybe somewhat replacing this? Or do you envision in future budgets continuing to, you know, have funding for this program?

DEC COMMISSIONER SEGGOS: Well, I think we will -- we will maximize our ability to invest every single year, depending on the state's fiscal picture. You know, this year, again, a difficult budget year with huge demands on the state that really didn't exist a couple of years ago. We've talked about the migrant crisis, for example, and how that

impacts the larger budget.

So I think we would go year to year planning ahead, planning as we do every year on investments and getting money out the door, turning to every pot of money that we have, moving quickly with it. And, you know, being an advocate for municipalities and water districts to please come to us, seek that money out, and seek ways in which to overcome bureaucratic hurdles which really have existed for many years.

ASSEMBLYMAN RA: And I know I only have 30 seconds left, but perhaps if it's something you could follow up with, just where we are from a more global picture of around the state with regard to, you know, getting those types of facilities in our local districts that need the remediation.

DEC COMMISSIONER SEGGOS: Happy to follow up with you on that, yup.

ASSEMBLYMAN RA: Thank you.

DEC COMMISSIONER SEGGOS: And then everyone.

CHAIRWOMAN WEINSTEIN: So I have a

couple of questions, particularly for Commissioner Seggos. And I think every year we've been having a discussion about some of the disbursement levels. So why don't I start with the Clean Water Infrastructure Act of 2017.

So wondering if you could update us on the status of the various programs in that act, disbursements made so far and what you anticipate in the coming fiscal year, and how much of the reapprops still remain unencumbered. And obviously providing this information as you have in the past, in a later -- in a report at a later date, would be helpful as we move forward.

DEC COMMISSIONER SEGGOS: Sure. We'd be happy to get that to you as a detailed table.

I mentioned some of the numbers up front in my remarks, but -- past, looking at about $11.9 billion awarded between grants and loans over the last seven years. And we can give you a full breakdown on that and where we're trending this year.

Already I'd mentioned about $480 million between DEC and EFC grants and, thus far, 2.6 in loans. And this is just February at this stage, so I expect those numbers to increase considerably.

CHAIRWOMAN WEINSTEIN: And as to the Bond Act, I know the capital plan shows 775 million in disbursements over the first six years. When do you expect the Bond Act to be substantially completed?

DEC COMMISSIONER SEGGOS: We expect most of the spending is going to happen between Years 2 and 4, really 2 and 3. We've committed just over $1 billion thus far. That doesn't mean we've put that out, but we've committed over a billion dollars. And that's the range of programs we've been discussing today and those that are encapsulated in the Governor's budget as well. Or State of the State, between that and the resiliency initiative.

So I think most of the spending will happen as -- again, as quickly as possible, and that's really in the first, say, three

years of the Bond Act.

CHAIRWOMAN WEINSTEIN: Great. Thank you.

And we're going to now, for our last questioner, her second round, Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Quickly, first of all, I appreciate your comments on the costs of inaction.

President Harris -- and maybe there will be more in the next panel, but I don't have a grasp on exactly where we are in our needs for transmission in terms of the plan. Obviously all of the offshore stuff goes to the -- just gets to the shore, and then we have to be prepared to get it directly to the consumer.

So I'm wondering where we stand in some of the large projects that are underway, the timing of that.

NYSERDA PRESIDENT HARRIS: Thank you. I appreciate the question. Because transmission is certainly the unsung hero of this transition. And ways in which we as a

state are, I would say, a nation-leading example of smart planning have really come forward as a model for others.

So we have not only a robust planning process as a state, we have also a way in which we are using federal processes to really advance major transmission projects as we speak. In fact, four bulk transmission projects are advancing through these federal FERC processes, in addition to the two major transmission projects that we're advancing, the Champlain Hudson Power Express and the Clean Path NY project.

But also on the planning process -- and you'll probably hear more about this at the next panel -- there is the coordinated grid planning process that really looks at both bulk investments and distributed investments. Because we need both to really realize that reliable grid of the future.

The commission approved 62 distributed projects last year, utility scale projects, I would say. And really when we look at these projects, they're both in construction now

advancing 350 miles of transmission investments as we speak, but then in the coming number of years we'll see those big projects, the bulk projects, move forward as well.

So literally the way we are advancing transmission has gotten the attention of not only other regions but the federal government in a very impressive way.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN KRUEGER: Well, you thought it wouldn't happen --

(Laughter.)

CHAIRWOMAN KRUEGER: -- but we actually ran out of people to ask you questions. Not out of questions, but out of time for more people.

So I want to thank you both very much for spending a decent amount of your day with us. We definitely had questions that need follow-up from you both, so we're looking forward to those. And thank you very much for your work. Appreciate it.

NYSERDA PRESIDENT HARRIS: Thank you

so much.

DEC COMMISSIONER SEGGOS: Thank you all. Appreciate it.

CHAIRWOMAN KRUEGER: Thank you.

And we're going to call up Panel D, the New York State Public Service Commission, Rory Christian; the New York State office of Renewable Energy Siting, Houtan Moaveni; and the New York Power Authority, Justin Driscoll.

And I know everyone needs to stretch, but let's do that relatively quickly and then take the conversations out to the hall.

(Brief recess.)

CHAIRWOMAN KRUEGER: Okay, everybody who's continuing with us get in your seats, or be quiet. If you want to stand up, that's okay also.

So we are back to our hearing. We are on Panel D. Good evening, gentlemen. Is it evening yet? No, it's not evening. It's afternoon. It's early in the day.

So we're joined by the New York State Public Service Commission, Rory Christian;

the New York State Office of Renewable Energy Siting, Houtan Moa -- Moaveni, and he'll pronounce it for me correctly; and the New York Power Authority, Justin Driscoll.

Do you want to go in that order, or do you have a preference? Okay, then you're up.

Good afternoon. Oh, your mic needs to be green. These buttons are a challenge to push -- there you go. Thank you.

PSC CHAIR CHRISTIAN: As I was saying, good afternoon, Chair Krueger, Chair Weinstein and other distinguished legislative members. My name is Rory Christian, and I am the chief executive officer of the Department of Public Service and the chair of the Public Service Commission.

The welfare of all New Yorkers and the operation of the state's economy depend on safe and reliable access to affordable energy, water, steam, telecommunications, and cable services. The department and the commission were established by statute to oversee the utility companies that own and

operate the infrastructure through which customers receive these essential services. The commission is charged with ensuring that these companies provide safe and reliable service at just and reasonable rates, and doing so in a way that protects natural resources and looks ahead to the future needs and constraints.

The commission's regulatory jurisdiction extends over New York's investor-owned utilities, which includes six major electric/gas utilities, five major gas utilities, two major water companies, one major steam utility, and 39 telephone companies.

The department, the investigative and advisory arm of the commission, also provides regulatory oversight of electric utility operations on Long Island.

The department supports the commission's oversight of the state's utilities, including its rate-making functions, and undertakes planning and permitting functions related to the

construction and operation of power sector facilities.

Public statement hearings, both in-person and virtual, are a vital tool for public engagement in rate cases, siting and permitting reviews, and other proceedings. Last year we held 98 public statement hearings and meetings, attended by thousands of New Yorkers, and we received well over 29,000 public comments in 2,450 proceedings -- comments that played a key role in our decision-making. We fielded roughly 270,000 consumer calls, handled approximately 68,000 consumer inquiries and complaints, and the Office of Consumer Services returned more than $7 million in utility consumer refunds in 2023, up 55 percent from 2022.

Together, these interactions inform our approach to our mission and to the companies we regulate.

Over the last few years the commission took action to update and tighten utility oversight and enhance consumer protections.

For example, in the emergency response plans that electric utilities submit to the commission for approval each year, they must now include plans for managing large-scale outages caused by cyberattacks. They must also provide bill credits and reimbursements to residential and small-business consumers that experience a widespread, prolonged outage lasting at least 72 hours. These plans serve as the yardsticks by which utilities' performance is measured in the face of emergencies.

The department wholeheartedly embraces Governor Hochul's commitment to transparency, accountability and public participation in New York State government. Public input has a significant impact on commission decisions. To meet our Governor's commitment, the department is working to make information more accessible and participation in the department's proceedings easier, as recent updates to the department's website reflect.

In addition, department staff monitor utility customer service quality, oversee

utility low-income assistance programs, and conduct outreach programs to ensure public awareness of initiatives to assist customers.

The commission and the department also play a central role in achieving the objectives of the Climate Leadership and Community Protection Act. We must do this while maintaining our energy systems' reliability and improving their resiliency to disruption -- and without compromising the affordability of energy solutions for consumers.

Make no mistake, this is a challenging endeavor. We, as a state, have faced headwinds and barriers, bottlenecks and conflicts, and a variety of challenges in our efforts to deliver on the clean energy and climate targets that you have tasked us with. And we will continue to face difficult decisions as we balance the priorities of reliability, affordability, and achieving the mandates of the Climate Act.

The Governor has proposed a budget that will help us to serve New Yorkers'

interests as the energy transition proceeds and new issues arise. There are several examples of that the commission and the department have done to implement the Climate Act over the past year. The department and commission are taking a systematic approach to the work of hitting our climate targets while maintaining reliability.

In 2023, taking into consideration feedback received through our engagement processes, the commission adopted a strategic framework for the state's energy efficiency and building electrification programs. That framework will minimize redundancy and improve program design and access, especially for low- to moderate-income consumers.

The commission made major changes to New York's Electric Vehicle Make-Ready Program, to speed up the transition to zero-emission electric vehicles so that New Yorkers have access to the convenience and reliability of EV charging. These changes include changing the overall

ratepayer-funded EV Make-Ready Program from 700 million to $1.24 billion. In disadvantaged communities that will mean an increase from over 200 million to $372 million.

Department staff provided the first Annual Informational Report on overall implementation of the Climate Act to the commission in July of 2023. It included a summary of recent efforts and outcomes in relation to several key areas of the Climate Act implementation, including renewable energy and energy storage, transmission, energy efficiency, building electrification, thermal energy networks, and transportation.

This report further builds upon our commitment to transparency and accountability.

Governor Hochul's '24-'25 Executive Budget includes another $140 million in funding to support the department's operations and pursuit of its strategic objectives, including the implementation of clean energy initiatives to achieve the

targets set out in the Climate Act.

And Governor Hochul continues to demonstrate leadership in her support for the development of a clean energy economy, one that will create economic opportunities and spur growth while also directly benefiting consumers. The initiatives laid out in her State of the State address and Executive Budget reflect this leadership and will enable clean energy planning and investments that enhance energy system reliability while making energy more affordable.

In 2024 we will continue doing our part to support Governor Hochul's commitment to striking a balance between energy affordability and progress towards energy and environmental goals. Governor Hochul has called upon the department to expand its efforts to deliver an affordable and reliable clean energy future. The department has already undertaken proceedings to identify zero-emission resources, map out the future of renewable energy, and deploy electric vehicle charging stations, to name a few.

And this year we will initiate the Grid of the Future Proceeding: Its aim, to improve both flexibility and affordability by deploying smart-grid technologies and enabling the operation of virtual power plants, which tap the potential of small, dispersed resources by coordinating their outputs and integrating them seamlessly into the operation of the electric grid.

This new proceeding will build on past and ongoing commission efforts and will identify cost-effective paths to achieving meaningful deployment targets.

Another new program, the Smart Energy Savings Initiative, will complement the Grid of the Future Proceeding by better enabling New Yorkers to manage their energy use. This initiative will help residual customers achieve savings of between $100 and $500 each year.

Recognizing that consumer decisions to electrify buildings and vehicles are already having an impact on the direction and pace of investments, the Governor also proposed the

Renewable Action through Project Interconnection and Deployment, or the RAPID Act, as has been mentioned earlier, and the Affordable Gas Transition Act. The RAPID Act would transfer the Office of Renewable Energy Siting from the Department of State to the Department of Public Service. This move would create a one-stop shop within the Department of Public Service for renewable energy generation and transmission permitting. If enacted into law, New York would have streamlined siting and permitting processes that emphasize transparency, continue to prioritize environmental protection, and enable faster decision making to get projects in the ground.

Integrating the Office of Renewable Energy Siting into the department would result in multiple efficiencies. In particular, it would locate the entity responsible for siting of clean energy and transmission infrastructure projects with the staff responsible for overall energy system planning and implementation.

The department has several efforts underway to ensure planning for transition to a cleaner energy system is coordinated well when it comes to electricity transmission and natural gas distribution.

CHAIRWOMAN KRUEGER: Thank you. That's your 10 minutes. Appreciate it.

PSC CHAIR CHRISTIAN: Okay, thank you.

CHAIRWOMAN KRUEGER: And which of you is next?

ORES EX. DIRECTOR MOAVENI: I think I'm next.

CHAIRWOMAN KRUEGER: Thank you.

ORES EX. DIRECTOR MOAVENI: Good afternoon, Chair Krueger, Chair Weinstein --

CHAIRWOMAN KRUEGER: One second, I'm sorry. Will you two turn yours off because you're not speaking? Because then it avoids feedback. Great, thank you.

ORES EX. DIRECTOR MOAVENI: Good afternoon, Chair Krueger, Chair Weinstein, and other members of the New York State Legislature. My name is Houtan Moaveni, and I am the executive director of the New York

State Office of Renewable Energy Siting.

Thank you for the opportunity to appear before you today to discuss the important work of the office and its accomplishments during the past year, and the matters the office expects to focus on during state fiscal year 2024-'25.

To begin, I would like to thank Governor Kathy Hochul for continuing to make combating climate change a priority of her administration. Also, I would like to recognize the staff at ORES and our state partner agencies for their dedication to New York's renewable energy mission and the protection of the state's environment.

In April 2020, the Legislature squarely confronted the state's need for a coordinated and timely permitting process for major renewable energy facilities needed to meet the Climate Leadership and Community Protection Act by creating ORES, which is the first state agency in the United States solely devoted to the siting of major renewable energy facilities.

Since its creation, ORES has developed and implemented a fact-based decision-making process that stands as a national model to efficiently and effectively enable a clean energy transition while protecting environmental and community resources. Under Governor Hochul's continued leadership, and through the diligence and dedication of our staff, ORES has met or exceeded all its statutory deadlines.

I'm pleased to report the following to the members of the New York State Legislature regarding the office's performance and implementation of the Executive Law 94-c as measured through the metrics of scale, speed, and quality of environmental reviews.

With respect to the scale of permitted major renewable energy facilities in the state, the office began working with prospective applicants on all new applications for major renewable energy facilities from Executive Law 94-c's effective date. To date, the office has issued 15 final siting permits, totaling over

2.3 gigawatts of renewable energy capacity. To put this in perspective, ORES has permitted more projects in just under three years than the prior siting process approved in over nine years. Regarding speed, a majority of the 15 permitted facilities were approved less than eight months from the date on which applications were deemed complete, marking the most rapid pace of major renewable energy facility approvals in the state's history.

While the scale and speed of the siting process are essential to meet the goals of the CLCPA, we cannot address climate change at the expense of our natural resources or communities. In making its final decisions, the office must consider a variety of interests and must balance competing impacts to multiple resources of local and statewide concern, with the state's need for major renewable energy facilities and the environmental benefits that they provide.

Those benefits extend to agriculture

resources and ecosystems, which are already being adversely affected by climate shifts and extreme weather.

When we think about the state's clean energy transition, it comes with a strong commitment to getting it right. Far from a rubber stamp, the Executive Law 94-c process provides for a coordinated review of proposed major renewable energy facilities on a case-by-case basis, without compromising the integrity of environmental standards or sacrificing community engagement.

As demonstrated by the final siting permits issued to date, the office conducts detailed, transparent site- and project-specific environmental reviews, with robust public participation, to ensure that the proposed facilities meet or exceed the requirements of Executive Law 94-c and its implementing regulations.

ORES' record of decisions confirm that local governments and community stakeholders have fairly and meaningfully participated in the permitting proceedings and their concerns

have been incorporated into the final decisions. For a majority of the permitted facilities, host municipalities, applicants, and the office staff took a cooperative approach that resolved local concerns without the need for full administrative hearing procedures.

Through intervenor funding, local agencies and community groups had access to over $2.3 million to facilitate their participation in the permitting process. For the 15 permitted facilities, the office considered over 2,000 public and municipal comments and held 24 in-person and virtual public comment hearings.

With the objective to leave the host communities stronger than they were before these projects were developed, these facilities are expected to provide over $280 million of benefits to the host communities over their lifetimes. Further, these facilities are expected to create more than 3,500 full-time equivalent jobs during construction and operation. As these

projects proceed, ORES will continue to work collaboratively with the host municipalities and community stakeholders throughout the construction phase.

ORES expects significant application activity to continue in the upcoming fiscal year. The Executive Budget proposes $26 million in new appropriation authority to support the office and its work. The $26 million is needed to ensure ORES has adequate resources to accomplish its mission and to continue to advance renewable energy development in the state.

As part of the comprehensive agenda within the Executive Budget, the Governor has introduced the Renewable Action through Project Interconnection and Deployment, or RAPID Act. This proposal consolidates the environmental review and permitting of major renewable energy as well as electric transmission facilities into a single forum in which ORES will conduct a coordinated and timely review of these facilities needed to advance the CLCPA goals. The RAPID Act will

modernize the permitting process for transmission facilities by incorporating the best practices established by the state's prior siting and permitting processes.

Under the leadership of Governor Hochul, ORES stands ready to help the state deliver clean, reliable and affordable energy for all New Yorkers. The state is at the forefront of a successful and equitable clean energy transition, which requires a massive buildout of wind and solar facilities. Connecting these facilities to the grid requires a larger and more robust electric transmission infrastructure to link generators to where electricity is needed. This transformation is dependent on the responsible siting of these facilities.

Over the past four years, ORES has demonstrated that it is possible to streamline and expedite permitting approvals for major renewable energy facilities without compromising on community or environmental protections. We have the team, the experience, and the expertise to urgently

accelerate the buildout of much-needed transmission infrastructure through the RAPID Act.

I want to thank you for your crucial partnership in supporting the office as we work to reduce greenhouse gas emissions, protect our natural resources, and provide lasting economic development opportunities for the state. We look forward to continuing to work hand-in-hand with all stakeholders as these facilities are developed and constructed.

CHAIRWOMAN KRUEGER: Thank you.

Last but not least.

NYPA PRESIDENT DRISCOLL: Yes, thank you.

Chair Krueger, Chair Weinstein, Chair Barrett, Chair Harckham and other distinguished members of the joint committees, my name is Justin Driscoll and I'm the president and chief executive officer of the New York Power Authority. And I want to thank you for the opportunity to appear here today to discuss the Governor’s

Executive Budget proposal.

I will also take this opportunity to discuss our progress on implementing the new authority and responsibilities provided to NYPA in last year's enacted State Budget to advance goals of the Climate Leadership and Community Protection Act, or the Climate Act.

The Power Authority continues to be guided by the strong leadership of Governor Kathy Hochul and this Legislature, as we seek to create a greener, more prosperous, and more equitable New York. In 2021, NYPA updated our organizational strategy to ensure that every decision we make supports New York's transition to a clean economy. Whether at our administrative offices in White Plains, or inside our St. Lawrence Power Project in Massena, we proudly display our vision statement: "A thriving, resilient New York State powered by clean energy."

I would like to begin by summarizing the broad reach of NYPA's work and how it contributes to the state's transition to a clean energy economy, and I will focus on

three broad components of the Power Authority's work: as a developer, owner and operator of energy infrastructure; as a supplier of energy and energy services; and as a leader in the just and equitable transition to a green economy.

Starting with our role in energy infrastructure, as I think you know, the authority owns and operates 16 generating facilities throughout the state, generating nearly 25 percent of all power produced in the state. And more than 80 percent of the electricity we produce is clean, renewable hydropower. We also operate natural gas-powered plants in New York City and the Long Island area, and most of those units are referred to as peaker plants, and NYPA will take those units offline by 2030, subject to specified reliability and environmental considerations.

Additionally, under our expanded authority from last year, the Power Authority is working to develop new renewable generation throughout the state, and I look

forward to providing more detail on that later in my testimony.

In addition to generation, NYPA owns and operates and maintains approximately one-third of the high-voltage transmission lines in New York State. These assets are essential components and form the backbone of the statewide energy grid for electric power transmission, and are critical to integrating existing and new renewable energy throughout New York.

NYPA's also supporting the grid of the future. There's no organization in the state, public or private, that's doing more to support the development of New York's transmission system than the Power Authority. We've already committed to six large-scale projects throughout the state, and we're pursuing additional opportunities to leverage our unparalleled knowledge of the New York grid to bring innovative and cost-effective solutions to New Yorkers.

Two projects that came online just last year -- Central East Energy Connect and

Smart Path -- were delivered on-time and on-budget.

In addition to our work to build out the generation transmission grid of the future, the authority serves more than 1 thousand energy supply customers in accordance with federal and state law. Our customers include local and state government entities, municipal and rural cooperative electric systems, and large, small and not-for-profit businesses across the state.

Our economic development power programs leverage NYPA's low-cost hydropower to incent businesses to locate and hire in New York. And through these programs, NYPA has supported the creation and retention of more than 450,000 jobs and nearly $54 billion in capital investment commitments by businesses throughout New York State.

NYPA energy supply customers are also eligible for energy services programs, and to date NYPA has invested more than $3.9 billion in energy efficiency projects at publicly owned facilities throughout New York. Our

energy services programs have resulted in more than $302 million in annual taxpayer savings.

NYPA's clean energy advisory services have enabled over 62 megawatts of solar and 2.5 megawatts of storage at our customer facilities, 40 megawatts of that coming online since I took on my role in 2021.

In support of electric vehicles, NYPA's facilitated the development of 725 charging stations at government and NYPA customer facilities throughout the state.

NYPA's partnering with the New York State DOT to help leverage federal funding under the National Electric Vehicle Infrastructure, or NEVI, formula program, which provides funding to the states to deploy EV charging stations and establish an interconnected national EV charging network within designated corridors. With the launch of the program in late 2023, NYPA constructed two NEVI-eligible sites, for a total of eight ports, making New York State one of the first states with NEVI-funded chargers in operation

in the nation.

In addition to leadership in energy infrastructure in the support of customers, NYPA continues to support communities around the state and is advancing initiatives to invest in disadvantaged communities. I'll mention just a few of NYPA's many environmental justice initiatives.

One initiative is our recent $1 million energy efficiency project at the Tuscarora Elementary School in Western New York, which supports the Tuscarora First Nations people who live adjacent to our Niagara Power Project.

Since 2021, NYPA has also supported the Pathways in Technology Early College High School Program, or P-TECH, with the goal of increasing the number of diverse students who pursue studies and careers in the utility industry.

NYPA provides energy expertise to align technical skills and workplace competencies with curriculum and course offerings, provides paid internships,

mentorship opportunities, college and career readiness workshops, and dedicated staff to participate on the grades 9-14 steering committees and working groups. And we're proud to report that the program has grown from supporting three programs in 2019 to the current eight programs across New York State.

NYPA also supports 82 paid summer internships, and summer interns are trained and obtain industry-recognized certifications in a variety of utility-related technologies.

NYPA has also committed EJ funding to support the NYCHA Clean Energy Academy, and the first cohort of 24 NYCHA residents graduated in August 2023.

Last year we launched initiatives with NYCHA and NYSERDA to install modern induction electric stoves and window heat pumps in NYCHA properties in New York City. We also awarded funding to Bronx Community College to develop a cleaner, greener college sustainability program, and an expanded rooftop garden at the Variety Boys and Girls Club in Queens.

Finally, the Power Authority has completed its work under the state's ConnectALL program to make high-speed internet available to residents in rural communities using our excess fiber on our system. Under ConnectALL, over 3,000 homes have now been connected. And this month Governor Hochul announced federal funding to connect tens of thousands of homes to high-speed broadband internet based on the ConnectALL model.

Now I'd like to turn to our efforts regarding the expanded authority provided to NYPA last year. In December of 2023, NYPA completed its first annual conferral process. We had the privilege of conferring with over 50 stakeholders from diverse backgrounds and received insightful feedback on stakeholder views of the state's progress toward achieving Climate Act goals, the timing of the power grid operator's interconnection process, and NYPA's proposed role in developing new renewable generation.

NYPA will continue to solicit

stakeholder engagement through this annual process and through our NYPARenewablesConferral email account. All feedback will be compiled and published on our website. And through our biannual Renewables Strategic Plan, NYPA will highlight how specific insights from stakeholder engagement have informed the plan.

Since last year, NYPA has been actively pursuing renewable energy projects. Each of our projects will be identified in the Renewables Strategic Plan, the first of which will be published no later than January 2025, preceded by written comments and at least three public hearings on the draft report.

And to move quickly, I've hired a vice president of renewables to lead our work to develop new renewable projects, and we are actively recruiting additional staff.

We're grateful at NYPA to the members of the Assembly and Senate who have reached out to our team to suggest projects or

locations that may be a good fit for us. And let me say we invite more of these suggestions from members. We're also partnering with our sister agencies, such as OGS, to look at opportunities to develop on state land projects that might not have been possible before NYPA's authority to own additional renewable assets. And this is just one part of our whole-of-government approach to advancing clean energy in New York State.

Key to the success of NYPA renewables will be leveraging NYPA's resources, time, people and money to maximize the amount of renewable energy we can enable. And last month we issued a Request for Information to private industry to understand potential interest and opportunities for us to collaborate.

In addition to building renewables, last year's enactment granted NYPA additional authority that we've organized into four buckets -- I'll have to go quickly here -- retirement of our peaker plants, leading the

Decarbonization 15, launching the REACH program -- we filed our petition with the Public Service Commission just last week -- and investing $25 million in workforce training.

And finally, thank you to the Governor for including $50 million for the Canal Corporation in her budget for infrastructure repairs. These are very important for us to keep the canal safe and secure for the next hundred years.

Thank you.

CHAIRWOMAN KRUEGER: Thank you all very much.

Our first questioner will be Pete Harckham, 10 minutes.

SENATOR HARCKHAM: Thank you very much, Madam Chair. And thank you all for your testimony. Much appreciated. And please thank your teams for everything they're doing.

I'm going to bounce around with my questions, so following the bouncing ball.

First, Chair Christian, just a quick

parochial question about Indian Point. First, thank you very much. The team who works on the Indian Point Decommissioning Oversight Board, they do a terrific job, and you should know that they really are first-rate. And it can be a challenging environment down there, so we thank you for that.

But as Holtec has announced a revised schedule for the decommissioning, as we learn more about that, is the PSC willing perhaps in the future, as we get more details about Holtec's plans, to open the discussion of the Cessation Fund and the timeline thereof?

PSC CHAIR CHRISTIAN: I think the simple answer would be yes. We have regular meetings with Holtec, and I think the most recent update was the moving of the radioactive material into dry cask storage, which is far safer.

So we do periodic reviews and updates with them, and I'm more than open to continuing that dialogue and sharing whatever information is needed to ensure safety, so --

SENATOR HARCKHAM: All right, thanks.

But this would be about the Cessation Fund --

PSC CHAIR CHRISTIAN: Yup.

SENATOR HARCKHAM: -- that provides funding to the municipalities. Thank you.

All right, let's go over to ORES. Executive Director Moaveni, thank you for your testimony. Just to help me clarify the numbers.

So since ORES has been in existence, you've greenlighted 15 projects.

ORES EX. DIRECTOR MOAVENI: Correct.

SENATOR HARCKHAM: Okay. How many have you declined?

ORES EX. DIRECTOR MOAVENI: One.

SENATOR HARCKHAM: One. And how many are in your pipeline?

ORES EX. DIRECTOR MOAVENI: It's really hard to count. We are actively working on four complete applications, and we are like reviewing another five full applications submitted for completeness review. And there is another pipeline of

projects that are going through the pre-application process.

The office does not have any control over the timing of when, you know, those applications are submitted.

SENATOR HARCKHAM: All right. How long is -- what's involved with the pre-application process?

ORES EX. DIRECTOR MOAVENI: So a critical part of the 94-c process is to identify major local concerns as well as like major environmental, generally speaking, resources concerns at the earliest point of an application development.

So the idea that we have is that if environmental issues are not part of the design problems for these facilities, they cannot be part of the design solution. So -- and this historically in the state has been a big issue with a lot of back and forth with incomplete applications and poorly sited projects in some instances.

In our -- again, the approach that we are taking is we are in a binding manner

identifying those critical impacts as early as possible so developers can put together better, more complete applications.

SENATOR HARCKHAM: All right, thanks. I asked because I'm just trying to gauge capacity, in that the Governor is now proposing to add transmission to your portfolio of work without adding increased budget or increased staff.

So is this something that you feel that your team can realistically take on?

ORES EX. DIRECTOR MOAVENI: So this is the second time in four years that I'm going through this experience. I'm confident with the current resources that we have at ORES, and continued support from our sister agencies -- DPS, DEC, Ag & Markets, Office of Parks -- we'll be able to manage the current and expected workload.

SENATOR HARCKHAM: And do you think being in Public Service is really the place where that's the best fit, versus Department of State, where you are now?

ORES EX. DIRECTOR MOAVENI: So I look

at this as an opportunity for the State of New York: (A) is to modernize the permitting process for transmission, and (B) is to bring all the human resources and experts in two different agencies under one roof.

So from that perspective, certainly we are gaining some efficiency.

SENATOR HARCKHAM: All right, thank you.

I open this question up to all three of you, but we'll start with President Driscoll. It's about the grid and transmission. If you've been listening, there have been a lot of questions from colleagues today, Are we going to have a grid that's going to be able to live up to this transmission? I was speaking with the president of one of the utility companies from my district in the Hudson Valley, and we were lamenting that if you look outside and you look at the grid, it doesn't look a heck of a lot different than it did a hundred years ago. Maybe some of the technology's more advanced.

So given the increased issues on load -- which will be a good thing, that means more electrification -- but adding new renewables in, the sheer volume and resiliency, what are we doing and are you confident that we will be able to provide the grid that will meet the challenges we're going to be facing?

NYPA PRESIDENT DRISCOLL: Well, thank you for the question.

I think, you know, this is obviously a subject that's much debated. I can tell you that the area that we practice and operate in, the bulk system, the big grid, we have over six projects that we're engaged in currently, two actually have been energized. And one of the things that we're doing there, which potentially goes to your question around why it's not -- why it doesn't look any different, what we're doing is we're working within our own existing rights-of-way in many cases and actually upgrading the capacity of the line.

So the line in the North Country,

Smart Path Connect and Smart Path, both in existing rights-of-way where the capacity was increased from 230 kV to 345 kV in order to unbottle the renewable generation that's been -- that's been difficult to get out of the North Country in particular.

There are other pockets like that around the state, so the other example of that is our Clean Path line, which is largely in our right of way, 100 of the 190 miles is in our right-of-way. So you're going to see upgrades to existing rights-of-way and existing transmission facilities in order to be able to move more power around the state.

I'll also say that -- and I heard the discussion earlier about some of our successes, and it's very true that New York State is really leading in implementation of transmission development through the Federal Order 1000 process that's run by FERC. We have -- there have been three solicitations so far, two of which NYPA has been awarded, and a fourth that's coming down the pike very soon, going into New York City.

We're also working on the Long Island upgrade of the Long Island grid with our partner Transco. That was also awarded by the NYISO through the FERC process. So a lot of great work being done, at least at the bulk level. And so I'm encouraged that we'll be able to have the grid of the future ready when the projects are built and in operation.

SENATOR HARCKHAM: Thank you. And Chair Christian, same question.

PSC CHAIR CHRISTIAN: So I couldn't agree more with President Driscoll.

And what I will add to that is we at the commission, recognizing the need for more transmission, and in response to the Accelerated Growth in Renewable Energy Act {sic}, we have moved forward with directing the utilities to do a number of analyses and have identified significant needs throughout the North Country and the rest of the state.

And we've approved investments -- I want to say in excess of $6 billion for both bulk transmission needs, which Justin was just describing, but also local transmission

needs, to make sure the power gets to the individuals and homes and businesses that need it most.

So these investments are underway, but most importantly, in addition to identifying our current needs, we've established a process to prospectively look ahead over three-year periods to identify future needs well in advance of them becoming critical. And we call this the coordinated grid planning process, or CGPP.

And it's an iterative process. The first part of it has begun this year, and it will continue every three years periodically, ad infinitum. So we view this as a good step forward in ensuring that our plans keep up with our actions.

SENATOR HARCKHAM: Thank you.

And if I could, Director Moaveni, if you move over and take on transmission, how do you see your office helping in this effort?

ORES EX. DIRECTOR MOAVENI: It will be primarily focusing on streamlining and

expediting the permitting process for these transmission facilities. That's really where we are focusing on, primarily. That will be the ORES role under the RAPID Act.

SENATOR HARCKHAM: All right, thank you. I'm going to be running out of time, but I may have some follow-ups when everyone else is finished.

Thank you, Madam Chair. Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: The -- our Energy chair in the Assembly, Assemblywoman Barrett, 10 minutes.

ASSEMBLYWOMAN BARRETT: Thank you.

And thank you all for being here. Thank you for operating on legislative time, which means you start the day at 5 in the afternoon.

But I wanted to try to follow where Senator Harckham was going and understand a little bit more about this new merger or this new alliance. It certainly makes sense -- more sense than being in the Department of State, that's for sure.

The RAPID part is just the transmission and the merger is another -- I mean, are these two separate things that are going on for ORES at this point?

ORES EX. DIRECTOR MOAVENI: So under the RAPID Act, basically we are transferring ORES, which is housed currently within Department of State, to be housed within Department of Public Service -- sorry, Rory. And next would be transferring basically the current Executive Law 94-c under Article VIII.

And then would be, if you will, like a new addition for transmission siting, which is currently governed by Public Service Law Article VII, and that law has been -- was enacted in 1970. And so after 50 years this is an opportunity for the state to try to modernize the way that we are doing the permitting process -- for multiple reasons, but just like one of them is over the last 50 years, the experience and the best practices that we have already learned through various permitting processes. And

second is just like the different level of technology that we are talking about today that was not really envisioned in 1970.

So again, so I would say, to summarize, it's just the transmission piece is the only new part of the RAPID Act. The rest of it essentially is expected to be the same as currently is under 94-c.

ASSEMBLYWOMAN BARRETT: So it will be the -- basically the 94-c protocols, the way that's operated --

ORES EX. DIRECTOR MOAVENI: My colleagues from the chamber may not like it; I would call it like 94-d, imagine. So 94-c for transmission, 94-d for --

ASSEMBLYWOMAN BARRETT: 94-c.2 or something --

ORES EX. DIRECTOR MOAVENI: -- transmission, yes.

ASSEMBLYWOMAN BARRETT: Okay, 94-d.

And do you see -- I mean, you know from my, you know, legislation and all that -- making sure that communities are involved in this decision-making process, because it

certainly doesn't make things go faster when they're resisting and when you're fighting, so -- you saw that on Long Island, we've seen it in other parts of the state.

Is this also going to include, you know, a robust public communications and public hearing process in the transmission part and under the PSC? How is that going to play out?

ORES EX. DIRECTOR MOAVENI: Exactly. The idea really here is -- more than anything else, is to make sure that we have more robust community engagement and community participation in the process, in a binding manner as early as possible for these projects.

The same thing goes about the environmental review, that something has to happen. Just to give you an example of that, like basically under the current proposal the office will not deem any application complete without the proof of meaningful consultation with localities for the proposed facility. So that's kind of one provision of the

current proposal.

I kind of go back to the record of ORES over the course of the last four years. Despite the notion that might be out there, local government and communities are actively participating in our process. And their concerns are addressed.

Again, as I indicated in my remarks, in the majority of the cases in front of the office, towns actually actively work collaboratively with developers and staff to address issues without the need to go through the full administrative hearing process available to them.

In the cases that actually the towns decided not to go that far, that approach, and they wanted to, for example, raise an objection about the project or an office determination -- I go off the top of my head -- like in most cases, like essentially the process has agreed or accommodated the town's position and community's position.

So that's -- again, the idea here is to bring that kind of lesson learned,

community engagement, that currently we have under 94-c, to -- and actually build it on the success that we had so far under Article VII.

ASSEMBLYWOMAN BARRETT: Okay, thank you.

Chair Christian, I have a question for you specifically. So in March of 2020 the New York Public Service Commission launched a Natural Gas Planning Proceeding, and that was intending to harmonize the state's natural gas policies with our -- what we always call ambitious climate goals of the CLCPA. The commission's order (reading) recognized that regulators and utilities need to find innovative pathways to ensure safe and reliable service that align with the state's goals.

What's the status of that gas transition order? Do we have a date in mind? Is this -- because it obviously comes up in, you know, in a lot of different policies at this point.

PSC CHAIR CHRISTIAN: That's a great

question. And, you know, I want to highlight that the proceeding itself is a wholesale look at the gas system, and it's a complicated thing looking at everything from interstate transmission all the way down to local distribution level and then end-use.

And the purpose of it at the end of the day is identifying what it -- what path are we going to follow to ensure the continued reliability and safety of the gas system during the transition. And as the transition takes place, how do we ensure that customers continue to receive the services that they need.

So embedded within that you can consider the Utility Thermal Energy Network and Jobs Act, and the resulting proceeding that we activated in response to that, as part of the gas planning, and that that is a potential alternative to continuing gas service that utilities that currently provide gas service can explore.

And many of those utilities have -- most of those utilities, forgive me, have

provided pilot programs for us to review that we will be overseeing and evaluating implementation over time.

One of the key things to remember, not all gas utilities are the same. Some are gas only, some are combined gas/electric. In some cases you have a gas utility that's in a different electric utility service territory. So there's lots of different considerations to take into account in understanding the direction of the gas system in the future.

But the proceeding is intended to examine all of those things, look at a variety of alternatives, and then provide recommendations and direction for utilities to take in moving forward with the transition.

ASSEMBLYWOMAN BARRETT: And when are we likely to have some results out of that?

I mean, obviously what the Governor's put in part of the NY HEAT Act, there's questions -- I mean, the different parts of the state, as you say, operate differently. So for those of us who are trying to create

some one-size-fits-all model or policy, when can we count on that important information?

PSC CHAIR CHRISTIAN: So we're -- I'll have to double-check my calendar, to be perfectly honest. It's -- we have a number of different milestones that we're trying to achieve with that. I definitely recall seeing something around Q3 of this year, but I'll get back to you with exact dates on milestones.

ASSEMBLYWOMAN BARRETT: That would be great. Thank you. Thank you.

And President Driscoll, I can't leave you out of this here. Can you just tell us a little bit more -- I mean, I know you mentioned the -- you know, the things that we're moving forward on the EV charging program and -- but how about the state buildings decarbonization? Where are we on that project?

NYPA PRESIDENT DRISCOLL: So we've launched the process of soliciting for the contractors who are going to do that work. This is highly specialized work doing master

planning work for big -- big footprints like this. So we're close to selecting the contractors that are going to do that work.

One thing we have working in our favor here is we had master plans underway already for several of the buildings such as the Empire State Plaza, which is coming to a conclusion, actually. So we have a head start with several of the 15.

But we'll be -- we've had kickoff meetings with all of the -- all 15 sites. As you probably know, many of them are SUNY, some correctional facilities, and some state office buildings. And so we've met with all the SUNY members of the 15, if you will, and so we're -- I think we're well underway and we're encouraged by the response, certainly, that we got from the solicitation.

ASSEMBLYWOMAN BARRETT: Is there -- are there any sort of timetable benchmarks on that? I know we get in trouble with our setting dates and goals, I get that. Because there are so -- people who understand that.

NYPA PRESIDENT DRISCOLL: I think it

will -- you know, I don't remember the due date of actual filing of a report, but I suspect that we'll be finished with this planning process and conferring with the relevant state agencies and campuses and so forth within the next year.

ASSEMBLYWOMAN BARRETT: Okay, great. Thank you.

And then I know -- I'm not sure which of you can answer this, but clearly we have generation and we have transmission, but there's also storage, which is a critical piece. That doesn't seem part of the Governor's budget or Article VII language around this. Has that been something that was deliberately left off right now, or is there discussion about what we're doing for storage?

ORES EX. DIRECTOR MOAVENI: I'll do one part and you can do the other part, so in the interests of time.

So currently ORES has jurisdiction over battery energy storage projects that they are connected to a proposed wind and

solar facility. Right? So that those projects, that they go through the -- if they are proposed, ORES has jurisdiction over them.

But ORES doesn't have jurisdiction over stand-alone battery energy storage.

Anything else you want to add?

PSC CHAIR CHRISTIAN: You kind of covered it all.

Yeah, there are other considerations. Much of the permitting happens at the local level for many of the battery storage projects. So -- but ultimately what we are doing with battery storage is aligned with the overall 6 gigawatt target, to ensure that we have a certain level of battery storage to support the renewable energy being deployed.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYWOMAN BARRETT: Thank you.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Our ranker, Mr. Mattera.

SENATOR MATTERA: Great. Thank you, Madam Chair. And thank you, everybody, for

your testimonies here today for something that's so, so important for all New Yorkers and everybody has a lot of questions.

President Driscoll, I just got a quick question for you also too. What is the current state of implementation of public renewables?

NYPA PRESIDENT DRISCOLL: I'm sorry, could you repeat the question?

SENATOR MATTERA: What is the current state of the implementation of public renewables?

NYPA PRESIDENT DRISCOLL: The legislation from last year?

SENATOR MATTERA: Yes.

NYPA PRESIDENT DRISCOLL: Right. So as you may recall, there's a specific timeline set forth in the statute. The first work that we had to do was within the first 180 days we had to launch and complete the referral process. So we met with over 50 stakeholders; we finished that and we filed that in December.

The next step is the preparation of

our strategic plan, which we will spend 2024 doing, and that strategic plan is due on January 31, 2025.

We've already -- even though we're in the strategic planning process, we've already issued an RFI, that we've gotten a very robust response to, for partnership opportunities with the private sector. And we've also bid on a project in the city, on Staten Island, just to preserve our optionality as we get going with these efforts in January 2025.

SENATOR MATTERA: Great. Don't mind me, I'm trying to get a couple in there.

Are we on track with the CLCPA's mandates?

PSC CHAIR CHRISTIAN: So I believe at this time the early target for 2030, the goal is to achieve 70 percent by 2030 renewable energy, and we are currently under contract with 63 percent capacity towards that goal, and additional contracts and RFPs are pending. It will be close, but the plan to get there is underway and we're moving with

intent to hit that goal.

SENATOR MATTERA: I just want to say something to you. Thank you so much; over the summer you actually attended my green hydrogen tour, which meant a lot to me. There was 150 people that showed up. We had elected officials -- and I thank Senator Krueger also for attending.

And it was something very important, I think it was very interesting for you, especially with your background and everything like that.

But can you give me a little bit of a heads up how you feel -- you know, wind, solar and battery storage, you know, I've been beating this to death in a lot of ways. Tell me, what about other renewable energies like, you know, geothermal, green hydrogen, carbon capture, nuclear. Can you -- sewage heat recovery expansion. Can you give me a little bit of heads up what your feelings are -- and especially with your background -- that we need to have other sources of renewable energy for our future.

PSC CHAIR CHRISTIAN: Well, my feelings don't really matter that much. It's the facts. What I can say is the CLCPA actually recognizes how we're going to achieve these goals right in its language. Seventy percent renewables by 2030; the remainder is going to have to come from other sources. And that could be any number of resources. And we at the commission are charged with identifying what those resources should be.

In an effort to do so, we started the Zero Energy Emissions Proceeding where we're taking feedback from industry, concerned citizens and others -- I believe individuals from Brookhaven and Stony Brook that we met have likely already submitted comments on that. And we're taking that feedback into making determination of what technologies will best serve the needs of New Yorkers to ensure the continuity of the system, ensure the emissions-free nature of our goals is met, while also ensuring affordability, reliability and safety.

So very much appreciated the invitation and -- yeah.

SENATOR MATTERA: Absolutely, that we've got to make sure that we invest in other renewable energy. Battery storage, what's happening, what's going on with the fires? Give me a little bit of a heads up. You think this is a good investment? How is this a good investment if we're having nothing but issues?

And again, I did say this: Wind, solar, what happens on these days? We had a -- we had the worst -- we had no sun in January, we had nothing. How is this moving forward, you know, with us with this battery storage, going on fire, the investment, companies that don't even know what to do because they're asking for us to invest in New York State, and look what's happening.

PSC CHAIR CHRISTIAN: Well, battery storage in particular plays a unique role in helping balance the system as a whole. The ability to store energy when it's produced and displace it when it's needed is a huge

asset to the grid in any form in the future. So the goals that we have in place with the targets I think are supportive of our overall transition plans.

Now that said, we are going to need other assets. We are going to need other resources for the risks you identified -- when the sun doesn't shine and the wind doesn't blow, what are we going to do? Which is exactly why the commission began its Zero-Emissions Proceeding, to identify those dispatchable resources, those resources we can turn on and off as needed that will provide us that energy and reliability we so value.

SENATOR MATTERA: Please, we need to look into other renewable energies also, too, for jobs for people that are going to be losing their jobs, especially like in the plumbing industry. We need to make sure of that, and we need to make sure we have a plan, not a ban, with our natural gas.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR MATTERA: Thank you.

CHAIRWOMAN KRUEGER: Gee, I missed that sentence for a couple of years.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Assembly. Oh, I'm sorry, I'm the Assembly at the moment.

(Laughter.)

CHAIRWOMAN KRUEGER: Let's try Senator -- Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Yes, my questions are for Chairman Christian.

The first one's pretty simple, a yes or no answer. Didn't last year -- last summer, fall -- the PSC approve $43 billion in future rate increases, costs that would be recovered over several years from utility ratepayers? That was approved last year, correct?

PSC CHAIR CHRISTIAN: (No response.)

ASSEMBLYMAN PALMESANO: Yes, it was. Okay.

PSC CHAIR CHRISTIAN: Okay. Sorry, I'm not sure which proceeding you're referring to, but --

ASSEMBLYMAN PALMESANO: -- the public. Forty-three billion, okay?

PSC CHAIR CHRISTIAN: Okay.

ASSEMBLYMAN PALMESANO: My next question is for you, that the CLCPA doesn't have an off-ramp for costs but does have an off-ramp for reliability concerns. The NYISO has stressed much in the area of reliability concerns relative to the grid. I guess from that perspective I hope the PSC is looking at the grid reliability, consulting with the NYISO, because we're hearing tremendous concerns.

School districts, for example -- I know a lot's come up on the EV school bus mandate. They're being told by the utilities that they -- that the buildout's going to be expensive. One school district was told they'd need to spend $30 million to put a transformer in to bring them -- that's going to be borne on the property taxpayers.

Another school district has told us that they were told it would be $10 million just to bring the power from the grid to

their school. These are significant costs. So -- and reliability concerns, because the grid -- so I hope you're looking at that and have a plan for that, because it's important, as you know, to have a safe, reliable, efficient grid.

And my concern, as a lot of them, is we're in the process of dismantling -- the goal of many people is to dismantle a reliable, safe, natural gas infrastructure, supply and delivery system. And we're doing that -- we're going to do that at a breakneck pace. Because even in 2040 the reliability changes -- NYISO said we don't have the resources yet, the technology's not there.

I'll say it again, you don't tear down a bridge before you build a new one. But it seems like this administration and others want to go on apace -- tear down the bridge and we'll build it as we go. It doesn't work that way. We cannot jeopardize the reliability of the grid, and we can't bear these costs on ratepayers.

So with the $43 billion, I know the

budget has a proposal to help with energy affordability, a 6 percent income cap. How would that -- if you're not in that cap, isn't that basically just going to shift those additional costs to other ratepayers regardless of what that person uses for energy, if they're considered lower whatever income? And won't that just shift that cost to other ratepayers?

PSC CHAIR CHRISTIAN: So there was a lot there I'm going to try to unpack. I'll start with the costs and I'll work my way back.

ASSEMBLYMAN PALMESANO: Okay.

PSC CHAIR CHRISTIAN: So the 6 percent I think is what you're referring to as the affordability goal, the target we're trying to achieve. We have a program in place where we are attempting to work with funding from the state to provide that guarantee to individuals who have fully electrified their home -- income-eligible individuals who have fully electrified. The goal there being it's far more efficient to identify and

administratively easier to identify individuals through a single use of energy and provide them that guarantee based on that. It's hard to do that for gasoline, oil, propane and other fuels. But electric, one bill, one account, fairly straightforward administratively.

So we're working our best to set that up through a pilot program that we will hopefully be able to expand and identify opportunities for future expansion through whatever successes we yield. So that's on the affordability side.

You're -- in terms of dismantling, I want to argue that that is not necessarily what we are doing. I look at what we're doing in our energy transition as continuing to build the bridge that the commission has played a role in building with respect to natural gas. Looking back on our records going back into the '40s and the '50s, it's clear to me that this commission has played an outsized role in helping to ensure energy security through working with the

then-Federal Power Authority and other federal agencies to bring resources for energy, particularly natural gas, into New York State and the New England region.

That effort I look at as a template for the success we can achieve today. And it was recognized at that time that we were building a bridge, and I see the work we're doing today with electrification as a continuation of that effort.

ASSEMBLYMAN PALMESANO: Can I ask you another question? I'm sorry, I know you were talking --

PSC CHAIR CHRISTIAN: I'm sorry.

ASSEMBLYMAN PALMESANO: -- but I only get a little time.

With the proposal -- plans of a NY HEAT Act in the budget and pushes for that, wouldn't the obligation -- when the obligation to serve is eliminated, doesn't that mean -- won't that jeopardize incentives to maintain a safe and reliable, energy-efficient natural gas system? And also really abandon -- could potentially

abandon large parts of the natural gas system, and then leaving people with the opportunity to just fully electrify their homes, which some of us are going to say is $50,000 -- you said there's a rebate if people electrify, but it's up to $50,000 to electrify your home. How do you account for that?

PSC CHAIR CHRISTIAN: With my five seconds, the first question, no. Second question, no. And third, we're working on plans to identify opportunities to incentivize that.

ASSEMBLYMAN PALMESANO: Thank you, Mr. Chairman.

CHAIRWOMAN KRUEGER: Thank you.

Senator Gonzalez.

SENATOR GONZALEZ: Hi. Thank you guys so much, and thank you, Chairwoman.

I just want to direct my questions regarding the REACH program. So the Governor's proposed budget emphasizes an interconnection reform -- oh, my goodness, I'm sorry, you guys, it's late in the day. I

was reading a separate set of questions.

Soaring energy costs are a burden for New Yorkers across the state. How will NYPA structure the REACH program to ensure that low-income households see a substantial difference on their bills?

NYPA PRESIDENT DRISCOLL: So thank you for the question.

As I think I mentioned in my testimony, we just filed our petition last week with the Public Service Commission. So that will be on Rory's desk here soon. And they'll establish the guardrails around which the bill credits actually get passed on to the residents of the disadvantaged communities.

But I think the way that we look at the program is really in two ways: The construction of large-scale renewable projects that would be dedicated to the REACH program -- and the idea with doing a larger-scale project is that it will actually provide more revenues that we can then pass through the REACH program.

But at the same time, more localized projects. Because what we've heard particularly through the conferral process is that a lot of communities actually want to feel like they actually own and are a part of their renewable project. They want to be able to see it in the neighborhood. We've done projects where we've aggregated solar on top of a number of different buildings, and the community feels like, you know, that they're participating, I guess, in the transition.

So we look at it in those two ways. And that's sort of how we hope to launch it. But again, we'll be waiting on the Public Service Commission's guidance on that.

SENATOR GONZALEZ: That's great to hear. We certainly want to support low-income New Yorkers who are struggling with the soaring cost of energy.

And just a little bit more information there. How are you ensuring a timely implementation of the REACH program? Not just how you're approaching it.

NYPA PRESIDENT DRISCOLL: On the time frame of doing it?

SENATOR GONZALEZ: Mm-hmm.

NYPA PRESIDENT DRISCOLL: Yeah, so the REACH program will proceed at the same pace and on the same track as the larger renewables effort. So it will be in our strategic plan and it will be -- it will be obviously made public, the draft plan will be made public in the fall. There will be an opportunity to comment. We'll do public hearings and then, you know, we'll be finalizing it and filing it with the Legislature on or before January 31 of 2025.

SENATOR GONZALEZ: Amazing. Thank you.

And I just -- as someone who represents a downstate district, I want to speak to or ask you a question about the peaker plant closures. Are we on track -- I think you had mentioned that yes, we are. But are there any challenges there or any support you need from the Legislature?

NYPA PRESIDENT DRISCOLL: So -- yeah.

So on the peakers, as I think you and I have had this discussion --

SENATOR GONZALEZ: Yeah.

NYPA PRESIDENT DRISCOLL: -- it's not an all-or-nothing exercise, right? There are going to be some locations that we think we can retire sooner than others. And a lot of this will be dependent on what we hear from the NYISO and Con Edison in terms of their system requirements.

But certainly our intention and our desire is to have them all offline by 2030, as is required by last year's legislation.

SENATOR GONZALEZ: Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Zebrowski.

ASSEMBLYMAN ZEBROWSKI: Thank you.

Chair Christian, I want to spend most of my time trying to answer some questions that I have, other members have and folks have regarding the gas transition part of the Governor's Article VII language.

How -- let's assume it's adopted as is. How would you -- what could you tell an average New Yorker as to what they could expect both in the near term and over maybe the next decade or several decades -- an existing natural gas customer of what they can expect?

PSC CHAIR CHRISTIAN: So an existing natural gas customer, what they can expect. If they're using natural gas today, they will continue to use natural gas if they wish.

The efforts are voluntary. I'm not going to go into anyone's home and take their stove, contrary to what some people have said. I don't have the upper body strength for that anymore. But, you know, the goal is to create the right array of incentives to allow individuals who choose to take action the ability to take action that's aligned with our climate goals.

So if you are renovating your home, if you need to purchase a new stove because your existing stove or water heater or furnace has broken, the incentives are there and

available for you to convert to electricity more easily than you could currently do. That's the goal.

ASSEMBLYMAN ZEBROWSKI: Okay, so you see it more as -- you see it as an incentive structure and that the language wouldn't give the Public Service Commission the power to force somebody who's an existing customer to convert.

PSC CHAIR CHRISTIAN: That is -- we're talking the HEAT Act, correct, or the --

ASSEMBLYMAN ZEBROWSKI: Well, there's the HEAT Act of the bill, and there's the Governor's language, which is similar.

PSC CHAIR CHRISTIAN: Right. So I -- my understanding of it at this time, the main thrust would be to align the overarching state policy towards electrification. So it's not so much taking away from anyone that currently is a gas user; it's more ensuring that as new people wish to come on to -- as you're building a new home, as you're adding a new service, if you -- the obligation to add that service, we're changing that. That

hundred-foot subsidy for any new gas customer -- or all existing gas customers who pay for that first hundred feet -- would go away.

And in doing this, what we do is we remove the built-in incentives that we're --

ASSEMBLYMAN ZEBROWSKI: Can I just pause you, I've only got 29 seconds for one more question.

PSC CHAIR CHRISTIAN: Okay.

ASSEMBLYMAN ZEBROWSKI: How would this affect, like, if a manufacturing industry wanted to move into a place in New York and needed it in the future? How would it affect that?

PSC CHAIR CHRISTIAN: So this is aligned with what was discussed in the Climate Action Council plan, the energy-intensive trade-in to exposed industries. Again, we want to make sure that gas is used in the most efficient and economic way. We do not want to disincentivize industry from coming to New York.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYMAN ZEBROWSKI: Thank you.

CHAIRWOMAN KRUEGER: Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair. Thank you all for being here.

I'm going to start with Chair Christian. You said something that was a little unique. You actually said in your opening statement "safe, reliable and affordable energy."

Congratulations, you're the first person that's in charge of New York's power and reliability to say that in this hearing -- and I'm very disturbed by that, your being the only one. But thank you for doing it.

You mentioned that, you know, we need to have, obviously, safe, reliable and affordable. But natural gas is going to be eliminated. You just said that it's not, but if you're going to build a new home, according to the current rules, you will not be able to use natural gas. The HEAT Act, whether it comes in the form of a piece of

legislation or it comes in the form of the Governor, gives the PSC the ability to eliminate infrastructure for natural gas.

So how can you say that people that want to keep natural gas will be able to do that if you can't even build a new home powered by natural gas?

PSC CHAIR CHRISTIAN: So I'll have to take a closer look at the language and make sure I'm understanding it and looking at the same -- but just to be clear, the natural gas that we use today, there seems to be this perception that it is cheap and affordable. In my decades in the energy industry, I have seen gas prices double, triple, quintuple in some instances, due to hurricanes in the Gulf, geopolitical conflicts and other things that have happened.

And we just saw what happened with the invasion in Ukraine and the resulting actions to begin exporting massive quantities of natural gas that are domestically produced to support our European allies, who are no longer purchasing Russian natural gas.

Seventeen per --

SENATOR BORRELLO: Yeah, and I understand those impacts are there. But you also have similar issues with renewables. And I will also mention the fact that we're importing a lot of power, which makes us susceptible to those same spikes in other areas, especially in peak hours.

So I don't mean to cut you off, but I'm short and I want to get to some other issues. You brought up that right now you have under contract 63 percent to get to the 70 percent goal of renewable energy by 2030, is that correct?

PSC CHAIR CHRISTIAN: That is my understanding, yes.

SENATOR BORRELLO: Okay, all right. But does that include still having imported power? So this is talking -- we're talking about energy that's originated here. Are we still going to be importing power in 2030 in order to power New York State, even with this 70 percent goal?

PSC CHAIR CHRISTIAN: I believe we

will be importing and exporting power well beyond 2030.

SENATOR BORRELLO: So we're going to be importing power from coal plants in other states. You know, let's face it, that's what's happening now, right? We're actually going to go backwards as far as our carbon footprint, because we're going to say -- we're going to pretend that we're actually generating clean power here, but we're importing it from other states with the transmission lines.

Which will bring me to the New York Power Authority. How many millions -- hundreds of millions of dollars have been spent in the last decade to run transmission lines to other states like Pennsylvania, Ohio, Ontario, Canada, things like that?

NYPA PRESIDENT DRISCOLL: Yeah, Senator, I apologize, I'm going to take --

SENATOR BORRELLO: I'm sorry, I wasn't watching the clock, my mistake.

NYPA PRESIDENT DRISCOLL: I'll get back to you with that number.

SENATOR BORRELLO: Please do.

CHAIRWOMAN WEINSTEIN: Assemblyman McDonald.

ASSEMBLYMAN McDONALD: Thank you.

And Rory, my questions are for you.

First of all, I want to thank you and the department. Recently we had correspondence about a large energy-intensive manufacturer in my district. You guys have been very responsive, and there's a willingness to try to work.

But it reinforces a concern that I just want to make as a statement, that there are many energy-intensive businesses, manufacturers particularly. Member Woerner will -- would have said this; I will say it. She represents Saratoga County. Three facilities plus one in Warren County, a thousand jobs gone. Not solely related to energy, but it played a role in regards to future needs. And I get it, everyone wants to be off gas, I get it. I support the notion. But for some of these manufacturers like ours, they don't have any other options

right now, and we need to be mindful of that. Because those thousand families don't have jobs right now.

My question -- and Member Zebrowski actually answered most of it. Basically if you've got gas right now, if you choose to keep it, even with all the incentives that are coming your way, that's your decision.

My question is this. I represent cities. I used to have Albany. There are neighborhoods where there's several vacant and abandoned buildings for several years, no service has been running through those houses. It's not that anyone hasn't paid their bills, there's just no service going on.

Those properties are upside-down that we want to try to bring back on to deal with the housing challenges in the state. So my question is, down the road, although this property hasn't had gas going into it, but it has a line connected, is the new owner going to have to change that house over or can they continue to use natural gas? Because that

adds potentially another cost.

PSC CHAIR CHRISTIAN: That is a very interesting question. And I'm going to have to look at the language in the law to better understand how best to answer that.

If they're an existing customer, the answer is fairly straightforward -- they have an account, they have gas service. But in that instance --

ASSEMBLYMAN McDONALD: They're not an existing customer.

PSC CHAIR CHRISTIAN: Right. So --

ASSEMBLYMAN McDONALD: But the good news for you is that I've been asking that question all week and I get the same response. So that means it is an interesting question, and I will appreciate the follow-up down the road.

PSC CHAIR CHRISTIAN: No problem.

ASSEMBLYMAN McDONALD: Particularly since I've got 50 seconds, I'm hoping that as this moves forward -- and it does need to move forward. I don't debate that -- that there's a great public education campaign.

NYSERDA's not here; they've done some very good community engagements. Not many people show up, but I enjoy going to them. And people learn. And I'm hoping as this moves forward through the budget process that we have those community settings as well.

PSC CHAIR CHRISTIAN: Right. Thank you. And part of why I'm going to have to do some homework on this, you know, we are changing state building codes. So it's also a question of when and what's going on in the local utility service territory.

So I think there's a number of questions, but with your specific instance, I can definitely do some homework and --

ASSEMBLYMAN McDONALD: Thank you.

PSC CHAIR CHRISTIAN: -- get back to you.

ASSEMBLYMAN McDONALD: I'm done.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Next we have Senator Hinchey.

SENATOR HINCHEY: Thank you.

And Chairman Christian,

Chair Christian, I want to thank you for helping to reframe some of this conversation here today with facts. So thank you very much. My first questions are for you.

Utilities in my district are running amok. We have Central Hudson, who has proposed a 16 percent increase on electric bills and a 19 percent increase on gas bills, and some of those same customers who are facing those increases have Hudson Valley Water Company, who is proposing a 21 percent increase on water bills.

When rate cases are in front of the PSC, do you look at the holistic situation that's happening in a region or for multiple customer -- or for customers if they're seeing multiple rate increases at the same time? Is that part of the consideration point?

PSC CHAIR CHRISTIAN: The main -- the main consideration in looking at any individual utility is what investments are required to maintain continuity of safe,

reliable, affordable service.

In terms of instances as you've described where you have a water company and an electric/gas company pursuing rate increases at the same time, concurrently, one does not influence the outcome of the other.

But rest assured, we take every rate case seriously. It's an 11-month process. Literally hundreds of individuals from within DPS, the utilities and external stakeholders are involved. And the goal is to ensure that we are having investments made that are going to continue the service in a meaningful and affordable way.

You've mentioned some running amok. When that happens, that results in a separate process, an investigation. As I'm sure you're aware, we have a number of investigations currently ongoing. I can't discuss the details of those. But the results of those are separate and apart from whatever rate case is currently taking place.

But ultimately we do take into consideration a variety of factors --

SENATOR HINCHEY: I think the answer is no, they're individual.

PSC CHAIR CHRISTIAN: Yeah.

SENATOR HINCHEY: Across the river we also have another private water company, the Dover Plains Water Company, which is asking for a 67 percent increase in their water bills for an entirely disadvantaged community. Thank you for doing the virtual hearing this week. We are still hopeful for an in-person hearing, but we'll follow up on that separately.

Water is enshrined in our Constitution as a right, and yet we have many privately owned water companies across our state that are seeking significant increases because of the cost to serve that water, and then often not providing people with water timely or consistently.

Do you think that there is a need for a state water authority to be able to come in in some situations when smaller authorities, privately held by private individuals controlling people's water? Is that poss --

is that needed?

PSC CHAIR CHRISTIAN: So I think it's a case-by-case. Whatever is going to allow the continuity of service at affordable rates is something we would support.

Quickly, we've looked into different ways of doing this before with other utilities, and happy to explore those in the future as well.

SENATOR HINCHEY: We'll follow up with you on --

CHAIRWOMAN KRUEGER: You'll have to continue this. Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Stern.

ASSEMBLYMAN STERN: Thank you, Madam Chair. Good evening, everyone.

For Chair Christian, in the 10 gigawatt order issued April of 2022, the commission directs NYSERDA to make a recommendation on an agrivoltaic adder for the NY-Sun program to help incentivize agrivoltaics projects.

At this point, has PSC developed a position on the issue? And where does that process currently stand?

PSC CHAIR CHRISTIAN: I'm sorry, would you -- I'd love to understand the question a little bit better. I don't think I understood the way it was framed.

ASSEMBLYMAN STERN: Back in 2022 there was a directive that NYSERDA has to take a position and start to develop a plan on agrivoltaics projects, and report back and give guidance to those interested in developing those projects.

PSC CHAIR CHRISTIAN: Okay.

ASSEMBLYMAN STERN: Has PSC been involved? When can we expect NYSERDA to get back to PSC to provide guidance all throughout New York where, you know, those that are interested both in the development of their agricultural interests as well as, you know, this kind of technology. When can we as a state, you know, look forward to seeing that policy and how everybody can best proceed?

PSC CHAIR CHRISTIAN: Okay. I will have to confer with staff to give you a more precise answer on the timing of the report.

What I can say is just from participation in the Farmland Preservation Working Group, the topic of agrivoltaics is something we talk about regularly. Some of the actions we've explored are the positioning of the panels to allow for both solar generation and agrivoltaics at the same time, so both growing crops and having solar. And that's everything from having the panels rotate in coordination with the sun, to changing the orientation from the standard southern to, say, a westward-facing orientation.

So this is something we've explored. I'll have to revisit the order to look at exactly the nature of the reporting you're looking for, and I'll have to get back to you.

ASSEMBLYMAN STERN: And then we'll follow up.

PSC CHAIR CHRISTIAN: Sure.

ASSEMBLYMAN STERN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next is Senator Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam Chair.

Thank you all for being here so late.

My questions are geared toward Executive Director Moaveni, specifically regarding the projects that were listed in your statement. I believe you said that there were 15 projects that you had sited. It seems that they are mostly solar with only one wind project.

My understanding of what's going on right now is that you're not permitted to participate in the transmission approvals part of that. So for those 15, you have not permitted -- you have not participated in the transmission parts.

ORES EX. DIRECTOR MOAVENI: That's correct. The office has authority to approve transmission facilities up to 10 miles. But if like the proposed transmission facilities are longer than 10 miles, the office doesn't

have jurisdiction. That will go through the Public Service Article X process.

SENATOR CANZONERI-FITZPATRICK: Okay. So now with the potential new RAPID Act, it appears from what I've read that ORES would have an opportunity to review local law, and there would potentially be a hearing if local laws or regulations are potentially in question. And that you, ORES, as the body reviewing this, has the opportunity to potentially ignore local law and regulation.

My question specifically is what type of local law would you have the ability to overrule? Is it zoning? Is it parkland alienation? How far does it go?

And the reason I'm asking this is because I represent the 9th Senate District, which includes Long Beach. And I'm sure you're well aware that during the Equinor application there was an uproar over the transmission lines going through a highly populated area, and that local involvement was critical to the community being heard.

And I'd like to know, under the new

RAPID Act, how is that going to change? And how will you overrule, potentially, local input?

ORES EX. DIRECTOR MOAVENI: So I'll try to be very quick in the remaining almost one minute that we have here.

These projects are required to comply with all applicable local laws unless an applicant can essentially justify a local law waiver. And that justification like, for example, is something that has to be fleshed out in the context of the regulatory framework. For example, if we go back to the 94-c process, the current for generation, an applicant must demonstrate that -- basically with facts that a local law is burdensome and that burden should not be reasonably borne by anyone else other than the applicant. They need to show that the local law waiver cannot be obviated by further design changes, it's minimum necessary, and any potential impact from that local law waiver would be mitigated to the maximum extent practicable.

SENATOR CANZONERI-FITZPATRICK: So

like in the Long Beach situation where the objection was transmission lines going through a highly populated area, how would you anticipate dealing with that?

ORES EX. DIRECTOR MOAVENI: Again, it's like that will be in the context of developing the regulatory framework, especially for transmission facilities.

I can just tell you that the public will have, and local government will have, opportunities to raise objections about the local law waiver request.

SENATOR CANZONERI-FITZPATRICK: Thank you.

ORES EX. DIRECTOR MOAVENI: Sure.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Shrestha. Is she here? Oh.

ASSEMBLYWOMAN SHRESTHA: Hi, everyone.

I have several questions for Justin, so let's try to do a quick --

NYPA PRESIDENT DRISCOLL: Okay.

ASSEMBLYWOMAN SHRESTHA: -- round of

questions.

So we heard that over 80 projects have been canceled, private projects. Will NYPA be updating its strategy to reflect these cancellations?

NYPA PRESIDENT DRISCOLL: So if the question is that an opportunity for us, the cancellation of those projects, absolutely. I mean, that's one of the key things that we're looking at, whether there are any projects that fall out that might be something -- maybe they're near our transmission system, there's an opportunity for NYPA to step in and take it over. Maybe there's an opportunity, you know, a project that's economically challenged, for there to be a partnership with NYPA.

So this is very much top-of-mind for us and one of the sources of projects for our strategic plan.

ASSEMBLYWOMAN SHRESTHA: Okay. And will you also be using that to update your projection of how much you will need to build to fill the gap for the 2030 goal?

NYPA PRESIDENT DRISCOLL: Yeah, I mean I think that's the big question, right, what is the gap. The market, as Ms. Harris testified earlier, is in a state of flux, there's a reset going on. So the question is, what really is the gap? We obviously --

ASSEMBLYWOMAN SHRESTHA: Yeah. And I think you've seen the Strategen Consulting "Mind the Gap" report that showed that even --

NYPA PRESIDENT DRISCOLL: I have. I read it.

ASSEMBLYWOMAN SHRESTHA: -- in the best-case scenario we will have a gap. Is that sort of what you're using as the basis for what you need to aim for?

NYPA PRESIDENT DRISCOLL: It's one input into our process. We read that report. We worked with Strategen, as you may know, on the peaker analysis, so we know that company and we understand their work, there are good people there. We've read that report, and it will be another input into our decision making.

ASSEMBLYWOMAN SHRESTHA: And how much renewable energy capacity does NYPA envision it will build by 2030?

NYPA PRESIDENT DRISCOLL: That's -- that's the big question. I don't think we could answer that question right now.

I think, you know, obviously we're going to build what -- the charge to us in the legislation is to fill the gap and accelerate the state's progress, and we're prepared to do as much as we can do with our financial capacity and with our ability. Obviously we can't do it all. There will be a role for the private sector.

ASSEMBLYWOMAN SHRESTHA: And what organizational technical or staffing capacity does NYPA require to ensure it can build renewable energy at scale to meet that goal?

NYPA PRESIDENT DRISCOLL: So that's also very much a question that's underway.

As I think I testified, I've already hired the head of renewables for the Power Authority that we brought in from Orsted and who used to work for the

Power Authority. She heads up that effort now. She's actually building out her team. She's adding people as we speak.

So that's a work in progress as well. But we recognize we have to add people.

ASSEMBLYWOMAN SHRESTHA: Okay.

And then I have one question for Rory.

In the context of the RAPID Act, what role is the PSC envisioning for public agencies like NYPA in transmission and interconnection planning?

PSC CHAIR CHRISTIAN: I think they will continue in their current capacity. NYPA's long been a partner, and they'll continue to play a role. I don't imagine RAPID Act in any way diminishing NYPA's ability to --

(Overtalk.)

ASSEMBLYWOMAN SHRESTHA: NYPA's -- maybe? Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember -- I'm so sorry. Let's try Senator Lea Webb.

SENATOR WEBB: Good evening. Thank you all for being here.

My question is for Chair Christian.

The Governor has twice vetoed intervenor funds. As I imagine you know, intervenors including public interest groups, representatives of residual low-income and elderly customers, local municipal officials, and dedicated advocacy groups play an important role in utility rate cases and ensure equitable participation in rate cases.

Similar to my colleague Senator Hinchey's question around challenges and concerns around utility rates, my question is do you agree that intervenor funds are needed to ensure a level playing field and to achieve the best outcome in rate cases?

PSC CHAIR CHRISTIAN: So that's a question very near and dear to me, as a former intervenor myself.

I believe public participation is incredibly important, and we've taken some significant steps within the commission to encourage that.

I am mixed, in terms of my own personal views, of the benefits of intervenor funds. That's my personal opinion.

Other jurisdictions do provide that funding, most notably California. They've been doing that for some time now. And I do believe the way we have the ecosystem in New York as it is is robust enough to ensure public participation.

There are a number of unique things about New York. We have the Utility Intervention Unit. That's a state entity that actively engages in our proceedings as a check and balance. We have the Public Utility Law Project, who I believe you'll be seeing later this evening. They're also actively engaged, and we speak with them regularly on how to improve our process, actions we can take.

So, you know, during my time with the commission that is something I've focused a great deal of time and attention on, and we anticipate taking a number of actions over the next year to help make the process easier

regardless of the outcome of the intervenor funding availability.

SENATOR WEBB: Okay. And my last question is that we know building heat is the largest source of greenhouse gas emissions. However, utilities do not have any specific reduction targets to meet.

When will the PSC establish gas-use reduction targets to ensure that we meet our climate goals on this issue?

PSC CHAIR CHRISTIAN: So that is going to be I would say part of the Gas Planning Proceeding, which was asked earlier. Again, that's underway. We've had one utility submit their plans earlier this year; I think it was NFG that we reviewed. Each utility will be providing their plans and we'll be reviewing and evaluating the efficacy of the actions that each proposed.

In terms of reductions, my belief is that will happen over time. But again, this is new. We have a lot of moving parts in this. The first is getting the lay of the land, which is what the long-term plans are

going to provide, and also an outline of what the different options for reductions could be.

SENATOR WEBB: Thank you.

PSC CHAIR CHRISTIAN: You're welcome.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you all. I know it's been a long day.

President Driscoll, I wanted to focus on the NYCHA piece that you had raised around moving to clean energy. How much money over the last year has been allocated to those projects in our public housing? And what's in the pipeline going forward for public housing?

NYPA PRESIDENT DRISCOLL: The induction stove challenge is early, in an early stage, so I don't know that there's much money that's been expended toward that. But that's an exercise -- essentially, you know, a pilot initiative.

But the heat pump, the window-mounted

heat pump issue is very much in flight. And so in that project we're -- we've committed to do 30,000 window-mounted heat pumps. We have 72 in use this winter, and the reason --

ASSEMBLYMAN EPSTEIN: Thirty thousand in NYCHA?

NYPA PRESIDENT DRISCOLL: Yeah. And we have 72 in operation this winter.

What we want to do is we want to make sure that they're fully functioning before moving forward with the remaining up to the 30,000. But it's a major initiative on our -- you know, it's a major part of our work for NYCHA.

We do, you know, projects, different projects for different locations around the city, so it's hard to give one number. We'll do, you know, a lighting job here, an HVAC job here, a different project. So I don't have a total number of what NYPA has contributed to NYCHA, but I could go back and try to cobble together that for you.

ASSEMBLYMAN EPSTEIN: It would be good to know. And what the capital projections

are for NYCHA, what your plans to do -- because obviously we continue to allocate capital dollars to NYCHA for infrastructure, and it would be great to know what you're doing so we can be --

NYPA PRESIDENT DRISCOLL: I mean, we'd like to do more for NYCHA. We consider that to be a governmental customer that we're not doing enough work for, just because -- the need is there, but we'd like to do more. It's just such an untapped resource.

ASSEMBLYMAN EPSTEIN: So I guess three things. One is we want to get how much money you're planning to allocate in this fiscal year, and to what developments. I represent 13 public housing developments in my district, and obviously we have all these issues you're raising with -- you know, when we have gas outages, you know, people have spent a year without any cooking gas, and we haven't moved to an induction -- and what that time frame might look like, as well as the heating system. You know, we have heating systems that are out all throughout

the winter, where people just, you know, don't have any heating options.

So it would be great to have more details from you.

NYPA PRESIDENT DRISCOLL: I'll be happy to get that for you.

ASSEMBLYMAN EPSTEIN: Yeah, that would be great.

Just -- I also just wanted to follow up on charging infrastructure that you mentioned.

NYPA PRESIDENT DRISCOLL: Yes.

ASSEMBLYMAN EPSTEIN: You said there's 750 NYPA chargers. And where are those located?

NYPA PRESIDENT DRISCOLL: So there's two buckets of work we do in EV charging. One is the EVolve program, which is designed to solve for the range anxiety --

ASSEMBLYMAN EPSTEIN: We're out of time, but --

NYPA PRESIDENT DRISCOLL: -- on heavily traveled corridors.

ASSEMBLYMAN EPSTEIN: Yeah, but if you

could send me where those are and how much of that is publicly available, I'd appreciate it.

NYPA PRESIDENT DRISCOLL: Will do.

ASSEMBLYMAN EPSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Oh, thank you.

On the Senate side we are up to Senator Stec.

SENATOR STEC: Thank you, Chair.

Good afternoon, everyone.

For Chair Christian, over the years, the last few years -- and I remember specifically a year ago at this time, in this hearing, we were talking about the cost estimates and the studies that have been conducted for implementing the CLCPA. And one in particular, the Empire Center, showed that it could be upwards of $300 billion.

Have you or any other state agency -- because those are the studies that I'm most concerned with, are the official ones -- conducted a study on what the cost of electrification that's mandated to fully implement the CLCPA would be, and what that

impact would be for ratepayers?

PSC CHAIR CHRISTIAN: So we have a number of -- the short answer is no. We have not conducted a study.

We have a number of different proceedings that are ongoing to capture the costs, costs that we have already incurred and costs that we will be incurring through commission orders going forward.

There are a number of difficulties in performing a study at this time, many of which you've heard today from other panelists, everything from inflation, supply chain issues, rising interest rates and whatnot.

Again, this will be a significant transition. But the cost of it ultimately will be one that will be far more affordable compared to the do-nothing approach. Again, this is not simply about the clean energy future, this is about reliability in the system, ensuring continuity of service safely and affordably to the degree possible.

I'm sure many of you have noted the

significant uptick in significant climate events. I myself recently in Buffalo was with the Governor during the most recent storm there, and we had very good success working with the utilities to minimize the number of outages. But that in and of itself has a cost.

So we are in an interesting situation. The system is evolving. The threats to the system are increasing. And all of those things will need to be paid for in some way.

SENATOR STEC: I understand all that. And certainly, again, as I pointed out, we were here a year ago, and this is not a new discussion. And $300 billion is an awful lot of money.

And no one's hanging numbers on what the cost is to do nothing, what the cost is to do this transmission. I mean, $300 billion I think is worthy of effort and difficulty to put some numbers on. We've got state government, 19 million people, $230 billion -- I'd like to put a few bucks behind figuring out, before we jump in and

then get halfway into this and say, Well, we're too far gone now to not follow through, let's throw more good money after bad.

I mean, how come we don't have this number? We had this exact conversation -- you and I didn't, but in this room we had this exact conversation a year ago.

PSC CHAIR CHRISTIAN: So to be clear, we at the commission have not done that analysis.

SENATOR STEC: Has anyone in state government done that?

PSC CHAIR CHRISTIAN: So my understanding was the CLCPA Climate Action Council process where we deployed the various measures and actions that would be needed to achieve our goals. We included information on the projected cost, the projected benefits.

But there's a specificity to your question that at this time I cannot answer because you're giving me a number that was developed through one organization. I don't know what went into the development of that

number, I don't know what costs are incorporated into that number --

SENATOR STEC: Can we ask for that number next year? I'll give you a whole year's head start on getting us that number.

PSC CHAIR CHRISTIAN: I will do the best of my ability to provide you what you seek.

SENATOR STEC: Thank you.

President Driscoll, if I could pivot to you in my remaining time.

NYPA PRESIDENT DRISCOLL: Yes.

SENATOR STEC: Currently we -- our generating capacity in New York State, 41 gigawatts -- 41 gigawatts. Since the light bulb was invented to today, 41 gigawatts. In the last 25 years we've added 13 gigawatts.

To reach all the CLCPA targets, we need to generate 111 gigawatts. That's 70 gigawatts more. That's more than double our current capacity, and we've only got 16 years to get to that point. How are we coming on achieving this? This is the

partner question to the cost question.

NYPA PRESIDENT DRISCOLL: Yeah, thank you for the question. I mean, obviously these are very aggressive goals we've set for ourselves, but we really have no choice. As I think Commissioner Seggos said earlier, the cost of doing nothing is higher than the cost that's going to be incurred here.

In terms of the amount of buildout of the system, I think you have to also keep in mind that at the same time we're building generation we're also investing a lot of money in energy efficiency and distributed energy resources and virtual power plants and demand response. All these things coming together are going to be a part of the --

SENATOR STEC: We're not going to make it.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

The first topic is solar, and I guess this is probably a question for siting or for

NYPA, which is are you seeing applications maybe from DOT or the Thruway Authority to do more solar on the sides and the right-of-way of highways?

And we had questions earlier today about concern for the loss of farmland, so this would be a place that we can avoid that.

ORES EX. DIRECTOR MOAVENI: So the short answer is no. ORES has jurisdiction over projects that are like 25 megawatts or larger. That's assuming like, you know, 6 acres per megawatt, like if we are talking about like roughly 150 acres.

We haven't received any applications from DOT.

ASSEMBLYMAN OTIS: And Justin?

NYPA PRESIDENT DRISCOLL: Yeah, I mean, we as part of our process of trying to look for available land, both NYPA land, state land, our agency partners are one of the first places we go to. So we're working with OGS, DOT. We'll be looking at sites like that.

There are restrictions, I believe,

around federal interstate highways and what can be put on the federal interstate highway system. But we'll be looking at those -- at land availability in those areas as well.

ASSEMBLYMAN OTIS: That's great.

You know, when you go and travel outside of New York, you do see more of this in other states. And it seems like that's -- could be low-hanging fruit.

NYPA PRESIDENT DRISCOLL: Agreed.

ORES EX. DIRECTOR MOAVENI: If I may, in a former capacity in 2016, I worked with DOT and Thruway Authority. They issued an RFP and as a part of that RFP, they started building, you know, some projects that I think one of them is like on the Thruway. I've seen it.

I know like some, you know, projects were developed to that solicitation. I think, you know, it's a question for them if you --

ASSEMBLYMAN OTIS: Thank you. I want to go to Chair Christian with a different question, which is we get a lot of calls

about rates. And if you can just share a little glimpse of the Public Service Commission telling utility companies to diversify their purchasing to buffer fluctuations in rates, especially natural gas and those trends there.

PSC CHAIR CHRISTIAN: So I believe you're talking about their hedging practices --

ASSEMBLYMAN OTIS: Correct.

PSC CHAIR CHRISTIAN: -- which are utilized to manage fluctuations in price.

I mentioned earlier in a question about the low cost of natural gas, that's not necessarily the case. We've experienced situations where gas prices more than doubled over a very short period of time. And the hedging practices that the utilities utilize are specifically designed to manage around those periods of time. And the best way to think of it is it's like dollar-cost averaging of an investment. You don't buy all your GE stock today, you buy a little bit over time.

ASSEMBLYMAN OTIS: I have 10 seconds left here to say as we move towards renewables over time, we hopefully will see more stability in --

PSC CHAIR CHRISTIAN: Yes. Absolutely.

ASSEMBLYMAN OTIS: Okay. With one second left, perfect answer. Thank you.

CHAIRWOMAN KRUEGER: Tom O'Mara, ranker.

SENATOR O'MARA: Thank you.

Thank you guys for hanging in. Good evening. You know, a couple of you have said on this panel what Commissioner Seggos and Doreen Harris said before, the cost of nothing is outweighed by whatever -- you know. None of us are talking about doing nothing. So that's not an accurate balance of figuring out what the cost analysis of this stuff is. And New Yorkers deserve to know how this is going to affect their pocketbooks.

You know, it was just reported in the Wall Street Journal last night that

residential electric rates in California, based on what they've done, are up 75 to 125 percent.

There's no New Yorker and no constituent that I'm aware of, of mine, that's aware that that's what's coming down the pike. And I think it's going to be worse than that.

So to say that the cost of doing nothing -- we're not advocating doing nothing. We're advocating that you tell us what it's going to cost and tell the people of New York State what it's going to cost. That's what we need. And we need to know it's going to be reliable, that it's going to be affordable -- and first of all, we've got to figure out whether it's going to be feasible. We don't even know that yet.

So Director Moaveni, back in October the Executive announced state investments in 1.5 gigawatt of solar projects. One of those projects is called the Gravel Road Project in the small town of Tyre in Seneca County. Since then -- it's a 675-acre project that

I'm aware of, mostly prime farmland, abutting a national wildlife refuge, the Atlantic Flyway for migratory birds.

The community of about a thousand residents has no idea what's going on. They've inquired. They know that this is out there somewhere. The community doesn't want it. I've been at town hall meetings; you know, they're out in force. They don't want it. They're concerned about the farmland, they're concerned about the wildlife refuge and other aspects of it.

The farmer himself that leased the bulk of the land for this now wants out of it.

Now, through this siting process that you have, what is the real community input into whether this is going to go forward or not? And where does that project stand today? And how can you come out and announce that we're -- the state's making an investment in this project but the community has input in it? It just doesn't add up.

ORES EX. DIRECTOR MOAVENI: So good to

see you, Senator.

As the final decisionmaker of the office, I cannot comment on, you know, on the merits of any particular application before the office. But just to assure you that we have developed and implemented a process, and the track record of the office shows over the course of the last four years that -- first, that environmental issues will be addressed. Second is to the extent that local governments and communities have concerns, the process will provide them with fair and meaningful opportunities to participate and express their concerns.

And going through the process, those concerns will be addressed consistent with our statute and regulations.

SENATOR O'MARA: Where does -- where does this particular project stand right now in that process?

ORES EX. DIRECTOR MOAVENI: That would be -- as far as I know, it would be the pre-application. We haven't even received a full permit application.

SENATOR O'MARA: And, you know, it deals with a lot of farmland, and I went through with Commissioner Ball before about concerns over farmland, and he wasn't aware of it. And he says that the Department of Ag is supposed to have some input on the use of farmland for these things.

And there's other actual larger sites that are brownfield sites in the vicinity. Isn't part of ORES' work, when a community is opposed to this and they say "This might be a better location for it, and it's in the same area" -- do you weigh that? Do you take that into consideration and say maybe this project should be over here on this brownfield and not here in a wetland, national wildlife refuge, prime farmland?

ORES EX. DIRECTOR MOAVENI: So the office -- the short answer is that in the interests of time, does not have a direct role in selecting sites.

Having said that, we have a comprehensive pre-application process where applicants are required to consult with local

governments and communities. And the purpose of that pre-application process is to exactly address the issues that you are raising.

SENATOR O'MARA: Thank you. Thank you all.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Mamdani. Is he -- oh, there he is.

ASSEMBLYMAN MAMDANI: Hello.

President Driscoll, I'd like to start with you.

So just based off of your testimony, how are you working to ensure that the feedback from labor unions during the annual stakeholder conferral process is implemented in reality?

NYPA PRESIDENT DRISCOLL: Thank you for the question. We've -- I'm sure you've read the conferral report. We took comments from several labor organizations. We're also working, as you also know, with the Department of Labor on establishing the $25 million transition fund, essentially, for transitioning workers to the clean energy

workforce of the future.

But we'll be continuing to take input from labor --

ASSEMBLYMAN MAMDANI: Just a quick follow-up on that.

Does this include ensuring that RFPs for projects all include prevailing wage and project labor agreements?

NYPA PRESIDENT DRISCOLL: Yes. And that's actually called for in the bill last year, where we have to do a PLA.

ASSEMBLYMAN MAMDANI: Okay, just wanted to make sure that was the case.

And you referred to the transferring of $25 million from NYPA to the DOL for the Office of Just Transition. In a trustees' meeting I think yesterday, you shared that NYPA would establish a cooperative agreement.

And just to better understand, what will NYPA's priorities be for the office of just transition?

NYPA PRESIDENT DRISCOLL: Yeah, so it's as you said. I went back and I looked at the provision today, and I believe it says

the Office of Just Transition or other uses.

So one of the things that we'd like to do is we'd like to work collaboratively with the Department of Labor to identify potentially programs that we could fund together. One of my wishes is that we could reach out to people younger in the educational system, either in high school or in BOCES or in trade schools and so forth, to try to bring those people into the energy industry. So --

ASSEMBLYMAN MAMDANI: And just to that last point you were saying, how will NYPA ensure that money for training and retraining goes to union-run programs?

NYPA PRESIDENT DRISCOLL: So we're going to work closely with the Department of Labor. We're going to hopefully provide for that in the MOU we're working with them on. We haven't signed that yet. We're working with them as we speak to finalize that agreement.

But we've also been out there trying to identify programs through some of our EJ

work, as you -- that I think you're familiar with, to try to identify programs in communities that we might be able to fund.

ASSEMBLYMAN MAMDANI: Okay, and one last question for you.

Is NYPA currently reaching out to SUNYs, CUNYs, as well as other public institutions? I know we spoke about NYCHA before.

NYPA PRESIDENT DRISCOLL: Yes, we are. We're working on that, and have had several meetings with SUNY leadership about working with them. Obviously there's significant land there --

ASSEMBLYMAN MAMDANI: Yes.

NYPA PRESIDENT DRISCOLL: -- that might be useful to us.

ASSEMBLYMAN MAMDANI: Thank you so much for that.

Chair Christian, with just the last few seconds of my testimony, is it correct to say that every utility regulated by the Public Service Commission follows certain seasonal and temperature-based restrictions

on disconnecting residents?

PSC CHAIR CHRISTIAN: Yes.

ASSEMBLYMAN MAMDANI: And these shutoff policies vary dramatically across companies, correct?

PSC CHAIR CHRISTIAN: They do vary to some degree. I wouldn't characterize it as dramatically.

ASSEMBLYMAN MAMDANI: Do you think it would be reasonable to make one policy across all utility companies in the state?

CHAIRWOMAN WEINSTEIN: Time. Time. You'll have to respond in writing.

ASSEMBLYMAN MAMDANI: Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you. I think I am the last Senator -- oh, Senator Liu, I didn't see you on the list. I will -- please give Senator Liu the first three minutes.

SENATOR LIU: Thank you, Madam Chair. And I assure you I'm not simply trying to run out the clock here.

(Laughter.)

SENATOR LIU: Thank you, gentlemen, for joining us today.

And good to see you again, Justin. I've just got a couple of questions for you.

NYPA PRESIDENT DRISCOLL: Okay.

SENATOR LIU: I think Assemblymember Shrestha had asked you if the state would be in a position to provide 70 percent of the energy needs in the form of renewable energy. And you didn't sound like you had a clear answer.

NYPA PRESIDENT DRISCOLL: Only because I think we're -- as I think I've testified previously, we are at an inflection point, if you will, and in a reset, if you will, a state of flux -- whatever you want to call it -- in terms of where we are in the pipeline.

SENATOR LIU: Didn't you just issue a conferral report that says that by 2030 the state is in a position to provide 79 percent?

NYPA PRESIDENT DRISCOLL: Well, that was based on the data we had at the time from NYSERDA.

SENATOR LIU: That was just a couple of months ago, wasn't it?

NYPA PRESIDENT DRISCOLL: That was -- there have been cancellations since then. I think that -- I think Ms. Harris testified to that earlier today.

SENATOR LIU: I see.

NYPA PRESIDENT DRISCOLL: And that's the reset point. That's -- but I think that there's -- with their rapid rebidding process, a lot of those projects are coming back in.

So I think we'll get back up to that number, but we're just going to have to wait and see what --

SENATOR LIU: Okay, I understand that.

And, you know, I believe -- because last year obviously we went through a lot of this in the Senate; I'm sure they did so in the Assembly as well. The thought -- kind of the sentiment was that the State of New York, particularly through NYPA, your agency, should own more of the infrastructure and actually build out, develop and build the

renewable energy infrastructure.

Is that what you recall? Do you have the same recollection?

NYPA PRESIDENT DRISCOLL: Yeah, I think that's what the law that was enacted last year requires. And we're off and running in implementing that granted authority.

SENATOR LIU: All right. I just want to point something out to you. I mean, you know, in the NYPA press release it says that last year the state provided NYPA with enhanced authority to develop, own and operate renewable energy generating projects.

NYPA PRESIDENT DRISCOLL: Correct.

SENATOR LIU: The RFI that was just recently -- a few weeks ago -- released kind of changes the words a little bit. It says now -- it says opportunities for NYPA to collaborate with renewable developers, contractors, and companies to develop, own and operate renewable energy projects.

NYPA PRESIDENT DRISCOLL: We want to do that --

SENATOR LIU: Implying that the private companies would actually own and operate, as opposed to NYPA.

NYPA PRESIDENT DRISCOLL: No, that's -- if that's the way you read it, I think maybe it wasn't clear. But we want to do both.

SENATOR LIU: Okay. And then there was some kind of emphasis like, you know, NYPA wants to -- here, "is particularly interested in responses from private-sector renewable developers, contractors, and companies."

I just feel like there's a slight change of tone. Maybe you can just clarify that going forward.

NYPA PRESIDENT DRISCOLL: No, it's just one piece of our activities, looking for opportunities to partner. We're also looking to build on our own.

SENATOR LIU: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman

Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you all for being here.

My questions are for the director of ORES.

So saturation is a problem in my district in the Town of Riverhead, and other things are problems also, such as the community benefit that is included in the permit process for a site that you choose for solar to be on.

So why is it that the Long Island Power Authority district is the only district in the State of New York that does not require not only a community benefit but also a ratepayer discount and every other district throughout the state does?

(Off the record.)

ORES EX. DIRECTOR MOAVENI: I really don't know the answer to that question.

PSC CHAIR CHRISTIAN: It's a complicated answer, to be honest with you.

ASSEMBLYWOMAN GIGLIO: So then I don't want to use all my time in having it answered

now.

But, you know, the permits are issued, there's a seven-year time frame for them to actually implement the project. Why is it that -- and would you consider a policy that would require a community benefit agreement prior to the issuance of a permit so that the municipality and the locality would know what the actual benefit is to the district?

ORES EX. DIRECTOR MOAVENI: So the current statute ORES is required, for every single permit, to basically -- for a required permit you could provide some form of host community benefit.

ASSEMBLYWOMAN GIGLIO: After the permit's issued, though. Not before.

ORES EX. DIRECTOR MOAVENI: It's a requirement of the permit. Like so the applicant cannot proceed or permitting cannot proceed with construction until they provide proof of such, you know, executed either pilot or a host community agreement with the taxing jurisdictions.

ASSEMBLYWOMAN GIGLIO: So you go

through all of the mechanisms of picking a site, and if they can't reach an agreement for the community benefit --

ORES EX. DIRECTOR MOAVENI: We cannot proceed with construction.

ASSEMBLYWOMAN GIGLIO: Then they can't proceed -- so why go through the whole process without having a community benefit agreement in place first? And why is that not part of the public comments? That is just a question that I would like you to answer for me at a later date.

And then also the -- for the Public Service Commission, do you believe that for transparency's sake that there should be a separate line on every utility bill so that ratepayers know exactly how much of the utility bill is going towards the state's policies for renewable energy?

PSC CHAIR CHRISTIAN: So I believe that will be a challenging thing to accomplish, in part because that assumes that they're separate and apart and not integrated into the needs of the system as a whole.

Much of --

ASSEMBLYWOMAN GIGLIO: It's infrastructure, though. And I think infrastructure should be on a separate line, especially when it comes to renewables. Would you be -- would you consider that?

PSC CHAIR CHRISTIAN: I think a deeper conversation is necessary. As it is right now, infrastructure is a separate line. The utility bills are separated into supply, which is the commodity charge, and the utility use T&D costs, which are the infrastructure costs. All those are bundled together as a singular charge.

To separate out one disparate aspect of that would be a challenge.

ASSEMBLYWOMAN GIGLIO: Okay. But I don't think it would be too difficult of a challenge because you know how much the utility is paying towards renewables. When you're approving the rates.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Okay, I think now we're back to me. Oh, it's been a confusing afternoon. Sorry.

So you answered this several times, Mr. Christian. But just for the heck of it, there is a Climate Action Council analysis of what the costs would be. Right, this is correct?

PSC CHAIR CHRISTIAN: Correct.

CHAIRWOMAN KRUEGER: Okay, thank you.

And the Governor put a section of my HEAT bill in her budget, and I appreciate that. And there seems to be a great deal of confusion about whether, you know, it will actually save ratepayers money or not. So we can be arguing 200 or 300 million. But if you don't have to build new gas pipes that aren't going to be used, don't we think that does save ratepayers money?

PSC CHAIR CHRISTIAN: That is correct.

And looking at preliminary forecasts of historical spend for the electric system and the gas system separately, what's clear is we are spending more on the electric system going forward in our forecast, which

lines up with our expectations, but projected expenditures on the gas system have flatlined or declined for many utilities. Again, aligned with our expectations.

So as individuals do electrify and move forward aligned with the state's overarching plan, there's going to be that shifting of costs from what they would normally pay for their gas use towards their electric, and over time that will stabilize and decrease as we have more stable renewable energy. That is effectively a fixed cost and is not subject to geopolitical, inflation and other risks that our natural gas supply currently is. And also provide individuals with greater reliability because we will effectively be building a far more robust electric system than the one that we've come to know.

So in many ways this is a very clear and well-thought-out plan for the future. We're taking into consideration our generation needs, we're taking into consideration planning for transmission

needs, and we have a regular now with a coordinated grid planning process, which is again a three-year review of all the different aspects of our transmission needs that are needed.

All of this planning is in part a recognition of the significance of the challenge ahead of us and the need to stay ahead of it.

Also one thing not discussed to date, much of the conversation here seems to suggest that this is something being driven by the state. I really do think it's important to recognize that we have seen significant uptake in electric vehicle adoption within the state -- 78 percent, year over year, this past year alone. I've seen, just anecdotally, dozens of people that I know personally have moved forward with purchasing heat pumps and putting them into their homes. And we've had to adjust a number of different incentive programs because the uptake was so significant that it effectively used up the funding before the

scheduled end.

So we're seeing a lot of consumer interest in the state plan, and that is a question that I think is worth talking about, in part because if we do not take the actions we are taking ultimately we at the commission serve to be a hindrance to economic development in the state. Much of what we are doing is recognizing these things are already happening. Consumers are already adopting these technologies, and we need to put investments in places where they can benefit from those. And that is the core central part of much of what the commission's actions have been.

CHAIRWOMAN KRUEGER: And is it not correct that if we were to continue to try to keep our old gas pipe system functioning, it would cost us -- meaning the consumers, the ratepayers -- at minimum $100 billion?

PSC CHAIR CHRISTIAN: I can't speak to the exact number. You'll find that is a recurring theme, unfortunately.

But what is clear, there will be a

cost. We've built up -- again, a lot of work has gone into the establishment of the gas system, bringing it up from the Henry Hub in Louisiana here into New York State. The Public Service Commission played a very significant role in that outcome, and we have all benefited from that. But even then, it was a recognition it was a bridge towards something else.

When I joined the energy industry, natural gas was called a bridge fuel. We're well over that bridge, and we're moving towards electrification. And so if we continue to walk along the natural gas path, all that investment that we've made over the past 40, 50 years -- we will need to upgrade that pipeline. We will need to make investments there to keep that functioning, and there is a significant cost associated with that.

So all of that goes into considerations when we look at what needs to come. And we have some very significant lessons learned from what we did with the

transition from manufactured gas to natural gas, which are playing a significant role in how we're looking at this going forward.

CHAIRWOMAN KRUEGER: Thank you.

And one of my colleagues I think quoted a cost of -- an increase in energy costs in California, I guess he meant because there were renewables of over 75 percent. Are you aware of a study showing that the Texas cost of electricity went up by 70 percent in just one year because of the increased costs of natural gas?

PSC CHAIR CHRISTIAN: Yes. Yes. I'm very familiar with that.

That is in part a -- both a drive -- both a result of the increase in price in natural gas but also some unfortunate events related to an extended cold snap that affected reliability in the state. And, you know, these are lessons that we in the Public Service Commission -- we try to learn them and adopt them. That's part and parcel of why we have the planning processes we have, to look ahead and understand the risks

that we are going to take and take the proactive steps needed to mitigate those risks before they affect New Yorkers negatively.

CHAIRWOMAN KRUEGER: Thank you.

And Mr. Moaveni, I'm very interested in geothermal networks as a renewable option. Will your office have any role to play in the siting of these potentially large but really important new models for us?

ORES EX. DIRECTOR MOAVENI: The office is technology-agnostic. So like whatever is defined as a renewable energy resource by the law, the office is required to process the permit application.

CHAIRWOMAN KRUEGER: And have you been approached at all yet for any of these?

ORES EX. DIRECTOR MOAVENI: No. The majority of our pipeline are solar and wind facilities, some with battery energy storage.

CHAIRWOMAN KRUEGER: So we need to get up to speed on that, because other places are far ahead of us, and it's working.

Mr. Driscoll, this is going to be an

interesting question. So in the budget there's $50 million to support the Canal Authority. The Canal Authority is either transportation or tourism. What is it doing in the Power Authority?

NYPA PRESIDENT DRISCOLL: What is the Canal Corporation --

CHAIRWOMAN KRUEGER: Why are we having to put more money into it, yes, sir.

NYPA PRESIDENT DRISCOLL: Why is the Canal Corporation a subsidiary of ours?

CHAIRWOMAN KRUEGER: Yes. Why is it there? You have an assignment, it's power. I don't think it's tourism or --

NYPA PRESIDENT DRISCOLL: I think something happened in 2016 in the budget that gave us the Canal Corporation as a subsidiary back then.

But the money actually is going toward infrastructure repairs that are much needed, they're much needed on the system. We're trying -- as you know, it's celebrating its 200th anniversary next year. We have significant capital requirements to keep it

safe and secure. We've already increased the capital we're putting in. We're putting in over $140 million total, about 70 of that is capital, 70 million capital every year. We're also doing transmission, renewables, consumer work.

And so this infrastructure money is critical to us keeping the system safe and secure for the residents of New York State.

CHAIRWOMAN KRUEGER: And as I recall, when it was given to the Power Authority, it was the belief that you had extra money so it was okay. Do you have extra money, or are you actually using money that I would hope would be going into renewable power and is going instead for the Canal Authority?

NYPA PRESIDENT DRISCOLL: So we currently have a process that's required by our bond resolution that every time we spend money on the canal system, we have to make a determination at the board level that the money's not needed for NYPA purposes. It comes out of what's called the bottom of the bucket in finance terminology. And so we

make that determination every quarter at the Power Authority as we release money to the Canal Corporation.

We've been able to sustain its essentially ownership and operation. But one of the reasons for this infrastructure fund is to help us with the infrastructure needs that we see.

When we took it over, we did a full inventory of all the assets on the system, 524 miles of assets of varying ages -- 200 years old, a hundred years old -- and had outside consultants help us with that. So we have a complete inventory of what needs to be repaired, and we'd like to obviously get to work to -- not that we're not doing capital repair work with our own money, but we just -- the needs are increasing.

CHAIRWOMAN KRUEGER: And at the time it was given to you there was concern about underutilization of it for any purpose. Has there been increased utilization either for tourism or actually for transportation?

NYPA PRESIDENT DRISCOLL: I think the

tourism definitely. And some of that can be attributable -- can be attributed to some of the programs and work that we've done on the canal system to bring out more recreation, whether it's camping or kayaking. We've done a lot of great programming work.

The commercial side is a work in progress. We'd obviously like to see more commercial traffic. But I think -- I would say the growth is on the tourism side, recreation side, not on the commercial side yet. But it's something that's, again, a focus of ours.

CHAIRWOMAN KRUEGER: Well, I've run out of time. Thank you very much.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: I'm really not certain to whom to direct this, but it is a question in the back of my mind about, you know, 30 years from now when some of our gas pipelines are no longer being used in some areas. There has been a desire and a discussion over trying to bury our electrical

lines so that they're not subject to wind and, you know, heavy snow and trees falling on them and the like.

And I'm wondering at some point down the road, is there any possibility of utilizing these parts of our infrastructure to accommodate that hardening of our electric system?

PSC CHAIR CHRISTIAN: So that's a great question. And I would love to follow up with you offline if I don't fully answer it, because there's a lot of moving parts there.

The commission has done an undergrounding study, and we've looked at the costs associated with undergrounding utilities throughout the state. It is cost-prohibitive. It is rather expensive.

What we have found as a more effective means through which to achieve the level of reliability and sustainability desired in the energy system of the future, in areas where you have above-ground poles, is regular tree-trimming activities and ensuring the

efficacy and suitability of the poles in that region.

And this is in many ways a direct response to events outside of New York State. And forgive me on the timing of this, but many years ago in Florida they experienced many back-to-back hurricanes that created an extended period of power outage lasting many weeks. The lessons learned of that utility go under aggressive vegetation management activities and reinforce the poles wherever possible.

That has led to some very significant successes in Florida, which I'm happy to speak to you more about at length, and that in many ways has shaped the actions that we here in New York are taking in directing utilities towards more aggressive vegetation management and pole replacement.

ASSEMBLYWOMAN GLICK: I know that we are doing a much more aggressive requirement on electric companies to do the tree trimming. As a result, I think of a company that was rather negligent in Ohio about, I

don't know, 10, 15 years ago, that took out 50 million folks in the Northeast.

So I understand that that's a very efficient means locally. I'm not even thinking in the near term, I'm thinking at some point as we essentially mothball some of these underground utilities, gas lines and the like, whether there is any reuse possibility in that.

PSC CHAIR CHRISTIAN: Ah. Okay.

ASSEMBLYWOMAN GLICK: It's not -- it's not now, it's not 10 years from now, it is as we get to a certain point -- because it is ridiculously, you know, expensive to bury lines that are existing.

PSC CHAIR CHRISTIAN: Right.

ASSEMBLYWOMAN GLICK: But I'm thinking at some point when we're not using these underground lines for gas, is that a possibility. So it's not a -- I'm not looking for an immediate answer, but I'm thinking that this is something that might conceivably be of use in some areas where we are most likely to see heavy snows and the

like.

PSC CHAIR CHRISTIAN: So that's a nuance to the question which I can answer, actually. So in terms of the gas lines that are currently there, I want to focus my answer on that specifically.

So I mentioned earlier the Utility Thermal Energy Network and Jobs Act, which was passed directing the commission to work with the utilities that we regulate for them to put forward pilot utility thermal energy networks. And these are networks that would take energy from the ground or whatever source and use that to provide heat and other services to individuals that would normally be using natural gas.

A number of the pilots are exploring the possibility of reusing existing gas pipelines as the medium through which that thermal load is transferred from the source, which could be geothermal or any number of things, to the uses -- to the end-uses.

So that is something we are exploring now, and we will -- we anticipate having

results after a few years of operation of the preliminary pilots that are deployed. So that is a possibility. Far sooner than 30 years from now.

ASSEMBLYWOMAN GLICK: Thanks.

CHAIRWOMAN KRUEGER: The Senate's done.

CHAIRWOMAN WEINSTEIN: Okay. So for the Assembly, next we have Assemblywoman Fahy.

ASSEMBLYWOMAN FAHY: Thank you.

Give me a moment, I have been holding on to a question to read. Well, while I'm looking for that, I just to start -- thank you for your patience and thank you for staying with us here.

I want to start with President Driscoll, and just a couple of comments. Thank you for the comments you just made a few minutes ago about the canals. And as you know, we are very, very anxious to see the original Lock 1 Erie Canal unearthed here in -- just in the warehouse district in Albany. So anxious to continue to work with

you on that.

We also are very interested to see in Albany your wonderful energy zones, to help encourage the whole next generation of children, students, to really understand what's going on with the climate and more.

So really looking forward to see the Utica and other energy zones replicated here in Albany, if at all possible.

So then the -- you were the easy one. A few very quick questions, I hope, for Chair Christian, and a couple of questions -- one was already asked on the blighted property by my colleague John McDonald.

Another question has come up regarding -- my bill is the HEAT Act, but we're very pleased that the Governor has included the -- dropping the 100-foot subsidy, as you've said, as well as her proposal to end the obligation to serve. Regarding that, emergency generators, would those -- if somebody needed or owned or wanted to still purchase these emergency gas generators, would anything preclude them,

whether it's in your language or otherwise, in the Governor's proposal?

PSC CHAIR CHRISTIAN: So my understanding is the answer to that is no. If you have gas service and you want to connect a gas generator, you can do that. There are also electric backup generators that are battery-powered that are commercially available. So there are lots of options from a resiliency perspective.

ASSEMBLYWOMAN FAHY: Okay, thank you.

Another question -- I'm going to just try to read a bit of this. And it's a part of a question on the obligation to serve. If we did not have the obligation to serve, a concern was raised that gas companies would exit the market, leaving their customers no option to make the necessary changes. Because if the statutory obligation or direction wasn't there, it would discourage investment in the gas infrastructure and gas companies who might be unable to secure funds would then let that infrastructure decline, given the liability and more.

So the concern is that they would exit, gas companies would then exit the market, especially in more difficult-to-serve -- and I've got nine seconds left for you if you can answer that.

PSC CHAIR CHRISTIAN: There's no way I can answer that that quickly. The answer is I think that may be an inflation of the problem. We're working on a lot of reasons to keep the gas companies working, yeah.

ASSEMBLYWOMAN FAHY: Thank you. Look forward to more.

PSC CHAIR CHRISTIAN: Sure.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Moving right along. So today -- this is for the commissioner. We have a lot of comments today about who's paying and a sense that electrification is driving rate hikes. I know that that's not entirely true. There are many reasons for rate hikes. In my district, that is not the issue.

So I'm asking if you could provide an

update on the National Grid downstate rate case. And I understand that the case is ongoing, and so I'm not asking you to discuss specifics. But particularly, we have three Superfund sites in Brooklyn alone that are National Grid-involved.

So I want to flag my ongoing concern that -- speaking of manufactured gas -- including Superfund-related costs in customer rates, which are increasing every day, it feels like.

PSC CHAIR CHRISTIAN: I will need some time to get back to you on that.

My understanding is whatever investments they need to make in infrastructure would end up in the rates. I believe this is part of the rate case, but again I can't speak to it in detail. But ultimately this is part of the legacy of the system, and we have to maintain it and ensure public safety. And given that's part of our obligation as the commission, the costs associated with that would likely be a part of it.

I'd have to, again, dig in a little bit deeper. But at eye level, yeah.

ASSEMBLYWOMAN SIMON: If you could outline those. Because, you know, they have to take up a public pool and get rid of the vats of coal tar. And that doesn't seem to be infrastructure to me. That seems to me to be cleaning up your mess.

PSC CHAIR CHRISTIAN: Well, yeah, I can -- I will confer with staff on the current nature of things. And again, can't speak to specifics on the rate case as it's ongoing, but that's definitely something we can have a more active discussion on as things evolve.

ASSEMBLYWOMAN SIMON: Thank you. I'd appreciate it.

PSC CHAIR CHRISTIAN: No problem.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: So I have a million questions for the three of you, which means I will get to like one for probably all of you. So I'm going to jump into

speed-round. For PSC, just quick questions.

Utilities make their money by laying more pipes and wires, of course. Is it not a conflict of interest, then, to task them with the programs that would help people use less energy? They have no incentive to do this. Their profit margin is directly negatively impacted by reduced demand for pipes and wires. So I just wanted your thoughts on that.

PSC CHAIR CHRISTIAN: Right. So we have a number of ways of incentivizing that particular behavior. We have earnings adjustment mechanisms which can negatively impact the utility's earnings if they don't achieve certain metrics.

We have utilized that with good success with the array of utilities that we regulate, and we've found that to be an effective tool at addressing that --

ASSEMBLYWOMAN KELLES: Concern.

PSC CHAIR CHRISTIAN: -- concern over the past. So yeah.

ASSEMBLYWOMAN KELLES: Great. And the

second, do we have any data on the rate at which or time frame in which utilities are connecting renewable energy infrastructure into the grid?

If you don't have it on you, if you could --

PSC CHAIR CHRISTIAN: Right. So that you're -- I think you're describing the interconnection process for each utility.

ASSEMBLYWOMAN KELLES: Yes, exactly.

PSC CHAIR CHRISTIAN: So some -- this is a function of a variety of factors, both geography and capacity in a particular area of the particular local utility's grid. Some utilities, due to just favorable conditions -- lots of land, lots of capacity in their network -- are able to move more quickly than others where land is limited or capacity on their network is limited.

But we work with --

ASSEMBLYWOMAN KELLES: Do you have that data, the range of --

PSC CHAIR CHRISTIAN: I think we do. Yes, I think we do.

ASSEMBLYWOMAN KELLES: I'd love to follow up with you on that.

PSC CHAIR CHRISTIAN: Sure.

ASSEMBLYWOMAN KELLES: I'm going to read a statement. It's kind of long, but this is a yes-or-no question because there is some confusion about the hundred-foot rule in some of the pieces of the NY HEAT Act that were put in.

So the statement: Do you agree, yes or no? Is it not true that the NY Heat 100-foot rule abruptly ends the obligation to serve gas, leaving utilities no way to recover the cost of their gas investment and leading customers with no option?

That was the question that I had gotten, and what I had responded was this: "NY HEAT changes the obligation to serve. It doesn't end it. The NY HEAT Act explicitly continues the obligation to serve for existing customers with safe and reliable service unless those customers are being served by a program that, among other things, provides them the financial support to

install gas alternatives.

"Utilities would continue to be able to seek funds in their rate cases to maintain and replace old pipelines when those investments are prudent, just like they can today. The difference would be that those investments would receive more scrutiny to see if a better use of the money would be to instead outfit customers with cleaner, cheaper alternatives. If not, the gas investment would happen and the utility could charge customers for it just as they do today.

"If there is a better alternative, NY HEAT gives the PSC the option to pursue that alternative."

Would you agree with that?

PSC CHAIR CHRISTIAN: I'd need to read it.

(Laughter.)

CHAIRWOMAN WEINSTEIN: You can respond later.

PSC CHAIR CHRISTIAN: Did you hit send?

ASSEMBLYWOMAN KELLES: Did I what?

PSC CHAIR CHRISTIAN: Did you already hit send?

ASSEMBLYWOMAN KELLES: I did hit send.

CHAIRWOMAN WEINSTEIN: Thank you. Thank you.

ASSEMBLYWOMAN KELLES: It's in your inbox.

CHAIRWOMAN WEINSTEIN: Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

Gentlemen, thank you for being here so long.

My question is primarily for Mr. Moaveni, but the other two gentlemen, if you'd like to comment, the more the merrier.

As a conservationist myself, I firmly believe in the responsible use of all of our environmental resources -- soil, water, wildlife, et cetera -- for the preservation of future generations and our survival, of course, for our own food security, et cetera.

But I'm interested to know if you

would comment on the suspected impact of the deaths of whales that washed up last year as a result of potentially -- the assertion was in several articles that I read -- that the offshore windmills were playing havoc with their navigation systems.

ORES EX. DIRECTOR MOAVENI: Do you want to answer that?

It's not within the purview of the office, like, so ...

PSC CHAIR CHRISTIAN: So that -- I know of the issue. I'm familiar with the articles. I believe there was an investigation into it and there was no attribution to the wind -- the offshore wind turbines at the time. Other than that, I don't know much more about the incident.

I know a lot of studies have been done, both domestically and internationally, on the effect of offshore wind on maritime life and whatever work that is being done on both land and offshore wind projects look at the environmental impact of those projects.

If you take a look at the bights --

that's the terminology used for the areas where offshore wind are being deployed -- those are established, those areas are established by the Bureau of Ocean and Energy Management, a federal agency. And that investigation, the impact of offshore wind on the natural environment, starts with that agency.

We do our own analysis as well, but in terms of saying there's a direct impact on the whales, that's not a question I can answer at this time.

ASSEMBLYMAN LEMONDES: Right. And that's not what I'm after. I'm not trying to pin you down.

What I'm after is do you share my concern that we may not have the information yet to conclusively say one way or another, and that it's possible that they could be impacting --

PSC CHAIR CHRISTIAN: I would have to look into the issue more completely. That's the only way I can answer that question at this time. I don't have enough information

to answer one way or the other.

ASSEMBLYMAN LEMONDES: Fair enough. I would ask for you to follow up on that. It is a concern. Thank you.

Madam Chair, I yield the remainder of my time.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Thank you, gentlemen, for your testimony tonight.

I want to get back into the RAPID Act, and in particular for the Office of Renewable Energy Siting. I know you talked earlier about kind of the inputs to this process and, you know, community feedback and community engagement. But just so I'm clear, at the end of the day it's solely within the purview of the office whether to allow that siting, right, under this? It's not -- there's no, for lack of a better way to put it, veto power or anything from a municipality.

ORES EX. DIRECTOR MOAVENI: So the office makes its decision based on an

application and based on a record that's being developed throughout the process. Any office decision is subjected to judicial review. And to date, the office has not had a single reversal from the court.

ASSEMBLYMAN RA: As we're looking at, you know, these changes to this RAPID Act, the moving of the office to be under the Department of Public Service, can you just kind of give me a general sense of what ultimately we're trying to accomplish with these changes for your office?

ORES EX. DIRECTOR MOAVENI: Sure. So the first part is that with respect to the process that I'm very passionate about is just trying to -- the current process of Article VII was enacted in 1970, so for the last 50 years there is an opportunity for the state, based on the lessons learned, best practices that we have had over the course of the last 50 years, to try to kind of modernize that process and look at the best practices that, you know, we have had.

So that's one -- that's part of it.

And I would be happy to get into specific details of where we see the improvement, the efficiencies we can gain.

And the second part of it is just really to have -- bring the staff and expertise from ORES and our track record and the expertise and experience from our colleagues from the Department of Public Service, and really bring it, for like efficiency purposes, under one roof. So, you know, one agency, one entity will be responsible for both transmission and generation siting.

ASSEMBLYMAN RA: And is either your office or the Department of Public Service asking for more staff or resources to review permits for renewable energy and transmission?

ORES EX. DIRECTOR MOAVENI: We have a flat budget this year. We are confident that with the current staff at ORES and continued support from DPS, DEC, Ag & Markets and Parks, we'll be able to manage that in accordance with the expected workload.

Just in the current proposal, the states will have 18 months, ORES will have 18 months to develop regulations. So we have some time to revisit this argument and the need for additional staff.

ASSEMBLYMAN RA: And how will the permits for renewable energy and transmission be enforced? My understanding is that the current law says they're enforced by both the office and the Department of Public Service. And that language, I guess, is being carried over into this budget language.

So will it be a -- still a joint effort, or is it solely the enforcement --

ORES EX. DIRECTOR MOAVENI: So at the moment, currently under the current statute, ORES doesn't have enforcement authority. That would be done by Department of Public Service.

Under the current bill, you know, like I suppose it's still like DPS would be responsible for the enforcement. I don't think ORES will get the enforcement.

ASSEMBLYMAN RA: Thank you. That's

all I have.

CHAIRWOMAN WEINSTEIN: Thank you.

I have a relatively quick question for Mr. Christian.

So in last year's budget we included -- the enacted budget would include 200 million for the Energy Affordability Program, EAP. And some of our -- the appropriation language, in part, read: "Additionally, the department shall establish an expanded discount program to provide utility bill relief to utility customers, in consultation with the Energy Affordability Policy Working Group, for residential customers that do not currently qualify for the Energy Affordability Program but whose income is below the state median income."

So I was just wondering if the program, this expanded discount program required by our budget, has been established and -- well, why don't you answer that first.

PSC CHAIR CHRISTIAN: Right. Thank you for that.

So we are -- we are in the process of

establishing the program. We've identified, through the working group, the means through which to disburse the funds. And right now we have spent the last few months working with the utilities to ensure the collection of the right data needed to provide the necessary funding to appropriate accounts and individuals.

So we will be moving forward with that expeditiously. We have to move forward with an order to bring that into effect. And we anticipate doing that in the not too distant future.

CHAIRWOMAN WEINSTEIN: So when do you think these customers who will qualify will start to receive some rate relief?

PSC CHAIR CHRISTIAN: So the customers have been identified through the process we have already done. It's a question of timing. And again, I can't speak to that, as it's a pending order.

But once the order is issued, we anticipate the funds being released and accounts being credited in a very short while

after. Our goal is to ensure that this relief is provided as quickly as possible. And the order in development was done with that goal in mind.

CHAIRWOMAN WEINSTEIN: Okay, thank you. So I believe -- quick before someone raises their hand -- that -- no, don't lock the doors. So I just want to thank the three of you for being with us this evening.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN WEINSTEIN: And thank you for your testimony. There will be some follow-ups I know that you'll be sending us, and we'll make sure to send them to all of the individuals.

So this marks the end of the governmental portion of our hearing, and we will be moving on to Panel E. As these folks leave, let me just announce who that is: Parks & Trails New York, New York Water Safety Coalition, Adirondack Mountain Club, and Catskill Mountainkeeper.

So if those individuals could make their way down to the table. And anybody who

wants to talk to our prior witnesses, you can please take your conversations out of the room, Assemblymember.

Assemblymember Kelles, can you make room for the people coming to testify?

(Off the record.)

CHAIRWOMAN WEINSTEIN: So just as a reminder to this panel and those waiting to testify, we are now in the nongovernmental section. Each member of the panel will have three minutes to make your presentation.

Your remarks have been circulated to all of the members. Don't try and read them; you'll never get to your high points. We don't need thank yous for all of us sitting here tonight.

And then the members -- just a reminder, members will have up to three minutes to ask a question and have an answer from the panel as a whole.

So why don't we go in the order, starting with Will.

MR. COTÉ: Thank you for the opportunity to present testimony on behalf of

Parks & Trails New York. My name is Will Coté. I am the senior director of public lands.

Since our founding in 1985, our goal has been to ensure New Yorkers have access to the outdoors for generations to come.

This year, as you all know, marks the centennial of our parks system, which truly is a reflection point, a unique opportunity to clearly define the future of our parks, especially coming off of today's announcement from the commissioner of another record year for visitation, totaling 80 million last year.

We estimate, in our own accounting, that there is a $3.5 billion backlog in infrastructure needs resulting from many, many decades of disinvestment. And while progress has been made in the last 10 years, more action is needed.

I implore you, as our decision-makers, to continue leading us on an upward path by investing in the future of this world-class system, providing residents and visitors with

accessible facilities, welcoming diverse users, and further enhancing the livability of our communities.

To that end, we ask that you support $100 million in new centennial capital funding within the NY SWIMS initiative. This funding is critical for signature projects like reopening Lake Sebago in Harriman State Park and is a welcomed initial investment on the aforementioned backlog.

Perhaps more importantly, we encourage the Legislature to increase capital funding for OPRHP to $250 million over the Governor's proposal of 200 million, and return us to the more appropriate baseline we achieved two years ago. This critical funding at a critical time will further expand opportunities for visitors to access the outdoors and provide updates for vital park infrastructure.

Additionally, I would ask that you maintain Adventure NY funding at 90 million for the Department of Environmental Conservation, which is essential in ensuring

those natural places are accessible, welcoming, and safe.

And I'm sure I will be the first of many folks in the room tonight and ask that you completely repudiate all proposed offloads and restore the EPF to a full $400 million dedicated entirely to projects. The proposed 25 million cut to the EPF in the form of a new line enabling agencies to raid the EPF for funding staffing costs would weaken the EPF's legacy.

If there are any questions or hesitations about our priorities, it is worthwhile to recognize that investing in our public lands pays off. Later this month Parks & Trails New York will be releasing an executive summary that encapsulates the economic impact of our state park system.

What can I share with you today? Our public lands as vital economic drivers are a smart investment, contributing more than $5.8 billion per year to the state's economy. Every $1 million invested in New York State's park system results in $10 million in sales,

$7 million in state GDP, $4 million in labor income. And clearly these impactful outcomes are similar to other areas of our economy such as the agricultural sector.

So in sum, it's imperative we continue to invest in our beloved parks, greenways, trails, and open spaces which provide the critical infrastructure necessary to meet our future needs.

CHAIRWOMAN KRUEGER: I have to cut you off.

MR. COTÉ: Thank you. Got it.

CHAIRWOMAN KRUEGER: Thank you.

MR. COTÉ: Got it, right there.

(Laughter.)

SENATOR HARCKHAM: Right there.

CHAIRWOMAN KRUEGER: Okay. Next, Heidi? You have to press hard. There you go. Thank you.

MS. REISS: Thank you. Chairwoman Krueger, Chairwoman Weinstein, esteemed members of the New York State Legislature, I'm Heidi Reiss, the proud owner of Aqua Beba Swim in Brooklyn and a founding member of the

New York Water Safety Coalition. Additionally, I serve as the vice chairman of the New York State Temporary Commission to Prevent Childhood Drowning.

It is an honor to present this testimony on behalf of the New York Water Safety Coalition, a collective of aquatic organizations, swim schools, water safety advocates, and local businesses united in our mission to reduce drowning rates in New York State.

I extend my gratitude for the opportunity to address you today, shedding light on our support for the Governor's proposed NY SWIMS initiative and offering additional insights on steps we can collectively take to further reduce drowning incidents.

For those following along with the written remarks, my written remarks, I want you to look at the map on page 2. This is an unofficial map that the New York Water Safety Coalition created by flagging every drowning incident in New York from 2015 through 2022.

It is -- drowning affects us all, geographically, demographically, and socioeconomically. If we remove all borders, roads and localities from the image, you would recognize that it looks like the State of New York.

Each year, according to the CDC, drowning kills 4,000 nationwide and another 8,000 nonfatal drownings. Drowning is the leading cause of death for children under the age of five, and the second leading cause of unintentional death for children five to 14. Drowning disproportionately affects children of color, children of low-income families, and children with special needs.

Drowning often eludes public consciousness, and it is getting worse since the pandemic. Our mission, in collaboration with the Governor and the Legislature, has been to raise awareness and enact legislation to address this pressing issue.

I commend your efforts, including last year's hospital video law by Senator Webb and Assemblymember Pfeffer Amato, as well as the

legislation sponsored by Senator Mannion and Assemblymember Reyes to authorize the Department of Health public awareness campaign.

Today, the New York State Coalition expresses support of the Governor's proposed NY SWIMS initiative outlined in the Executive Budget. While we view this investment as a commendable beginning, we urge you to consider expanding the program's $3 million "Connect Kids" transportation allocation to include transportation to all venues providing formal swim instruction, including private operators.

There are crucial next steps we must take. First, we must continue raising public awareness about the risk of drowning, collaborating with schools, healthcare providers and others to ensure parents understand the risks.

Dry-land water safety education should be incorporated into school curriculums and targeted videos, such as in maternity wards and classrooms, to significantly impact

public awareness.

Second, a comprehensive all-hands-on-deck approach to formal swim instruction is imperative. The National Institutes of Health calculated that participation in formal swim lessons reduces the risk of childhood drowning by 88 percent.

A public partnership leveraging resources for public facilities, local and non-for-profits, private operators, and philanthropies can maximize available instruction while understanding the current gaps. Utilizing the resources for the Every Child a Swimmer database could further enhance the accessibility for swim instruction in local areas.

Third (speeding up), we must ensure that swim instruction is accessible to all individuals regardless of their socioeconomic status.

(Laughter.)

MS. REISS: There's more, but that was important.

(Laughter.)

MS. REISS: All students must learn to swim. That is important to mention.

CHAIRWOMAN KRUEGER: All right.

Next?

MS. PEDLER: Hi.

CHAIRWOMAN KRUEGER: Welcome.

MS. PEDLER: Thank you for this opportunity. I'm Cathy Pedler with Adirondack Mountain Club, which is based in the Adirondack High Peaks. And ADK has worked since 1922 across the state to protect wildlands and waters by promoting responsible outdoor recreation, building trails, and conserving natural areas.

The Catskill and Adirondack Forest Preserve parks represent over 6.5 million acres with more than 25 million visitors each year. The parks combat climate change, protect critical habitats, and provide fresh drinking water to millions, including those in New York City.

We thank the Senate and the Assembly for your leadership in providing 10 million in dedicated EPF state land funds for the

Catskills and Adirondacks in one-house budget bills the past two years, and for fighting for this dedicated funding, which has been 8 million in the final budget.

After multiple years of your work to establish this dedicated line, the Governor has included for the first time 8 million in her Executive Budget proposal. However, the language used is "up to" 8 million, which leaves the line open to being significantly less than that amount. Please strike the "up to" and restore this critical line to 10 million with language that protects the funding for stewardship.

Thanks again to your work in the final budget last year, Forest Preserve visitor centers were supported, including the Catskills Visitor Center, ADK's High Peaks Information Center, and the Visitor Interpretive Centers of Paul Smith's and SUNY ESF.

In the Executive Budget proposal, three of the centers received support, but the High Peaks Information Center at the

busiest trailhead in the state -- we're equal with Kaaterskill at this point -- was not included.

We respectfully request that each of the visitor centers be funded at $250,000. Continued funding for visitor centers, which rely heavily on private fundraising, is critical as they serve to protect the Forest Preserve, educate the public to keep recreators safe, and highlight community assets.

There are other important initiatives listed in our written testimony that were outlined in a letter to the Governor and signed by 44 Adirondack and Catskill organizations and municipalities. And as a follow-up, I've sent or will be sending a marked-up EPF chart with these requests outlined and highlighted.

But I'd like to highlight a couple, including a request for 200,000 each for three Forest Preserve Science and Monitoring facilities, including the Whiteface Mountain Field Station, Adirondack Watershed

Institute -- who we'll hear from later this evening -- and Cary Institute of Ecosystem Studies.

Funding for Camp Santanoni is also needed, and the Timbuctoo Summer Climate and Careers Institute, as they were also zeroed out in the EPF in the Executive Budget proposal. We also support funding to fix Adirondack Lodge Road.

Thank you again for this opportunity to speak.

CHAIRWOMAN KRUEGER: {Mic off; inaudible}.

MR. GILLINGHAM: {Mic off.} My name is Wes Gillingham, associate director of Catskill Mountainkeeper.

I want to thank the Legislature for giving us this opportunity to speak on the budget.

Cathy saved me a whole paragraph to testify, so I support my colleague's comments on the stewardship of the Forest Preserve.

I would like to also thank Senator Hinchey and the whole body for being

committed to the Catskill stewards. They are making a huge difference in those areas.

And I also want to -- talking about changing language, "up to" a million dollars, that's no real commitment.

There is another piece of language that needs to be changed in the budget, and that is the language in the RAPID Act. In the RAPID Act it asks for consultation -- proof of consultation with towns. Well, that same type of proof of consultation should happen with Nations, Native American Nations within the state whenever there's a facility being built.

We are opposed to the low-carbon fuel standard. I would like to direct the legislators to look at the comments of the Climate Justice Working Group.

And then I'm going to go off-ticket because of sitting here and listening to questions that people had today. I really want to reiterate what Senator Krueger said earlier in the day: We don't have a choice to spend money on climate.

I don't care whether you're looking at a study that says $12 million, $300 million, $900 million -- we have to start it now. We're asking for a billion in this budget to go into the Climate Action Fund to start doing the things we need to do.

I started farming in the '90s and did a whole bunch of research on a field; we wanted to expand our farm and start a CSA and sell vegetables. We found a field that hadn't flooded. It was good river-bottom land. It hadn't flooded since 1943. In five years, 200-year floods and a 500-year flood wiped out 60 percent of our topsoil and our business.

Now, that field's flooded three times, and one of those times bankrupted the town budget for roads. None of those were named storms. Those were all individual. That's what it's costing. It's not costing a tidbit here and there on somebody's budget. It's costing towns, people, farmers, communities in disadvantaged communities. That's what it's costing.

That's why this budget is so important, and that's why we need $1 billion in there.

(Pause.)

MR. GILLINGHAM: Silence works sometimes.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

MR. GILLINGHAM: This is really important. Thank you very much for giving me the opportunity to speak my mind.

CHAIRWOMAN KRUEGER: Thank you. We have a few questions on our side.

Pete Harckham.

SENATOR HARCKHAM: Thank you all for being here. Thank you for your patience. Your input is as important as the state officials who were before. Thank you for waking us up a little bit. Your passion is noted.

We're like in the bonus round. I only have two minutes and 45 seconds, so -- and we've gotten a lot of data points. So each of you, literally one sentence: What is the

most important ask you have about the budget in one sentence?

We'll start with Will and we'll work our way over.

MR. COTÉ: Increasing OPRHP's capital budget to 250, over the proposed 200 million.

SENATOR HARCKHAM: Thank you.

Heidi?

MS. REISS: Adding more providers into the Connect Kids approach or making -- in other words, we are lacking -- we have so many children that need swim lessons, so many people that need swim lessons. To just make it a nonprofit or a state-run facility versus opening it up to all available swim schools and all available people that can educate children -- it needs to happen. So we need to open up and expand the budget to be able to reach more children, more families, and reduce the drowning rates in New York State.

SENATOR HARCKHAM: Thank you.

Cathy, good to see you.

MS. PEDLER: Good to see you. Thank you.

Supporting stewardship, and along with that, education and science in the Forest Preserve.

SENATOR HARCKHAM: Thank you.

MR. GILLINGHAM: In that last flood, the bridge was in my field that I had to pull out of the way with a tractor. We're not breaking a bridge. The bridge is broken. The train's left the track.

It's time to spend a billion dollars to footprint the first step in dealing with the climate that we need to change, and we need to make our communities resilient.

SENATOR HARCKHAM: Thank you all very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Yeah, I'm very interested in the NY SWIMS initiative. I mean, I think that a lot of people think that's a little bit of fluff, but I think the points you made about the number of -- the

threat to children who don't know how to swim.

And I'm wondering whether you -- the coalition has had interactions with either the State Education Department or with New York City DOE -- good luck. But it seems to me that a lot of what we need to do to get the kids, who are frequently not exposed and therefore fearful, is to get the parents, to reach out to the parents.

So I'm just wondering what has been your focus and how have you tried to raise that awareness and build the support so that maybe the DOE could bring more curriculum into the school.

MS. REISS: That is an amazing question.

One very exciting thing is the hospital video law that got passed. Oh (louder), the hospital video law that got passed is a fantastic tool because it is much like the shaken-baby video that's shown in hospitals, when families, after they deliver in hospitals, will be asked to watch a video

to raise awareness for drowning. And this is going to be at the start of their child's life, they're going to have an awareness that this is a problem. And that this is a real issue in the state as well as in the country.

Another thing, we have been in touch with the DOE, we have done work with them, a lot of organizations. Awareness is the thing that needs to happen. Dry-land education could absolutely -- is a tool that we have. We have this tool. Adding this to school curriculums would be a huge, huge impact. Because again, children are going to come home and they're going to be excited to talk to their parents about drowning.

It isn't often -- we have found that it is very common for the "it won't happen to us" aspect. And unfortunately, it happens to everyone. And it's a very real threat, and it's not just a childhood threat. This is something that can impact adults. And there's -- it is not prejudiced in any way.

So by educating parents, the hospital video bill law will be huge. There is,

unfortunately, huge -- sorry, I keep missing that.

ASSEMBLYWOMAN GLICK: I'm just going to interrupt you for one second and make a suggestion, that you provide sort of a blurb that can be used so that -- every elected official at a state and local level usually gets some ability to do communications to their constituents. Providing a blurb that is on-point so that it can be put into our communications for awareness I think would be a helpful thing.

MS. REISS: Absolutely. We'll absolutely get that to you. And we will get that to you very soon.

ASSEMBLYWOMAN GLICK: I learned to swim in the ocean. Not the best place, I would say.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Michelle Hinchey.

SENATOR HINCHEY: Thank you very much. Thank you all for being here and for your work.

It was very exciting to see the Governor pick up the $8 million for stewardship until you read the "up to" language, and then it was entirely deflated.

So yes, we are working to -- obviously on our side -- push to make sure that that is not there, that we get up to 10. But at the very least $8 million direct, really important.

And yes, agriculture is on the frontlines of the climate crisis. And it's costing businesses just as much -- and farm businesses -- just as much as any other type of cost challenge, regulatory issue or any other thing that we discussed today. And so it's a really real issue. I wish more people were here to hear that comment.

But I just want to say thank you, particularly to our stewards, but to everybody on the panel for what you do. And we're definitely taking the asks for the budget. Thank you.

CHAIRWOMAN WEINSTEIN: Assemblymember Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Chair.

Thank you all for being here this late in the day. And my question is to Cathy, related to the dedicated $8 million line in the budget.

And you know, we hear a lot about the stewardship, and we also have heard about the overuse in the Adirondacks and the needs in the Catskills. And I was wondering if you could, you know, talk -- you know, explain -- go into greater detail as to what stewardship and where this money, how important it is related to the increased use and, you know, the high visitor rates that we're seeing.

MS. PEDLER: Right. Well, some of what the money is being used for, both in the Catskills and Adirondacks, is for educational stewards.

And that's -- that's a huge part of keeping people safe and protecting the resource, because a lot of times people are drawn, as we all are, to nature and we want to get out in it, but maybe we don't know

exactly how to be safe or how to not have an impact on the place that we really love.

And so the educational stewards are meeting people at popular trailheads, like at Kaaterskill, at the Blue Hole in the Catskills, and at -- in the High Peaks and our Route 73 corridor, and talking to people about their preparedness -- what do they have in their backpacks to take with them? You know, do they have the 10 essentials? You know, what is their skill level? Do they have a map and compass?

And just try to help them assess if they're ready for the adventure that they're going to be on. And then, if they aren't suggest a different place. And also suggest some courses that they might take to get their skill level up. So, you know, that has been a huge piece.

Also trail building. You know, a lot of the trails were established in the Adirondacks and Catskills. They were herd paths, so people just went from the -- straight at one point to the peak, you know,

in the straightest way possible. But those types of trails don't -- aren't sustainable, and there's a lot of deterioration and they become eroded. And it damages the resource, and it also becomes dangerous to hike on.

And so the funding is also being used to build trails. The trail contract has been expanded as well. There's also parking improvements. Access improvements to water. We've found out over the years how there's been this -- not a shift, but water resources are becoming more and more popular. And so we need more access, and we need to protect the resource as well as, you know, give people access to a place to swim and hang out in cool water, especially as the temperature is rising. And so some of the money has been used for that.

And accessibility as well. You know, we need to make sure that everyone has access and can experience nature in the same way that all of us do.

ASSEMBLYMAN SIMPSON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Stec.

SENATOR STEC: All right, thank you, Madam Chair.

Good evening. Thank you all for your patience and sticking with us. I know how these go, and it's difficult sometimes to wait.

If I could, Cathy, I'd like to give you the opportunity to talk a little bit more specifically about how the Adirondacks would use the visitor safety and wilderness protection line item that we've been talking about that Senator Hinchey mentioned earlier. And specifically if you could talk a little bit about the specific project for the Adirondack Lodge Road.

I'm not sure if you were in the room when Commissioner Seggos was asked a question about that. And I thought that you'd be the best person besides me in the room to advocate to the chairs up here that were wondering about that. Thank you.

MS. PEDLER: Yeah, absolutely.

Well, we could start with the road. I

don't know how many -- I know that you have driven that road many times, and our staff drive it twice a day or -- many of our staff are housed at our facility. But they have lots of car repairs because of the condition of that road. We've got 100,000 people coming back through that area every year because it is so popular. And North Elba has done a good job at paving -- it's a five-mile road. They've already been working on paving that road. But from Meadows Lane north, there's a mile that's in very bad shape that needs a lot of work, and so that's what the funding will be used for.

It's, you know, the most popular trailhead in New York State, and that's why the repaving is needed. It is really in quite bad shape.

Yeah, the -- what's been really awesome with the 8 million is we've really been able to -- you know, again, I think in the past perhaps DEC wasn't crazy about sort of pinning that money down, but I think they've finally been able to see this program

as it's been developing and projects are beginning to be implemented and how well it's working.

And because that funding is pinned to the Adirondacks and Catskills, it then allows folks in the -- it allows folks in the agency that are actually on the ground doing the work to move forward with projects. It doesn't require such a high-level decision, because that decision's already been made by you all saying, We need this funding in the Adirondacks and Catskills.

And so then that funding can be used for projects that otherwise might have trouble getting -- moving forward.

SENATOR STEC: Thank you, Cathy.

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

CHAIRWOMAN KRUEGER: Thank you. Are there any other Assemblymembers who wanted to ask a question?

Then thank you very much for staying with us all day and into the evening, and we appreciate you and your work.

And the next panel: Environmental

Advocates of New York; Citizens Campaign for the Environment; Earthjustice; New York League of Conservation Voters; and Fridays for Future NYC.

Hello. Everyone's even sitting in order. Very well organized. More organized than we are at this time of the evening.

Thank you all for waiting all day. We appreciate your being here. And I'm just going to go straight down the row. And just pretend we're not eating dinner here while you're talking, so --

(Inaudible exchange.)

CHAIRWOMAN KRUEGER: Great. Welcome.

MS. FAJANS-TURNER: Hello, members of the Senate and Assembly. It is a privilege to address you for my first time here.

I'm Vanessa Fajans-Turner, the still relatively new executive director of Environmental Advocates New York. Our mission is to safeguard New York's air, land, water, and the health of its people.

And I know you have heard several things today, to put it mildly, and several

of them have been repeated. So I will go quickly. But we want to commend the Governor for a good and strong budget while recognizing the challenges of making choices between impossible alternatives.

And yet our concerns outweigh our praise, particularly regarding emissions that threaten our environmental progress against critical rights that have made New York a leader. Foremost among our concerns is the proposed 50 percent reduction in funding for the Clean Water Infrastructure Act. I know you have heard this several times today; it bears repeating.

Slashing the budget from 500 million to 250 million supplants rather than supplements the funding we need, particularly in a post-Sackett-ruling world where funding will decrease as our infrastructure declines. This cut threatens our ability to maintain and enhance our state's water quality and affordability.

We urge a reversal of this funding cut, proposing an enhancement to 600 million

to robustly address our clean water challenges. And we also urge the Legislature to include a $100 million line item appropriation for lead service line replacements.

We also are disappointed to see the omission of climate funding, dedicated funding for the CLCPA. New York is a leader. It can and must be a climate leader. And without funding for the CLCPA and particularly the Climate Action Fund, we cannot meet our goals and we will fall behind.

We ask and urge -- like Wes did in the panel prior -- a $1 billion allocation to the Climate Action Fund. There are community projects that are shovel-ready across the state, ready to go, that can be completed within a year or slightly more, to demonstrate the value of significant funding for climate action at the ground level. It has been nearly five years since we passed the CLCPA, and it's time to move.

We want to see the incorporation of

the full NY HEAT Act into the final budget. We want to see timelines for the PSC and gas utility actions, household energy burden limits, and its adherence to the climate justice and emission mandates of the CLCPA.

In addition, we urge the Legislature to support the Climate Change Superfund Act and -- alongside the Just Energy Transition Act, aimed at phasing out our most polluting fossil fuel plants. We also urge the inclusion of the Green Transit Jobs Act.

Thank you.

MS. ESPOSITO: Good evening, members of the Senate and the Assembly. My name is Adrienne Esposito. I'm the executive director of Citizens Campaign for the Environment.

I'm also the chair of the Clean Water Coalition in the State of New York, which is not only all the environmental groups that work on water, but it's all of the drinking water suppliers and all of the great people who operate our wastewater treatment facilities across the great State of

New York. So collectively, we are also asking for the restoration of the clean water budget, and we're asking for $600 million this year.

We do want to say a heartfelt thank you to you for allocating $5 billion in clean water funding since 2017. That has had meaning. Across the State of New York, people are drinking cleaner water because of it -- not only cleaner water, but water that is more affordable. You've been fixing sewage treatment plants, which means we have cleaner lakes and streams, less beach closings, and a more vibrant economy. And it creates jobs.

So why would we stop? We have the EPA who's going to be rendering their decision on the PFAS MCL this year. It's widely believed it's going to come down to 4 PPT. The water suppliers tell me that will capture another 300 water supply wells throughout the State of New York that will need the activated granulated carbon filtration systems. That's $1.5 million per system, do the math. You

don't need to, I can tell you -- it'll be $450 million added to what we already need.

The lead pipe line replacement fund, we need greater testing for PFAS. Now is not the time to lower the clean water budget.

Clean water is not a luxury item to be dispensed with in times of hard economic challenges. Clean water is a necessity to be funded in good times and in bad.

I also just need to speak, I'm compelled to speak about the Bond Act acting as replacing that money. That is not what we promised the public. You told us, and then we went out and used our grassroots strategy and we told the public: Vote for the Bond Act because it will not supplant, it will supplement clean water funding.

So now we're hearing, Well, we have the Bond Act. That is a bait-and-switch. This body ought not be in the business of bait-and-switch with the public's trust.

So please, it is a supplemental funding, as I've heard Senator Harckham say multiple times today -- thank you, Senator,

good job.

I have to put a quick plug in for the South Shore Estuary Reserve -- I have 15 seconds. It's in the EPF, which of course you know we want fully funded. This is the one estuary in the State of New York that gets ignored, like the drunken uncle that nobody wants to have dinner with.

(Laughter.)

MS. ESPOSITO: We have a letter here from every town supervisor that is asking you to please fund this estuary, Republicans and Democrats alike, who have come together.

Thank you.

UNIDENTIFIED LEGISLATOR: What a pro. What a pro.

(Inaudible exchange; laughter.)

MS. ESPOSITO: Can I distribute this letter later?

(Off the record.)

MS. MORAN: Good evening. My name is Liz Moran. I'm the New York policy advocate with Earthjustice. Thank you all so much for the opportunity to testify tonight.

This budget could not be more critical to get right when it comes to acting on climate change and ensuring environmental and public health protections for New Yorkers.

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 --

protect public health, create good jobs by including the full NY HEAT Act in this year's budget.

So not surprisingly, there have been a lot of misconceptions put out there about what the NY HEAT Act does. This is detailed in our written testimony, but I do want to take an opportunity to address some of these common arguments.

At its core, every measure in this legislation is a cost-savings affordability measure. Many are saying we're moving too fast; we need a plan, not a ban. That we also need to build a bridge. That's what the NY HEAT Act does. It is a planning legislation that would protect consumers.

So to address a couple things, the 100-foot rule and ending the obligation to serve, these are changes to existing law so we're not automatically giving gas -- so it's not prohibiting gas, but it's opening the door to other opportunities, non-gas alternatives. There really should be no hesitation to do this commonsense policy.

With a minute left, I'd also like to name our support for a couple of other things. We also do support the RAPID Act to accelerate electric transmission siting, to make sure that we're getting renewables to the places that need them -- particularly downstate right now, which it is more dependent upon gas. We're going to need more electric transmission to get there.

And lastly, there was some funky math that almost made its way into the budget last year. We want to reiterate our opposition to changing how the state accounts for greenhouse gas accounting. We also reject any false solutions such as inappropriate hydrogen or biofuels where it's not appropriate. The Climate Law was very carefully designed. Relatedly, we also have opposition to the low-carbon fuel standard.

Somehow I've managed to have 10 seconds left, so thank all you so much. We also don't want you to cut the Clean Water Infrastructure Act.

Okay, goodbye.

(Laughter.)

MR. McCLELLAN: Hi. Thank you for the opportunity to testify. My name is Patrick McClellan. I'm the policy director for the New York League of Conservation Voters.

I won't belabor the point because you've heard about it all day today, but we strongly oppose the proposed cuts to the Clean Water Infrastructure spending and the Environmental Protection Fund. In fact, we would like to see the spending on Clean Water Infrastructure increased to $600 million.

There are several other appropriations that were not included in the Executive Budget that we would like to see included in the final budget.

First, we support a sales tax exemption on battery energy storage systems. Battery systems are critical to meeting our climate goals because by allowing for the storage of distributed solar energy, they can be used at times of peak electric demand, uneven power generation, and power outages.

And I'll note that diesel power

generators already enjoy a sales tax exemption, and there is absolutely no reason why those should be treated preferentially over battery storage systems.

Second, we support the appropriation of $40 million for a thermal energy network at SUNY Purchase, and $50 million for a thermal energy network at the University at Buffalo SUNY. This is in line with the state's ongoing commitment to thermal energy networks as a way of pursuing building decarbonization at scale. I have more detail on that in my written testimony, and I would be happy to answer any follow-up questions with your offices.

I will differ from some of my colleagues. We strongly support a clean fuel standard and would like to see it included in this year's budget. As you know, New York's cap-and-invest program is scheduled to begin next year. Every state that has a cap-and-invest program also has a clean fuel standard, because the two programs are complementary.

In California, for example, the CFS has reduced transportation emissions beyond what the cap-and-invest program would do on its own, while also reducing allowance costs under the cap-and-invest program, which means lower costs for consumers.

The New York CFS would also specifically dedicate revenues to transportation electrification in disadvantaged communities.

NYLCV strongly supports the RAPID Act. The CLCPA's goals of 70 percent renewable energy by 2030 are not achievable at the current pace that we're building new transmission lines and new renewable energy. Even if we built enough new renewable energy -- which is going to be tough -- we do not have adequate transmission and we are not on pace to build adequate transmission to get that energy where it needs to go. So we really need to pick up the pace, and the RAPID Act is an important way to do that.

We also strongly support the Affordable Gas Transition Act and the NY HEAT

Act. You know, however, those two very similar proposals are reconciled in the final budget. We think it's really important for them to be included.

And I will just note, on that, that there's a lot of apocalyptic doom and gloom about what NY HEAT would and would not do. I think there are a lot of misconceptions about it. I have more detail in my written testimony about why we think that that's inaccurate.

Thank you.

MR. ARPELS-JOSIAH: Hi. Thank you. My name is Keanu Arpels-Josiah. I'm 18 years old and the policy co-lead with Fridays for Future New York City.

Are we all going to die? This is the question that a classmate of mine asked me on June 6th of last year. New York skies were deep orange. Due to the climate crisis, our city looked indistinguishable from the apocalypse.

Since we were in elementary school, the climate crisis has shaped my generation's

perception of our futures and the future of the world. That future is happening now. In 2023 alone, we breathed air over 800 percent more polluted than what is considered safe. We saw our streets, our schools, and our homes flooded from record flash floods. We saw deadly snowfall. And while 2023 gave us the hottest summer in the history of the planet, it is likely to be the coolest one for the rest of our lives.

So as temperatures soared, we organized. On September 17th, a cross-societal intergenerational coalition came together for the biggest march this state has seen since the start of the pandemic: 75,000 people took to the streets of Manhattan to say "enough is enough" and call for an end to the era of fossil fuels.

Despite taking critical steps forward on climate in the last budget, New York remains miles away from answering that call, miles away from the billions of dollars needed to be invested in action and miles away from implementing the mandates of the

CLCPA.

Now, youth and people across the state are united in calling for this fiscal year 2025 budget to reflect the needs of the people, not those of the CEOs behind the fossil-fuel industry. This means, at minimum, the NY HEAT Act, including the 6 percent of household income bill cap to start making heating renewable and finally affordable for all New Yorkers; the Climate Change Superfund Act, to finally make polluters pay for a portion of the damage they're causing to our communities; the climate justice budget proposal of $1 billion for shovel-ready Climate Action Fund appropriations to begin to invest in infrastructure and our survival; and critically, in a budget deficit, the Stop Climate Polluter Handouts Act, to reclaim $330 million from some of the worst-polluting aspects of the fossil-fuel industry.

Instead of implementing the aforementioned lower carbon fuel standard, which puts CLCPA and the action we need in

direct danger through its extension of dangerous fuels, New York State must fulfill its responsibility to be a leader on climate this budget. If we fail to incorporate action through these provisions, irreversible, irreparable harm will continue to fall on our communities.

Budgets represent our values. With the fiscal year 2025 budget, what will we value? As our communities continue to face the direct effects of soaring fossil-fuel profits, as our skies turn orange, what will we value? With the clock ticking for climate action, with our communities, our generation calling out for justice, what will we value?

Will this Legislature choose people over profit, youth or fossil fuels? Our generation, our movement is looking to how this body responds.

Thank you.

CHAIRWOMAN KRUEGER: Thank you. everybody did a great job.

(Scattered applause.)

CHAIRWOMAN WEINSTEIN: Okay.

CHAIRWOMAN KRUEGER: Senator Pete Harckham.

SENATOR HARCKHAM: Thank you all very much. Thank you, Madam Chair.

Thank you for your patience, and thank you for sticking around. Thank you for your testimony and your collaboration and your partnership.

And Keanu, thank you so much for your impassioned testimony. You know, your generation, my kids' generation, is why we do this. But keep holding us accountable. That's the key, hold us accountable. Thank you.

I will ask all of you the same question I asked the last panel. We are on data overload here, so you each have one sentence with your number-one major budget priority for this budget.

MS. FAJANS-TURNER: One billion to the Climate Action Fund, 600 million to the Clean Water Infrastructure Act. And one big thank you to Assemblyman Zebrowski for supporting environmental justice initiatives

like the Tropical Deforestation Free Procurement Act.

SENATOR HARCKHAM: Thank you.

MS. ESPOSITO: Six hundred million dollars for the clean water line item, a fully funded EPF at $400 million -- that does not include a rate of 25 million. And within that 400 million, including 26 million for the oceans and Great Lakes line item, the only line item that we actually protect oceans and Great Lakes with. And $5 million for the distant uncle who doesn't really drink, 5 million for the South Shore Estuary Reserve.

SENATOR HARCKHAM: Thank you.

MS. MORAN: Everything my colleagues said, along with the NY HEAT Act.

SENATOR HARCKHAM: Thank you.

MR. McCLELLAN: Reverse the proposed funding cuts, pass NY HEAT, the RAPID Act, and the Clean Fuel Standard.

SENATOR HARCKHAM: Thank you.

MR. ARPELS-JOSIAH: The full NY HEAT Act, the Climate Change Superfund Act, the

Stop Climate Polluter Handouts Act, and $1 billion for the Climate Action Fund through the climate justice budget proposal.

SENATOR HARCKHAM: Thank you all very much.

I yield the rest of my time, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: First I have to acknowledge and welcome my constituents, Vanessa and Keanu, who do a great job. And obviously we're still here because we want to hear what you are concerned about. And we share those concerns.

And obviously, as we go forward, we're committed to increasing the water funding, a clean EPF without a side. And, you know, I think it was great that we got a piece of the HEAT Act.

You know, to some extent, when you get something in the Executive Budget then you

don't have to fight for it. So there are pieces that -- while it's a $400 million EPF, it has problems. It strips out some pieces, uses it for personal services totally incorrectly. And obviously we want to ensure that the climate action can in fact be implemented by having the resources. So somehow we have to extract a billion dollars.

(Laughter.)

ASSEMBLYWOMAN GLICK: We're not in favor of extractive industries, let me be clear. But we are looking to extract the money to make it possible for us to get a lot of those shovel-ready projects that are on the ground going and implemented.

And I think we all are feeling the urgency of the moment. The heat that we've experienced, the flooding that we've experienced. This -- this time is, you know, just crucial.

So thank each of you for coming here repeatedly, raising your voices, Keanu meeting with my staff regularly --

(Laughter.)

ASSEMBLYWOMAN GLICK: -- and for constantly raising the issues and keeping the pressure on, because we also feel pressure from other people. Understand that this is not -- this is not a universally embraced approach.

So we need you here, and I thank you for what you're doing and for your, you know, constant partnership in trying to save Planet A, because there ain't no Planet B.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

ASSEMBLYMAN RA: Thank you. Thank you all for your patience today.

Adrienne, I wanted to go back to the clean water. I know, you know, we've had many conversations over the years about this. You've been on this from day one as these contaminants were being found.

So you gave that amount of 444 million for additional communities as a result of the federal standards. But I would assume, in addition to that 444 million, we have lots of work ongoing or water districts that still

need funding to move forward with their systems that were originally impacted by the state's standards.

So any sense on how many that is and what that dollar amount is?

MS. ESPOSITO: For the number of water supplies around the State of New York impacted by the New York State standard?

ASSEMBLYMAN RA: Yeah.

MS. ESPOSITO: I actually --

ASSEMBLYMAN RA: Well, that still need to --

MS. ESPOSITO: That still -- oh, I don't know what the --

ASSEMBLYMAN RA: -- get facilities in line.

MS. ESPOSITO: Some of them still have deferrals. It actually is much less today. By deferrals, I mean deferrals for both 1,4-dioxane and PFAS contamination. But it is much less today that it was just two short years ago.

But many of them are getting these grants -- $5 million to the Town of Hempstead

not that long ago, another $5 million to the Village of Hempstead. People in the Village of Hempstead are still drinking over the state standard of 1,4-dioxane. We have a serious situation, and we need serious money to address it.

So I don't know what the total dollar amount is, but I know as soon as the EPA acts, that amount's going to increase.

I also happen to know, since I checked just this morning, that Nassau County, where your district is, had seven sinkholes last year because of sewer infrastructure just eroding and then eroding everything else. And that's been millions and millions of dollars to fix. And that's just one county.

For those of you who don't know, we normally don't have sinkholes on Long Island. It's a new phenomenon that we would like to stop.

ASSEMBLYMAN RA: Yup. Yup. Thank you. And I would agree in terms of the, you know, just -- this isn't supposed to be funding that's supplanted. The needs

continue to be there.

And certainly, you know, we have lots of -- you know, the Town of Hempstead is obviously a large one, but we have all these small water districts that if they needed to, especially in a tax-cap world, try to fund those projects, it would be -- it would be very difficult.

So I know those grants have been very, very helpful in mitigating the impact on local property taxpayers and ratepayers in those districts.

MS. ESPOSITO: Because we want not just clean water, we also want water to be affordable. And so that's what makes it so critical to the general public.

ASSEMBLYMAN RA: Thank you.

MS. ESPOSITO: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: So a question for -- you know, all of you touched on the water issues. It's something I'm concerned about. So one of the comments that have been

made is that we still had money left over. That the money was put there, but we didn't use it all.

And one of the things that I've been frustrated about with that is that we made it very difficult, I think, to use, because we maxed out the amount of a total project that could be covered by it to 25 percent. Which a lot of the smaller communities couldn't then use it, because they couldn't afford the other 75 percent.

We have cut this amount in half while increasing the amount that it covers by 50 percent, which makes it triply overprescribed. Can you talk a little bit about what I'm -- maybe expound upon --

MS. ESPOSITO: Yes, as a matter of fact I can.

ASSEMBLYWOMAN KELLES: -- interest, you know.

(Laughter.)

MS. ESPOSITO: Well, let me say a couple of things.

Number one is that according to the

water suppliers and also the wastewater treatment operators and municipalities, about one-third of all applications that go into the Clean Water Fund are denied. If we cut the budget in half, it would be about an estimate of two-thirds would be denied.

So the pipes aren't fixing themselves, right? We need to fix them and be proactive. If we are not spending the money quick enough, that doesn't mean the pipes are getting fixed -- it means they're not getting fixed.

So we feel that that demonstrates just that we need to get more money out the door, but it does not illustrate that the problem's being solved. In fact, with the example I just gave with seven sinkholes in one county, the problem is actually getting worse. Because as the pipes go unaddressed, the problem gets worse and worse and worse.

ASSEMBLYWOMAN KELLES: So it's an administrative issue that the money isn't going out the door and not -- it's not a need issue.

MS. ESPOSITO: Yes. It's an administrative issue, it's not about need.

ASSEMBLYWOMAN KELLES: Thank you.

And another question that I had, you know, something that we haven't talked a bit about, a concern that I have with the implementation of the cap-and-invest. And I know some of us have talked about it.

What would you like to see in that to make sure that it is implemented properly, that we do get revenue from it, but that we don't actually set ourselves back with respect to climate change?

I know, Liz, you and I have talked about that a little bit. Vanessa and I have as well. But I'd love to hear your thoughts. What guardrails would you like to see in that?

MS. MORAN: Primarily guardrails to make sure that investments are going into disadvantaged communities. Which -- some of which is in the legislation that was passed in the budget last year. But that has to be the ethos of the regulatory process as well.

ASSEMBLYWOMAN KELLES: Did you have anything you wanted to add?

MS. FAJANS-TURNER: Yeah. That means generally better defined and more clearly defined in the use of offsets as well as part of the guardrails in particular, I think it's important to highlight.

MS. MORAN: No trading.

MS. FAJANS-TURNER: Yup, no trading.

ASSEMBLYWOMAN KELLES: Thank you.

MS. ESPOSITO: Yes.

ASSEMBLYWOMAN KELLES: Anything you wanted to add?

MR. ARPELS-JOSIAH: No, just echoing no trading. And we can also follow up with more details also on key -- on our key position on this.

MS. FAJANS-TURNER: Yeah, we have more details in our written testimony.

MR. ARPELS-JOSIAH: Yeah.

CHAIRWOMAN KRUEGER: I have to cut you off, I'm sorry.

ASSEMBLYWOMAN KELLES: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Yeah, thank you all for staying so long with us today.

I want to switch to a slightly different topic about kind of waste reduction. And I didn't hear a lot about that from you all. And obviously, you know, our climate crisis doesn't exist kind of in those -- spaces like food waste and our -- you know, going into our waste stream is a huge problem, reduction of single-use plastics and plastics in general, and kind of reduction of -- you know, the EPR stuff.

I'm wondering kind of, you know, why -- where you all are, kind of what the opportunities are this year to move forward in those spaces, in reduction of waste. And love to hear more about it, because I think we need to be talking about it more.

MR. McCLELLAN: Absolutely. I think that one thing that the Legislature should look at very strongly this year is lowering

the threshold for the Commercial Organic Waste Recycling Law, which was passed in 2019 and says that if you generate two tons or more of organic waste per week and you're within a certain distance --

ASSEMBLYMAN EPSTEIN: The mile limitation, yeah.

MR. McCLELLAN: -- from a facility, you know, you have to recycle it.

You know, the time has come that we should be looking at lowering that threshold and dramatically expanding the distance from a recycling facility. Right now it's 25 miles, which is, you know, not much. You could very easily do 100 miles and still have it be a very reasonable accommodation for covered entities.

So, you know, we really think that it's time to look at expanding the Commercial Organic Waste Recycling Law.

ASSEMBLYMAN EPSTEIN: Great. All right.

MS. ESPOSITO: I just want to also add also where many of us are working closely

with Senator Harckham and also Assemblywoman Glick on what was formerly called the extended producer responsibility, which is now wisely being called the Waste Reduction and Recycling Act.

But this is a bill that will reduce the waste. It's the one thing everybody agrees on that would be great for the environment as a first step, and then increase recycling and decrease food waste.

The first large-scale anaerobic digester for food waste will be opening on Long Island end of next year. That will be converting food into compost and also about 6 or 7 megawatts of renewable energy. And I think we should look into doing more of those types of operations.

ASSEMBLYMAN EPSTEIN: Thank you all.

MS. ESPOSITO: Wonderful.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Hello all. Nice to see you.

A question on a different topic. I

asked Commissioner Seggos and got a good answer about the status of the stormwater grant program that was in the Bond Act. And stormwater has a big impact on water quality as well, erosion, all sorts of damage.

And so if any of you want to feed in on the importance of getting that program going for the variety of reasons that we all share, that would be good to share with us now.

MS. ESPOSITO: Well, as someone who lives on an island, I guess I'll chime in.

(Laughter.)

MS. ESPOSITO: But yes, I think it's one of the things that we have all been talking about collaboratively, environmental groups: It would be good to have that line item and that program created.

There is so much need, whether you live on an estuary or whether you live on a river or a stream or tributary or a lake or a pond. Look, we're blessed to have so much water resources here in New York State. We have a small line item for stormwater runoff.

So the only thing I can say is the sooner the better.

There are projects. We have our first living shoreline that was built on Long Island, on the South Shore. We can do so many more. It's great for stormwater runoff. We have the technology, we have rainfall -- we know what we can do, we just need a program to actually do it.

ASSEMBLYMAN OTIS: Great. Thank you.

MS. FAJANS-TURNER: I'll just add, as the broader issue, because this is the budget hearing, that flooding has become a huge issue upstate as well as down, obviously, and that the recent -- the FEMA flood maps reveal very significant risk to property values upstate in particular, which will have significant budget impacts, obviously, on capped property taxes for school districts.

And I like to flag that every opportunity we get, because this is a mounting crisis that I think will face many of our towns and communities that are already stretched to manage their infrastructure.

MR. McCLELLAN: I'll just add to that.

There's legislation in both houses to give water authorities expanded authority to levy special charges for stormwater runoff. So for instance, for a big box store parking lot that's paved over with impermeable pavement and is contributing to severe runoff issues, to authorize the water authority to levy a higher fee on them.

Jeremy Cherson from Riverkeeper, who I think is on the panel after me, or the one after that, is the expert here, so I'll leave it to him to answer that question in more depth. But that's definitely something that we support as well.

ASSEMBLYMAN OTIS: Thank you all.

CHAIRWOMAN KRUEGER: Thank you. Thank you all very much for being with us -- oh.

MS. FAJANS-TURNER: Thank you.

MR. McCLELLAN: Thank you.

CHAIRWOMAN KRUEGER: I'm on here. I keep turning it off and on.

Thank you all. And I'm going to call the next panel: New York Renews; Rewiring

America; New Yorkers for Clean Power --

Never mind. Go back to your seats.

(Laughter.)

CHAIRWOMAN KRUEGER: We're going to try -- you can get closer, but we're going to start with The Nature Conservancy; Sierra Club Atlantic Chapter; Open Space Institute; and Protect the Adirondacks.

You know, I'm a morning person, folks. So sorry about that.

(Laughter.)

CHAIRWOMAN KRUEGER: All right. Remember when there were only 10 environmental advocates in the entire state?

(Laughter.)

CHAIRWOMAN KRUEGER: We all knew each other. And now there's the whole giant explosion of people in groups. Which is clearly why we need to be doing all this, so --

MS. OTTNEY-MAHAR: But back then, no one stayed to listen to us. So thank you for being here.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you all for being here.

Okay, shall we start with -- we'll just go straight down.

MS. OTTNEY MAHAR: All right, thank you. I'm Jessica Ottney Mahar. I'm the policy and strategy director for The Nature Conservancy. And thank you again for your time and your grit. We're almost there.

I'm going to go through -- I submitted long testimony; I'm not going to read it. I'm going to go through a couple of top lines, and happy to talk with you all more afterwards.

The proposal that the Governor put out on the Environmental Protection Fund is very disturbing. It's once again proposing to raid the fund, offload staff costs into the EPF. This time they lined it out so you can really see the damage that it'll cause. You can see the reductions to programs.

In addition, there are zero new staff at DEC. And there's language in the capital plan about how they're directly paying for

things that should be paid for with the General Fund. So we're asking you to again reject that. The EPF has had 30 years of bipartisan support, and we're just asking that you keep it up. Thank you.

Clean water funding -- this is not the time to cut clean water funding in half. We have $80 billion in need for clean water funding across the state. I worked very hard to get the Bond Act passed, with a lot of my colleagues here, and we absolutely never told voters we would just be keeping the status quo. So we need to be spending more money on clean water for New Yorkers, not less. Please reject that cut.

There's $15 million in the Governor's budget for funding some of the reforestation initiative she announced in the State of the State. We're very supportive of that program. This is a huge and important part of our climate pathway. It's not as big as renewable energy, but it's important.

And we really want to make sure that that program in the budget is broad enough

that it can bring in the private investment that we need to reach those goals. So there's some information in my testimony about that.

Some of my colleagues are going to talk more about the state's land acquisition program, which is funded through the Environmental Protection Fund. It is absolutely broken. We are acquiring land at a very slow pace at this point for several years now, and we really need to pick up the pace of conservation if we're going to meet our climate goals and our conservation goals in New York State.

And given, you know, the pace of that program slowing and the proposals on the EPF, there's information in my testimony about how the EPF is being handled right now. And we would encourage you to use your power, your oversight power, to convene some hearings on how not only can the EPF be better administered, but what in detail is going wrong with some of these programs. It's not a lack of need. So I'll just leave that

there.

And then, finally, I will say we support the RAPID Act. We are working very hard with NYSERDA and other stakeholders to advocate for the responsible siting of renewable energy. We need to get projects built at this point.

There was a lot of conversation earlier today about where we're at vis-a-vis our climate goals. So we need to make sure we support the efficient siting of renewable energy and siting that energy effectively so that we're not making unnecessary tradeoffs in our communities.

All right, thanks.

CHAIRWOMAN KRUEGER: Next?

MS. MOSER: Hi. I'm Kathy Moser. I'm the chief conservation and policy officer at the Open Space Institute. We're a regional land trust that works up and down the East Coast, but based here in New York, and it's our 50th anniversary in 2024.

I'm only going to cover two topics tonight. One of them Jess alluded to is we

really do need to streamline our state land acquisition process. We have over 90 land trusts in the State of New York that work directly with DEC and State Parks, and they request often that the land trusts go in and buy a property because we can move more quickly than the government.

What we've been seeing is that that process has really slowed down. On average, during the 30 years of the Environmental Protection Fund, we were averaging -- the State of New York was averaging about 70,000 acres protected every year. In 2022, it was 5,053 acres.

We are never going to meet our Climate Action Plan goals, our 30x30 goals -- we're even updating the open space conservation plan this year. And the land acquisition has slowed to a trickle.

Now, we have identified -- we're working with DEC, we're working with State Parks, we've met with the Comptroller's office. The one agency that we haven't been able to find any compromise with is the

Office of the Attorney General.

New York is the only state in the nation -- and I'm including the federal government -- that does not utilize title insurance. So we have gaps in title -- and I'm looking at Assemblyman Simpson over there -- there is a case where the Town of North Hudson agreed to sell an easement to DEC to build a frontier town property. There was a bankruptcy case in 1858, and the Town of North Hudson is still trying to resolve that case. The Attorney General's office would not use title insurance for a bankruptcy case 165 years ago.

So that is something -- how can the Senate and the Assembly help? We're asking you to put a paragraph in your one-house budgets directing the Attorney General's office to utilize title insurance when there's a gap in title. It doesn't have to be every time, just the cases where we cannot find heirs or there's a bankruptcy case from 165 years ago.

The other topic I wanted to quickly

touch on is the need for a $250 million annual capital funding for State Parks. This gives them the assurity to upgrade all of the state park system with ADA-accessible infrastructure.

We want to have state parks on renewable -- fully renewable by 2030. They have major projects, and this requires State Parks to remove buildings. They're even looking at strategic retreat of infrastructure because of climate change. And they've told me that $250 million is what they need annually.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MR. DOWNS: My name is Roger Downs. I'm the conservation director for the Sierra Club Atlantic Chapter.

I want to thank Chairs Krueger and Weinstein for listening to all our budget testimony, and this distinguished panel. Thank you all for staying.

To begin respectfully, the NY HEAT Act must be negotiated and enacted in the budget.

While our climate laws are binding, our public service laws have lagged behind, in many cases subsidizing and prioritizing the continued use of the same fossil fuels we must phase out entirely within the next 20 years.

We need to remove the roadblocks to building decarbonization and energy affordability. This begins with a commitment to heating, cooling, and powering our State Capitol and every SUNY campus with 100 percent renewable energy technologies and supporting the workforce that will get us there with job training and prevailing wage.

The Legislature should fully fund an Environmental Protection Fund at $400 million without staffing carveouts and offloads. The Clean Water Infrastructure and Improvement Act should be fully funded at $600 million, not undercut at a time when New York's drinking water needs are so great. For both funds, getting projects through the pipeline and paid for is as important as preserving the funding amounts themselves.

In 2020, this body came together to codify New York's historic fracking ban in the budget. Governor Hochul and the Legislature should answer the call once again and protect all New Yorkers from this latest fracking threat involving supercritical carbon dioxide technology that violates our Climate Law, will burden an already overtaxed DEC, and will despoil the environmental health of the Southern Tier if approved.

The Sierra Club asks that through this budget process we enact a climate change superfund that makes fossil-fuel companies pay for their past pollution, with the potential to collect $75 billion over the next 25 years and funnel those dollars into communities hardest hit by climate change.

The state budget process must also do more to address the scourge of forever chemicals and the toll it has taken on the health of New Yorkers and the ecosystems on which we depend. Not only do we need the money to remediate contaminated drinking water, but immediate steps must be taken to

get carcinogenic PFAS chemicals out of everyday products and turn off the spigot at its source.

We understand that the urgency to act on the climate crisis is tempered by a concern about affordability during the clean-energy transition. But in the context of this budget, it is important to remember that inaction in this climate emergency is almost always the most expensive option.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MR. BAUER: Thank you. My name's Peter Bauer. I work with Protect the Adirondacks.

I commend you all for your passion and your commitment. This has been a very long day. I will not be nearly as eloquent as my colleagues up here.

Now, I'm going to speak about six issues. You have my testimony. The first is land protection funding.

Governor Hochul signed the 30x30 law. It was widely supported in the Legislature.

We put out a report last fall, "20 Percent in 2023," an assessment of that act. Right now New York State is at 32 million acres. The state has protected about 6 million acres across the state, and we have another 3.2 million acres that we're supposedly going to protect between now and 2030.

As has been pointed out already, we protect less than 10,000 acres a year. At current levels, it will take 300 years to meet the 2030 -- the 30x30 goals. That's unacceptable.

We need a larger EPF. We need more land acquisition funding in the EPF. I agree with what's been said before. The May-Thiel title insurance bill is critical. It would be great to see that as part of the Article VII legislation.

Road salt funding. Last year the Adirondack Road Salt Reduction Task Force put out its final report. We know what the problem is, we know what the solutions are. There's nothing in this budget to deal with road salt in the Adirondacks. It's a huge

problem, with many of our major lakes, you know, reaching dangerous levels as far as road salt pollution.

What we need is for the DEC -- we need legislation that really focuses on regulating road salt for the pollutant that it is. But we also need to look at highway training, the Harckham bill. The Harckham-Shimsky bill would also be a great bill to put in as an Article VII bill.

Forest Preserve management. It's great that we have the Adirondack and Catskill wilderness line, that's very important. One of the things we need to identify in that line is a carrying capacity study. We've funded visitor use management before. For 50 years in our State Land Master Plan we've identified carrying capacity studies for the biggest lakes in the Adirondacks. We've never done those studies. Even though they've been required, they've never been done. So we need to be able to contract for that.

We need to fund science. Good science

leads to good policy. We need to fund the Adirondack Watershed Institute. We need to fund diversity, very important in the Adirondacks. The Adirondack Diversity Initiative was cut this year. The Timbuctoo Summer Climate and Careers Institute was cut. We need to fund the Adirondack Museum's new exhibit on African-Americans in the Adirondacks.

Last, we need to stand up for wolves. The Carroll/Hoylman Wolf Protection Bill in New York would be a great bill to add as an Article VII bill.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you all for sticking it out. Your testimony and your advocacy are incredibly important, so thank you.

And at the risk of being tacky, I'll ask the same question I've asked the last few panels, because there's been a lot of data to

unpack and your testimony is very complex.

One sentence each: What are your top priorities for this budget?

MS. OTTNEY MAHAR: Don't cut environmental funding. Don't offload General Fund obligations into environmental funds.

MS. MOSER: Well, since Will Coté of Parks & Trails New York picked up on the 250 million for Parks capital, I'll go with let's start using title insurance in New York and move the land protection agenda here in the state.

MR. DOWNS: Considering all the thermal energy networks that are being {mic off; inaudible} -- we can negotiate NY HEAT in the budget.

And I think just for the sake of DEC, not having to have them endure a ridiculous permitting process, if you could ban CO2 fracking or mining or whatever we're gonig to call it in the budget, that would save a lot of headaches for a lot of folks.

Thanks.

MR. BAUER: We need to expand the Environmental Protection Fund and expand the land protection account in the EPF.

SENATOR HARCKHAM: Great. Thank you all very much.

And once again, thanks for staying. It's important.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: I share the Senator's admiration for your stick-to-itiveness. So thank you for being here.

On the other hand, if you weren't, we wouldn't be either, so --

(Laughter.)

ASSEMBLYWOMAN GLICK: Kathy, I just want to -- what's the real sticking point on the title insurance? Because that does -- you know, I joked that the wheels of government grind slowly, but it shouldn't grind that slowly, so ...

MS. MOSER: So we've been meeting with the Attorney General's office, and their main concern is that if they take title insurance and there are any improvements on the property, only the land is covered by insurance. Not any -- like if State Parks built a visitor center.

But that's such a small percentage of the land. I mean, I'm the Open Space Institute. We buy land for open space. We don't want to see improvements on the property. We want it there for wildlife and for enjoyment.

And there was also a concern about staffing, that it might affect staffing at the Attorney General's office. But they've actually requested more attorneys for the Real Property Bureau. And we've always advocated that they need more attorneys.

So, you know, it -- we were told, and this is a direct quote, "We will not change our process unless directed to do so by the Legislature." So that's why we're here.

ASSEMBLYWOMAN GLICK: Thank you.

That's very helpful.

And Roger, I think we understand that DEC is itself, though not on the record -- I think they would prefer that we take that off their plate on the CO2 or any other type of attempt to go back to fracking, so --

MR. DOWNS: That's very reassuring. Thank you.

ASSEMBLYWOMAN GLICK: It's something that'll be worked on very soon.

MR. DOWNS: Okay. Appreciate it.

ASSEMBLYWOMAN GLICK: Always good to see you, Jess and Peter. And I am surprised you're not advocating reintroducing wolves, which I think would help our overpopulation of deer. Just saying.

(Laughter.)

MR. BAUER: Just saying they're already here -- and so we just have to go out and be able to test them, and we could prove it.

ASSEMBLYWOMAN GLICK: Thank you. Thanks very much for all of your partnership.

CHAIRWOMAN WEINSTEIN: Assemblyman

Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Chair. Thank you all for being here, sticking it out.

And several of you may want to comment this, my question. So we have the 30x30 legislation, and you've talked about it, Jess and Kathy. And Peter mentioned it, what, 3.2 million acres we need to acquire over the next -- you know, by 2030. Any idea how much that's going to cost? Where that money is going to be budgeted?

Because, you know, we heard the commissioner talk about -- I believe it was 26,000 or 28,000 acres in the budget this year. That's a long ways off from 3.2 million acres.

And also, the needs for ECOs and Rangers also with the increased state land that needs to be monitored.

MS. OTTNEY MAHAR: So I want to address that, because 30x30 was aimed at conservation. And the law directs the state to come up with a plan.

And in The Nature Conservancy's view, some of the biggest issues to address as we begin to hash out that plan is how we define conservation. Acquisition is one strategy, but it's not the only one. So this does not mean that we need to buy it all.

I think we need to put together a suite of what will count under 30x30 to make sure that we're using all of our conservation strategies effectively. And I would also say that it's not just 30 of anything, in our view. Representation matters.

And so we have science -- we have a scientist named Mark Anderson at The Nature Conservancy who's been studying how species are going to be needing to change and move and how we need to protect a representative amount of each stage on earth, right, each ecosystem type or geophysical setting.

And so what we need to be doing is that analysis, and working with you all, working with communities to really build a plan that brings to bear a number of conservation strategies, not just buying

everything, because I don't think that's an effective approach. So there's a lot more we can be doing.

MR. BAUER: So Matt, in the report that we put out, we identified a number of strategies. I mean, certainly, expanding the Forest Preserve is one, expanding state parks for conservation easements.

But also we need some type of new, long-term carbon storage program for landowners that don't necessarily want to cut their forests, they want to keep their forest intact, they want to keep their trees growing bigger so they can sock away more storage.

So we need to look at some type of, you know, 480b-type program that really is based on carbon. We could -- that could go a long ways towards meeting the 30x30 goals.

ASSEMBLYMAN SIMPSON: Perfect. I only have 10 seconds.

I agree with you on the EPF. I was a big supporter of that. And supplanting existing budgetary items is the wrong thing. That's not what I advocated for, and we need

to fix that.

MS. OTTNEY MAHAR: Thank you.

ASSEMBLYMAN SIMPSON: Thank you.

CHAIRWOMAN KRUEGER: Thank you. I think the Senate's done.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

A question on the land acquisition problem. And I'm blown away by the difference in the statistics of how many acres we're buying. Is there a difference in terms of big parcels not for sale now? Is -- what kind of metric is guiding that huge reduction?

MS. MOSER: So right now the land trust community in New York is holding 100,000 acres with a fair market value of $150 million for the State of New York. So the land is there to put into state parks and wildlife management areas.

Like I said, we're working with DEC, and they're staffing up their Real Property Bureau. They're making their process more

efficient. We've talked to the Comptroller's office.

We, the land trust community, can also do a better job, and we are hosting a -- the Land Trust Alliance is hosting a lunch-and-learn. So we're going to use the Attorney General's guidelines on title abstracts, and we're going to ask all the land trusts to do a better job when they're trying to sell land to the State of New York.

I also think that the land trusts are willing -- to go back to Assemblyman Simpson's question, we're willing to help out on making that 30x30 goal. And the land trust community -- right now most of the land in the state, protected land, is owned by a public entity. But we've said if you have a Bond Act program that grants money to land trusts, we're willing to bring private dollars to the table and own and manage lands, whether it's conservation easement or fee.

And that's another way that the 90-plus land trusts can step up and help the

State of New York meet some of those goals. We're willing to do that. We just need a little bit of funding to incentivize our donors to leverage money and protect land that way.

ASSEMBLYMAN OTIS: In terms of the title -- the language you want to see, is that the language that's in the Fred Thiele bill, or do you have different language?

MS. MOSER: Yup, and Senator May also -- some of the Senators today got a paragraph that Senator May's office had developed, because we understand that some of your requests need to be in tomorrow. And we'll be sharing that same paragraph with the Assembly next week.

ASSEMBLYMAN OTIS: Okay. Thank you very much.

I'll yield back my 43 seconds.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Perfect timing. So I have three minutes and 40-something

seconds right now.

(Laughter.)

ASSEMBLYWOMAN KELLES: So thank you all so much for all of this.

I have a couple of questions. How many acres per year do we need to conserve to meet that 30x30 now, given how low it's been for the last couple of years?

MS. MOSER: Well, it's just that some of it is acquisition. It can be restoration of properties.

ASSEMBLYWOMAN KELLES: Right, whatever context. I'm just curious. Do we have a sense of it? Because we're far off.

MS. OTTNEY MAHAR: No, I think we need to have that conversation and really initiate that --

ASSEMBLYWOMAN KELLES: We don't even know.

MS. OTTNEY MAHAR: -- planning process that the law requested or commanded, to make sure that we're coming up with definitions that everyone is agreeing to around what does "conserved" mean, like what are we counting

towards this goal, and then assess really where we are and, you know, then really think about what types of land and waters we need to be conserving.

ASSEMBLYWOMAN KELLES: And you actually brought up something that I do think is really important. You know, when we hear "land," people think just land, right?

MS. OTTNEY MAHAR: Yeah.

ASSEMBLYWOMAN KELLES: But what I think is really important that we talk about is, you know, that preserving land, being conscientious about it is also a way to maximize carbon sequestration, it's also a way to ensure species biodiversity -- of which we have a phenomenal loss of species biodiversity -- of making sure we, you know, retain feeding areas, right, habitat zones.

What are some other things that just hearing from all of you that it would provide to make sure -- like farmland protection -- just to get a sense of it.

MR. DOWNS: Yeah, the previous panel talked about flooding. And, you know, we now

through the Bond Act have this incredible opportunity to buy back wetlands or sort of degraded floodplains and really restore them to be floodwater infrastructure for communities.

That, you know, there are other monies that can come in towards land acquisition, and maybe that was never, you know, intentionally as a 30x30 goal. But we could be creating these wetland mosaics surrounding our communities, protecting drinking water, you know, protecting us from floods. And it certainly counts towards that goal.

ASSEMBLYWOMAN KELLES: I think that's so critical.

MR. BAUER: Some of it's basic arithmetic. Because, you know, if we're going to meet 30 percent of the state's total geography by 2030, it's about 450,000 a year that we're looking at, 450,000 acres to protect.

That can be done through all different strategies. The wetlands bill that was passed -- the rules are still going, they're

still being put together for --

MR. DOWNS: February 20th, get your comments in.

MR. BAUER: The rules are still being put together for, you know, how that's going to be administered. There could be a significant -- we're told, during the lead-up to that, that that's going to protect a million acres across the state. We haven't seen actually how that happens with that. But that could be significant.

ASSEMBLYWOMAN KELLES: So I don't mean to belabor it, but I think this is very important because it's so critical that we have a conversation not just about land, but what land, why, how. And that we set an actual, like, scoping plan, if you will, for this process.

So thank you so much. This was incredibly important. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

My question is for Mr. Bauer. With respect to the wolf reintroduction program that I think that you mentioned --

MR. BAUER: No, that was the chairwoman. She talked about reintroduction.

(Laughter.)

MR. BAUER: No, I talked -- there's a wolf protection bill, it's a Bobby Carroll bill, of Senator Hoylman and Assemblyman Carroll. And this is simply to do DNA testing on large canids that are hunted in the state.

We've had some instances where wolves have come into the state. Unfortunately, we only find out about them when they're dead. They're usually shot or they're hit by a car or something like that.

It would be -- you know, there's a lot -- we get anecdotal reports all the time about packs and about individual wolves. It would be great to actually be proactive and do some DNA testing.

Any wolf that crosses the border into New York, like the one that was shot in

Cooperstown, is supposed to be protected under state and federal Endangered Species Act legislation. That usually doesn't happen when they're mistaken for a coyote and that sort of thing.

So this legislation would really just start to get DEC in the game, to uphold the Endangered Species Act so that the canids that come into the state that are wolves would be protected and we could get more information about them.

It's nothing about reintroduction. The State Wildlife Action Plan is starting their scoping process this year, and it would be finalized in 2025. If they wanted to do a feasibility study, the DEC could make that part of the plan.

ASSEMBLYMAN LEMONDES: Do you think that their protection would be a good thing?

And I say that from the perspective of every place where they have been reintroduced and protected, there have been egregious losses to agriculture.

MR. BAUER: Well, they're doing a --

there's a fascinating reintroduction that's going on right now in Colorado. And they've released three intact packs. They went through a lot of public attitude surveys, a lot of local government surveys. It's been met with a tremendous amount of enthusiasm and fanfare.

So generally where --

ASSEMBLYMAN LEMONDES: By generally urban populations.

MR. BAUER: Oh, no, this is also by the local governments and the local communities where these packs were released. I mean, it's brought tourism into the area where people hadn't gone.

The places that have lived with wolves, in northern Minnesota and Wisconsin, they've worked it out. There's -- sometimes there is agricultural predation. But, you know, problem wolves can be taken care of. Landowners can be compensated. They've managed to make this work for a number of years in those places.

ASSEMBLYMAN LEMONDES: Thank you. I

appreciate your response.

Madam Chair, thank you.

CHAIRWOMAN KRUEGER: Thank you. And last, Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you all for being here and for waiting this out.

And I wished that I would have heard from you sooner before we heard from the Office of Renewable Energy Siting, because in my district there's thousands of acres of land that are being used for solar installations, and with that came a lot of tree removal.

So while we're making efforts to decarbonize by planting trees, we're clearing trees for solar. And I just want your opinions on what you think about clearing trees for solar.

(Pause; laughter.)

MS. OTTNEY MAHAR: I'll take that.

MS. MOSER: Go for it.

MS. OTTNEY MAHAR: So The Nature Conservancy has been working with communities, and in fact we put something

together several years ago with a broad stakeholder group called the Long Island Solar Roadmap, which really went through and took a look at, you know, what were key concerns in communities around things like renewable energy and solar siting in particular, and how communities could work with the industry to reduce the impact of siting.

And we've now been working on a few more reports and processes like these. And we're grateful that NYSERDA has the Environmental Technical Working Group for Offshore Wind and the Agricultural Technical Working Group for, you know, how they're going to be rolling out solar -- things like agrivoltaics.

So there are going to be tradeoffs. And we are advocating that they prioritize low-impact siting and are working hard with the industry to put some of those guidelines and suggestions together.

ASSEMBLYWOMAN GIGLIO: Thank you.

Yeah, and I plan on asking that office

for a report as to when they site projects, are they prioritizing sites that have already been cleared and rejecting sites that have half of the acreage that are trees that need to be cleared.

My next question is in the -- in Suffolk County, in Brookhaven and the Town of Riverhead, which is the town that I represent, and some of Southampton now, we have the Community Preservation Fund, which was a tax, essentially a closing tax to preserve land. And now there are discussions to open up that legislation and use that funding for operation and maintenance of historic structures and structures, as you discussed, to maintain those.

And I'm not a fan of it, because I think that it should be used for preservation. And I don't think government should be using that fund for general operating costs. And I want your opinion on it.

MS. OTTNEY MAHAR: I'd be happy to connect you with my colleague Kevin McDonald,

who --

ASSEMBLYWOMAN GIGLIO: Yes. Kevin was there, and he opposed it --

MS. OTTNEY MAHAR: Right.

ASSEMBLYWOMAN GIGLIO: -- and so did Bob DeLuca.

MS. OTTNEY MAHAR: Okay, great. Then you know where we stand.

(Laughter.)

ASSEMBLYWOMAN GIGLIO: Yeah. But what I was saying is that if there were a -- maybe a bid, where you went out for bid and the contractor came in and said, okay, this historic structure that we preserved needs $300,000 worth of work -- you could put it out for an RFP and get three bids and then possibly use that funding to repair a structure for capital improvements, but not necessarily for operations and maintenance of it. Do you agree with that?

MS. OTTNEY MAHAR: I'm not sure I know enough to answer you well.

ASSEMBLYWOMAN GIGLIO: Okay. Thank you.

CHAIRWOMAN KRUEGER: They'll get back to you at another time.

MS. OTTNEY MAHAR: Yeah, happy to.

CHAIRWOMAN KRUEGER: Thank you. I think that's it for this panel. Thank you so much for being with us tonight.

MS. OTTNEY MAHAR: Thank you.

MS. MOSER: Thank you.

MR. BAUER: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much for staying.

Now to Panel H: New York Renews; Rewiring America; New Yorkers for Clean Power; Public Utility Law Project; Green Education and Legal Fund.

Hi. Shall we start with you?

MR. EDEL: I think so, assuming I can turn on the microphone.

So I'll just start -- and I'll try and be quick. It's been a long night, and I know it's been a very long day for all of you.

My name is Stephan Edel. I am the coalition coordinator/executive director at New York Renews Coalition. We're a coalition

of more than 370 organizations around New York State working on climate and making this a great state for a long time to come.

We have a whole series of priorities and a whole series of opinions that are in our detailed agenda, so I'm not going to go through the longer list. I'm going to focus in on two particular items.

We have a really core opportunity this year because last year we passed the Climate Action Fund. This was a really big step for the Legislature and the Governor to take. We created this structure that ensures good jobs, responsible contracting for funds that come in through climate fund -- climate action revenue.

Now, we cannot continue to wait for the next thing to happen, right? For years we heard, We'll deal with climate funding, we'll deal with environmental funding when the Bond Act is finished. Now we're hearing, When we have cap-and-invest revenue, when we get the federal dollars in.

And this is the moment where you have

the best leverage to actually get it up and running.

We heard amazing testimony earlier today about how hard it is to actually get programs working, get money moving. And we don't want to wait until we're collecting billions of dollars of cap, trade and invest revenue to figure out how we get it out into communities. Right? That is a formula for people to be really unhappy and for us to lose this moment.

So if I can put forward just one thing for you all to pay attention to, it's that this is the opportunity for that. Right? We don't need ten -- many -- probably many of you have seen me up here before talking about needing $10 billion or $15 billion. All we're asking for this year is something to get this program started. Right? There's a whole array of things that can be done right now and people can see in their communities, see benefits in their communities, and get things moving.

And the alternative to that is

continuing to wait and see what happens next.

We have a lot of thoughts and a lot of discussion going on in the state about cap, trade and invest. And I'd also encourage all of you to really engage and use your leadership. It's going to be a really huge impact for the state, and there are tremendous concerns about doing it right.

Again, in our testimony we go through a whole series of guardrails. But I'd encourage all of you to take this opportunity to lead. Right?

There's no debate about climate change. There's no debate that it is killing New Yorkers, that pollution is killing New Yorkers. And there is a strange discussion I find every year around climate funding where we start talking and we hear: Well, we don't have enough money from ratepayers. Right? We need general funds to go into this so that we can stop using the single most regressive tax in New York State to pay for all of our energy infrastructure.

CHAIRWOMAN KRUEGER: Thank you.

MR. EDEL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next.

MR. HERNANDEZ: Thank you. Thank you for the opportunity to testify today.

My name is Michael Hernandez, and I'm the New York policy director for Rewiring America. Rewiring America is a leading electrification nonprofit focused on electrifying our homes, buildings, and communities.

I'll start off by talking about the Affordable Gas Transition Act and the NY HEAT Act.

Currently the Public Service Law drives the expansion of an expensive, inefficient gas system by establishing a utility obligation to supply gas to any customer upon request and charging existing ratepayers for the cost of new connections.

The Governor's proposed Affordable Gas Transition Act will correct this costly and harmful practice, but it does not include the codification of the Public Service

Commission's goal that no ratepayer pay more than 6 percent of their household income. And it doesn't have a timeline for implementation.

The legislative one-houses should accept the Governor's proposal and modify it to codify the 6 percent household income goal and a timeline for implementation.

Next I'll talk about the EmPower+ and Energy Affordability Program. Last year's enacted budget included $400 million for the EmPower+ and the Energy Affordability Program, which helps low-income New Yorkers get off dirty, expensive fossil-fuel combustion heating systems to clean, green electric systems and keeps their energy costs down.

This year the Governor's cut this funding down to only $50 million. This cut will significantly impact how New Yorkers can receive this vital service. The Legislature should match last year's $400 million appropriation.

We also support the Renewable Energy

through Project Interconnection and Deployment, the RAPID Act. It's vitally important that we move forward with transmission approvals and interconnection of renewable energy resources.

I just want to talk about the implementation of the All-Electric Buildings Act that was enacted last year. The building sector is the largest source of greenhouse gas emissions in New York State. The Building Code Council and NYSERDA have been tasked with implementing and incorporating the electrification of new construction into the Building Code.

They haven't done that yet. It's -- they've already gone through two versions. The third version is coming out in March. And so we really need the All-Electric Buildings Act to be -- as part of the Energy Code.

Also they're supposed to include the recommendations of the Climate Action Council, as well as making sure that it is consistent with our greenhouse gas goals. So

they should do that.

CHAIRWOMAN KRUEGER: Thank you very much.

Next?

MS. WHEELOCK: Good evening. My name is Laurie Wheelock. I go by she/hers pronouns. I'm the executive director and counsel of the Public Utility Law Project; we go by PULP for short.

Our written testimony goes through many different proposals and aspects, but tonight I want to start with two specific asks.

The first is to protect, codify, and fund the Energy Affordability Program. Michael just talked about it briefly, but essentially the Energy Affordability Program was created in 2016 by a commission order.

The Public Service Commission, that regulates all of the investor-owned utilities from Con Ed to NYSEG to Central Hudson, has a program right now for low-income households that gives them monthly discounts off their bills for a year. What they have to do is

show that they're already enrolled in a public assistance program, from SNAP to HEAP to Lifeline, and they can get these discounts for a year.

It is a lifeline. It's one of the first things we do when someone contacts us and they're at risk of shutoff, is check to see if they're getting these credits. Because every dollar helps their burden in some economic matter.

This program is a vital lifeline. Last year we came to the Legislature because we were concerned that there was underenrollment. We felt there was about a million households out there that could qualify for this program but didn't know about it. And thanks to Assemblywoman Solages and Senator Parker, data-matching was passed and signed into law.

So in 2025 we're going to have the Office of Temporary Disability and Assistance that has the lists of the low-income households and the utilities start data-matching. And so there's going to be a

natural increase in the program, which we're so excited about. We thank the Governor, we thank the Legislature, because that is momentum.

But I'm here tonight because I am concerned about adding more people in the program the way it's currently funded. It's all ratepayer funding. It has a 2 percent budget cap. Each utility comes up with their budget, and so people enroll, they get their credits by a formula. But if you add more people and you hit the cap, the fear is adding more will decrease the credits.

So that's why we're asking "do no harm." Let's put $250 million into the budget for EAP to act as a cushion so that we can add those people safely to the program, and then codify it to get it ready for things like cap-and-invest.

We recognize that we are on a train when it comes to affordability. There's a lot of costs out there that we're not sure about that might shift around. And so we'll talk later and in our testimony about more

transparency measures.

But the last thing I want to put in a plug for is PULP. Our organization has been a huge supporter of intervenor funding. It got vetoed again, but thank you for getting it passed. We need more support.

We're a small but mighty office of 10 that represents the entire state. We've been in seven rate cases. We had 1,706 hotline calls last year, and over 400 cases where we helped low-income New Yorkers -- and moderate -- try to fight back and make sure they can empower themselves, prevent shutoffs, reach energy efficiency while also maintaining a safe and affordable home.

So thank you.

CHAIRWOMAN KRUEGER: Thank you.

Mark?

MR. DUNLEA: Thank you for the opportunity to speak this evening. My name is Mark Dunlea. I'm here to represent the Green Education and Legal Fund.

I wanted to just start with a few quick things. My first job as a college

student back in the mid-seventies was to work on this thing called the Bottle Bill. It's time to update that, expand what is covered, and also go to a 10-cent deposit.

We support raising the funding for the Water Infrastructure from 600 million rather than the proposed cut to 250 million.

And as Stephan and others have talked about, we need to finally make polluters pay for the damages they've been causing in New York State, and that starts with the Climate Superfund.

And I'll also say we probably support the proposal by Assemblywoman Glick to reintroduce wolves to help control the deer population, which is definitely having a negative impact.

I very much appreciated the comments from Keanu from Fridays for the Future NYC. The climate crisis is already here. We had extreme weather rampaging across the planet last year. It led to the head of the United Nations saying that the slow action by government on dealing with climate has opened

up the gates to hell. And scientists are now debating whether or not in 2023 did we actually hit the 1.5 degrees centigrade warming target.

We are out of time. We need to move a lot faster. We need to in fact cut emissions much faster than is laid out in the CLCPA. President Biden has said the national goal is a 50 to 52 percent cut by 2030, not the 40 percent cut we're talking about here in New York State. We should at least go with Biden and the cap-and-invest program.

We tend to oppose the cap-and-invest program for many reasons, but we support a lot of things New York Renews does.

The floor of $23 for carbon is ridiculous. It should be at least 85, according to the IMF. We'd include everybody.

When I started working, trying to influence the Legislature, this building did not exist. It is a little bit disturbing to hear that OGS, five years after we convinced the lawmakers to stop putting more fracked

gas turbines in Sheridan Hollow after a century of pollution, wants to take another 10 years to reduce emissions in the Capitol complex by over 50 percent. That is way, way too slow.

Finally, one of the issues I worked on for the last decade has been to get the New York State pension funds to be divested from fossil fuels. We appreciate your assistance in trying to convince Tom DiNapoli to finish that process, and also get the New York State Teachers Retirement System to divest as well.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Please.

MR. GUPTA: Thank you for this opportunity. My name is Anshul Gupta. I am the policy and research director at New Yorkers for Clean Power, a statewide collaborative campaign --

CHAIRWOMAN KRUEGER: Move your mic a little closer.

MR. GUPTA: My name is Anshul Gupta.

I am the policy and research director at New Yorkers for Clean Power, a statewide collaborative campaign to rapidly shift to a clean-energy economy. Through research, education, advocacy, and organizing, the campaign seeks to advance a range of clean-energy solutions as well as job creation in these industries.

In light of the rapidly worsening climate crisis, we urge the Legislature to step up the pace and ambition of climate legislation. We are grateful to Governor Hochul for including the major elements of the NY HEAT Act in her Executive Budget.

We request the Legislature to significantly strengthen its energy affordability provisions, include the prevailing wage provisions, and include a timeline for the Public Service Commission to incorporate the objectives of this bill into the commission's rules and regulations.

In the absence of the NY HEAT Act, the commission's gas planning process is unable

to incorporate the CLCPA's goals, which is resulting in continued massive wasteful investments of ratepayer dollars into potentially stranded assets.

Next, geothermal heat pumps are the most efficient heating and cooling technology available today that advances our climate goals while helping our electric grid's reliability and cost-effectiveness. This technology seems to have earned an unfair reputation of being costly. In reality, geothermal has more of a cost-allocation problem than a cost problem. The most expensive part of the system, the ground loop, can have service life of up to a century. Yet the entire cost is paid up-front by the first owner, who would never reap the entire lifetime benefit.

We urge you to help make this technology more affordable by increasing the cap on state income tax credit to $10,000 and make it refundable.

Next, the Green Transit, Green Jobs bill will bolster New York's efforts to

implement the CLCPA by phasing out purchases of new buses powered by polluting fuels by the end of the decade. This commonsense policy will slash harmful pollution from public transportation, particularly in communities already overburdened by the tremendous health harms caused by burning oil and gas.

This bill would also support creation of manufacturing union jobs, so please include this bill among the budget's Article VII bills.

Senator Harckham and Assemblymember Levenberg have another commonsense bill, S1179 and A7269, that will exempt municipal, county, or state parking lots from going through the long and unnecessary parkland alienation process for installing solar canopies, so that people cut fewer trees and use less farmland. This excellent bill has bipartisan support in both houses, yet it has been languishing in the Assembly for a while. We urge you to just pass it through the budget and get the job

done.

Our written testimony includes some additional requests. Thank you again.

CHAIRWOMAN KRUEGER: Thank you very much.

We seem to be gaining Assemblymembers.

(Laughter.)

CHAIRWOMAN KRUEGER: You're a little early for tomorrow's hearing.

(Laughter.)

CHAIRWOMAN KRUEGER: I know people like to get good seats. I'm so sorry.

Pete Harckham, you had a question.

SENATOR HARCKHAM: I did. Thank you, Madam Chair.

Thank you all for staying so late. Your testimony means a lot. And Laurie, great to see you. Thank you for your partnership and help with our constituents.

I'll ask a question of Mark, and others can answer as well. Thank you for bringing up the cost of carbon and the $23. I asked the president of NYSERDA that earlier today -- I don't know if you were here -- and

she artfully dodged the question completely.

California is four times $23. You say IMF at 85. Some academics are going as high as $125 a ton. So anybody who wants to speak on this, speak of where you think New York should be when we begin to roll out our carbon market and cap-and-invest.

MR. DUNLEA: I mean, I'll just mention that DEC estimates the social cost of carbon is, on average, $121 a ton. And when the IMF estimates that worldwide we provide a $7 trillion annual subsidy to fossil fuels, almost exclusively that's by not charging them the cost of the damages they do.

In New York State alone, the estimated healthcare cost from burning fossil fuels -- $50 billion on an annual basis.

MR. EDEL: I mean -- I imagine Anshul and others will have thoughts. I mean, we've modeled various things and in prior years we had advanced the Climate and Community Investment Act -- thank you, Senator. And we, you know, assessed $35 a ton, we assessed $40 a ton.

You know, we know we're not going to get $120, $200 a ton, even $85 a ton. And the process we're going into with NYSERDA is one -- and with DEC, is one to set the regulations, and we have to push for it to be as high as we possibly can.

At $23 a ton, I don't think it will generate enough revenue to be transformative. But we'll have to see what happens.

MR. GUPTA: I would add that instead of artificially lowering the carbon price in the cap-and-invest program, the best way to improve the affordability of the program is to reduce emissions through legislative and regulatory processes and use them along with the cap-and-invest program, and not just depend only on the cap-and-invest program.

The least-cost emissions reductions are those that are not removed by pricing them out of the market, but by passing bills like the NY HEAT Act.

SENATOR HARCKHAM: Thank you all.

CHAIRWOMAN KRUEGER: Thank you.

Assembly, do you have any questions?

ASSEMBLYWOMAN GLICK: I guess I'll ask Stephan this.

I know that there is a very long laundry list of things that we need to do. And I don't disagree with the long list, because we have a lot of different problems that interplay with one another.

What are the top five?

MR. EDEL: Yeah, I mean, we went through an extensive process talking to hundreds of groups around the state. And we -- so it's a great setup, thank you. And we assessed essentially five.

The Just Energy Transition Act, the NY HEAT Act, and the Climate Superfund Act all have a great balance of reducing emissions, driving policy change, and actually reducing impacts on consumers. And at the same time we think the next step beyond that is actually to finally get around to funding the Climate Law. Right? We've seen minute increases, but no dedicated funding and a continued reliance on ratepayer fees. So we're calling for a billion dollars

in both one-house budgets this year.

We'll continue calling for more funding. We spent a lot of time with labor and community partners and the AFL/CIO developing the labor standards for the Climate Action Fund, and we'd like to see money actually flow through it to both reduce emissions and create good jobs in every community in the state.

MR. DUNLEA: I was hoping for Senator Harckham's question about what is the one thing everybody should do. You gave us five.

But I would say convert the State Capitol in three years to 100 percent renewable energy. Michigan just did it for geothermal in 18 months, including the planning process.

This building basically has been polluting a low-income community of color for more than a century. It has burned oil, it has burned gas, it has burned coal, and it has burned garbage. And you go to the Department of Health's own data, and there is

a big cancer cluster in that neighborhood.

And when we talk about environmental justice issues, getting the state to stop polluting a neighborhood in order to power these buildings is a great step.

And then also invest in some real programs so that community -- like, for instance, there is a pilot program right now that NYSERDA is funding looking at putting in geothermal heating, district geothermal heating, for 100 homes both in Sheridan Hollow and in the Mansion neighborhood, and that'd be a good step.

MS. WHEELOCK: And just to add really quickly, one of the things that PULP is pushing for is that transparency piece with affordability.

Last budget cycle we asked the state to do a climate affordability study. It came out in December, and we see that as a good base, but we would like to see that on an annual basis and add to it.

So have the Department of Health involved, have OTDA involved, so that way we

can start putting out the numbers of each of the agencies -- where are the costs, where are the benefits, so that we can help streamline programs and act in the moment.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hinchey.

SENATOR HINCHEY: Thank you very much.

And I echo my colleagues: Thank you all for your testimony and for being here. It's very important.

Laurie, I would like to -- I know it's in your testimony, but just to hear it out loud, what is the ask for PULP?

MS. WHEELOCK: Last year we were granted $1.4 million, which -- thank you so much -- that allowed us to bring on another part-time staffer to do research.

This year we're asking for $850,000 of an increase. That would give us the ability to hire at least five more staffers. We'd like four attorneys and one researcher to help us.

I think part of the issue with PULP being stretched so thin is that because of

the pandemic, all the rate cases are now bumping up against each other. So last year alone, we were in seven. When I started with PULP, we would have two a year.

So we had Con Ed, we had NYSEG/RG&E, we had Central Hudson, we had NFG. You know, there's a lot going on on Long Island -- we had Veolia Water, we had Liberty Water. And Orange and Rockland just filed a few weeks ago, and we expect another major utility to do so too.

So I think that amount of staff would really help us be able to continue to do all the work we're doing, but give us that extra time to be able to grow even more.

SENATOR HINCHEY: Thank you. I think if there's any organization that deserves more funding for more staff, it is PULP for the work you do.

We've talked a lot today about clean water and the challenges we are facing with clean water and kind of what I think we all see as a ridiculous proposal to cut our clean water funding. But we've worked with you a

lot on small water companies and the challenge that that exists. And so we have a proposal for a small water authority.

Could you talk a little bit about your experience and what you see across the state on this issue?

MS. WHEELOCK: Yes. So especially, you know, back in the '50s, it was very common for, you know, a lot of these smaller water companies to be owned by families, to be passed down by generations.

And they are -- you know, if they're private, they are regulated by the Department of Public Service and the commission. But unfortunately, you know, the infrastructure is aging in a lot of the state, and so these infrastructure costs, they come to the commission and they need, you know, massive increases, sometimes 52 to 63 percent, which is just unaffordable.

And so a lot of times the policy is to talk to them and see if maybe a larger water utility, like a Veolia or a Liberty, will buy out these small utility companies. But the

municipalities may want them, and it's a lot of money to invest in these systems.

So having a water authority run by the state that can help in these instances -- like, for instance, Hudson Valley Water Company -- would be a tremendous help for the communities around them.

SENATOR HINCHEY: Thank you very much.

CHAIRWOMAN KRUEGER: Assembly?

CHAIRWOMAN WEINSTEIN: Assemblymember Kelles.

ASSEMBLYWOMAN KELLES: I wanted to start just by thanking you all.

I've heard so many comments today about, you know, how our whole plan to go renewable and fight climate change is just going to destroy our economy, it's going to make everything super -- like absolutely unaffordable for everybody, and not acknowledging that we have a comprehensive plan in place.

Yes, while we are converting to renewable, we are also putting all of these programs in place to guarantee affordability,

particularly for those who need it, like the HEAP, like EAP, like the Energy Guarantee Program, like EmPower+.

And, you know, I think that the piece that you said here, too, so important to make sure that the 250 million are put in and that we make sure that it is in statute and permanent and that we have it every year. So I just wanted to say thank you for that, because we do need to see that all in context.

I also wanted to say, for the divestment piece -- you know, I'm passionate about that. I just wanted to add, though, that it is also because it is actually a greater return on your investment and you optimize your return if you divest. All the research shows that actually divestment is the fiduciarially responsible thing to do. So, again, just a comment for that.

I did want to ask, you know, to expound upon -- you brought up JETA -- what role you see JETA playing in helping us reach our renewable goals.

MR. EDEL: Yeah. I mean, I think one of the things that's been a theme today is that there are lots of different pieces of the solution. Right? There's not one-size-fits-all. And JETA is a vital step, right?

What it requires is that we do exactly what folks on the panels have been saying today. Look at the most polluting power plants in the state, talk to the community, the labor organizations involved, the power plant owners, and then figure out a detailed plan that is actually going to move that community to have renewable energy instead of the pollution.

ASSEMBLYWOMAN KELLES: So in that same site, where there's already a building, there's already a hookup, that would be the most cost-effective location.

MR. EDEL: Yes. In that site or related to that site, so that it replaces that power locally.

And this is a model that's been built in -- on actual work that's going on. The

Ravenswood plant in Queens is moving through this process, and the bill looks at what's gone on there with negotiations with the unionized workforce, with the employer, with the power companies involved, to say how do we actually replicate this in other places where we have the most polluting power plants in the state.

ASSEMBLYWOMAN KELLES: And this bill has union support, it has advocacy support --

MR. EDEL: Yeah.

ASSEMBLYWOMAN KELLES: -- it has business support, right?

MR. EDEL: The only people who don't support it are people who have a fiscal interest in opposing gas transition.

ASSEMBLYWOMAN KELLES: That's really important. Thank you so much.

I've run out of my time, but I have a million other questions. We'll talk afterwards. But thank you, everyone, for being here.

MR. EDEL: Thank you.

ASSEMBLYWOMAN KELLES: Absolutely.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you.

And thank you all for being here this evening.

So, Anshul, you really inspire me, because, you know what, the goal is to reduce carbon emissions and to penalize manufacturers, hospitals, our largest employers -- who, in my district, I just found out today from Senator Ramos that they're picking up and leaving because the utility costs are too high, labor costs are too high, penalties are too high. And manufacturing plants like that are turning into warehouses for Amazon for more truck traffic on our roadways.

So I want to ask all of you, do you think that it would be more prudent to -- for New York State to invest in large manufacturers, which are the large job creators that are paying living wages, to help them decarbonize, than it would be to penalize them to pay for policies that

New York State puts in place?

MR. EDEL: I'm happy to start, and I know others will have thoughts.

I don't think that's the right way of framing the question. Right? We can and in fact need to do both. If we don't have the legal framework, if we don't have state funds, we can't help those business address their emissions.

Do we need to protect those businesses and keep them in-state for employment reasons? Yes. But doing that without reducing their emissions doesn't actually help them in the long run. We need to make sure that they're cutting emissions.

As Anshul said, the best and cheapest way to reduce emissions is not to pollute. And almost every business, given the adequate support that the state could be giving them, could reduce their emissions rather than paying into the cap-and-invest system.

So it's not a choice, one or the other. We have to make those steps so that businesses reduce their emissions. That

saves them money, and it doesn't increase their costs. Right? We can do both, and we have to.

ASSEMBLYWOMAN GIGLIO: Thank you for your thoughtful answer.

MR. GUPTA: And I would add that we -- I wouldn't characterize this as a penalty. This is making the system more fair.

We all pay for disposing our solid waste. We pay the cost for disposing our liquid waste. But we dump our gas waste for free.

This is just making the polluters pay their share of the costs of disposing the gaseous waste freely that they've been doing for decades. And it's -- it's not a penalty.

ASSEMBLYWOMAN GIGLIO: But a lot of the big manufacturing companies want to go to battery storage. They want to do renewable energies. They want to use their battery storage to power their plants. But New York State does not give them the mechanism to do that.

So I think that those policies are

just as important as pushing people out of New York State. And in my opinion, it's another mantra of taxing the rich, the large manufacturers and employers.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: (Mic issue.) Really, it's been a long day (laughing). Sorry.

So I did have a question for PULP. First of all, I want to thank you for all the work you've done, because I know that not only do you help people in need, but you actually help people like me who just don't understand what it is that's going on and really need help. And it's really helpful to get that, you know, accurate information.

And I know you need additional funding for staffing. If you had a magic wand, what would PULP be able to do for New York State?

MS. WHEELOCK: And thank you for the question.

My staff will laugh, but my goal is for PULP to have 151 of us, because you need

to have stretch goals. And I think the ultimate goal is just to be able to expand who we're able to help.

You know, our mission is low-income, but we have people who call us who are small business owners and they're under a commercial rate that is more expensive than the residential rate, and they may have different consumer protections.

You know, we would love to expand and get more involved with the siting and the transmission piece of it, because there's a lot of cost there.

You know, PULP has had to sit down and really prioritize what we're able to do because we're being asked to jump into everything, and we're trying, but it's a lot.

So, for instance, we're doing NENY right now, the New Efficiency: New York, to look at all the energy-efficiency stuff. But we would love to do, you know, the utility thermal network piece and get involved.

So I think we would just love to be able to expand and just make sure that we

have a foothold in everything that the commission is doing, and then the other agencies as well when it touches energy.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes. No questions for the panel, but I do want to say -- make a comment and read something.

We have a lot of environmental groups that are testifying here today, but no one talking about energy affordability. In fact, there's one group that had asked to testify, they were denied the ability to testify. And I'd like to read this.

"New Yorkers for Affordable Energy is a coalition of labor unions and businesses concerned about potential obstacles for ratepayers and service providers arising from New York State's revolutionary transition away from the natural gas system as we know it.

"the coalition understands and appreciates the inevitability of the state's

transition to clean energy, but demands our lawmakers do so with common-sense principles. At this moment, New York's road map towards clean energy fails to account for those values. I want to focus directly on the parts of the Executive Budget that would implement elements of the NY HEAT Act or the Affordable Gas Transition Act, as Governor Hochul is calling it.

"Let me be clear. This legislation is not affordable and is not necessary.

"First, this legislation would lead to the abandonment of the gas system and force electrification on consumers who don't want it, don't need it and, most importantly, can't afford it. These conversions would cost homeowners and businesses between $20,000 and $50,000 each, according to industry estimates.

"Second, the utility cost cap envisioned in this legislation will not lead to lower bills for most New Yorkers. Instead, the savings accrued to some will be spread out among other utility ratepayers.

This in effect means that while some will benefit, most will not. These costs will go on top of the 25 percent of the bill that is already New York State taxes and fees, and the 4.5 to 9.5 percent already caused by the CLCPA, according to a study conducted by the Empire Center for Public Policy.

"Third, the NY HEAT Act will put hardworking New Yorkers on the unemployment line and significantly damage New York's economy. One of our steering committee members, Power and Construction Group, from Rochester, estimates that about a third of its workforce, over 100 people, will be laid off if this policy is implemented.

"Getting rid of the 100-foot rule, obliging a utility to provide service to a customer within 100 feet of the main line, will cost thousands of good-paying jobs. We promise that if you continue down this course, blue-collar voters in New York State will not forget it.

"Some say we should not worry because these same workers can just be shifted over

to the electric work -- to do electrical work or, as the League of Conservation Voters recently suggested in their 2024 policy priorities, that they can do thermal work.

"Let me be clear, 100 percent clear. It takes years of training to do gas work and additional years of different training to do electric or thermal work. People who make comments like this don't understand the specialized training requirements that these jobs demand, and they don't understand the importance of our gas infrastructure to the economy.

"As we move forward in this budget process, we want you to know that we are concerned about these policies, but most importantly we stand ready to work with you towards what we should do as our common goal: Reducing utility costs, protecting good-paying union jobs, and utilizing a rational and sustainable approach to meet our shared clean energy goals."

CHAIRWOMAN WEINSTEIN: Thank you, Phil. Time is up.

ASSEMBLYMAN PALMESANO: Thank you.

CHAIRWOMAN KRUEGER: Now we've motivated another Senator to ask question.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you. I'll take my prerogative as chair to ask a follow-up.

You just heard a lengthy comment without the opportunity to respond, so if any of you would like to respond to the good gentleman's comments that we just heard.

MR. GUPTA: Yes, absolutely.

New Yorkers for Affordable Energy is a 501(c)(6) business league. It's an astroturfing front group funded by the likes of the American Petroleum Institute, with the executive director from New Jersey.

And it is actually being abandoned by most gas utilities that used be on its steering committee. And the only gas utility on the steering committee left right now is National Fuel Gas, because they don't have an electric business.

The goal of this group, as stated in

their own IRS filings, is the expansion of natural gas. They have nothing to do with affordability. They are hardly New Yorkers.

Once again, it is an astroturfing front group. It's a 501(c)(6) business league.

CHAIRWOMAN KRUEGER: Thank you.

MR. EDEL: I could talk at great length, but I'll just respond to one point. Which is, you know, the idea that there is no transferability is shortsighted and wrong. Right?

It is a really hard question. But that's why the building trades and the state AFL-CIO and employers have been working very hard on it in a whole series of contexts, including around the transition of Indian point, including setting standards for transition in programs that are being created and the Office of Just Transition.

So it is hard. And people should not be flip about the challenge that that's posed and how badly it's been handled in trade adjustment and other programs. But it is

also not insurmountable.

MR. DUNLEA: And I'll just point out, you know, the IMF, which is a pretty moderate group, it's not a radical activist organization, you know, they say we're providing a $7 trillion annual subsidy to fossil-fuel companies. That really distorts the marketplace.

And I think it's also one of the reasons why the Legislature has to get serious about how much money are you going to raise to help people pay for this transition. How are we going to subsidize people when they get the heat pumps and the geothermal?

And, you know, you can also debate -- you know, I drafted a carbon tax -- actually with your former boss -- and we proposed rebating 60 percent of the revenues raised from carbon pricing. The Governor's proposing a third. That's a number you all should be debating: How much money do we need to offset whatever aggressive nature of carbon pricing?

MS. WHEELOCK: And just to add, you

know, PULP stands ready. We appreciate the NY HEAT Act, we appreciate the Governor's language. Both include affordability. You know, the Governor leaves a lot of deference to the department. We appreciate their specific provisions and guardrails. So we would love to be a part of that discussion as things proceed.

CHAIRWOMAN KRUEGER: Thank you.

I'm going to thank this panel for joining with us this night. Thank you all for your testimony and for your comments and responses.

And I'm going to call up the next panel: Save the Sound, David Ansel --

(Scattered applause.)

CHAIRWOMAN KRUEGER: Oh, getting some applause.

-- Finger Lakes Land Trust, Andrew Zepp; Riverkeeper, Jeremy Cherson; and TIMBER, Nina Nichols.

(Off the record.)

CHAIRWOMAN KRUEGER: Good evening. It is still evening, right? Yes. Good evening.

And why don't we just take it in the order from this side of the table over.

Hi, good evening.

MR. ANSEL: {Mic problem.} Am I on?

CHAIRWOMAN KRUEGER: Yes.

MR. ANSEL: My name's David Ansel. I'm the vice president of water protection at Save the Sound. Save the Sound's mission is to protect and restore the Long Island Sound here in New York.

Thank you so much for the opportunity to testify tonight. I want to share some challenges we're facing in the Long Island Sound, but first I want to remind you what a valuable asset the Long Island Sound is to New York.

It's an ecological treasure with over 170 different species of marine animals and migratory birds. It provides recreational use for millions of New Yorkers -- fishing, boating and swimming. And it's an economic engine for the State of New York. It provides hundreds of thousands of jobs and billions of dollars of revenue for our state.

The challenges we're facing are many, and in my short time here I will just tell you about the big three: Wastewater pollution, stormwater pollution, and the effects of climate change.

And the third one is in fact a triple threat unto itself because the frequency and severity of the rain events that we're having are exacerbating the wastewater pollution that's getting into the water. So we have bad infrastructure, more water's getting into the systems, overwhelming those systems, so we're getting partially treated and untreated sewage on a massive scale into the water.

Similarly, the stormwater runoff, because of the massive flooding and the rain events that we're having, we're getting more pollution in the water, plus all the resiliency challenges for people who live everywhere in the State of New York, not just the Sound.

So -- and the third problem is that it's actually raising the temperature of the water. And as the temperature rises, it

becomes less of a safe environment for plants and animals, and then the ecology continues to crash.

The good news is we know what the solutions are: Mitigating climate change, reducing stormwater pollution, and having more green infrastructure and living shorelines. And with respect to wastewater pollution, fixing outdated and inadequate wastewater infrastructure.

Which brings me to my ask, which is that we must fund the Clean Water Infrastructure Act at $600 million. We must fund the Environmental Protection Fund at $400 million with no offloads.

There's a massive opportunity cost to doing this. If we don't do this, we will continue to be putting sewage in our waters, polluting our waters, polluting our communities. By the way, disadvantaged communities bear the brunt of that in many cases.

And there's also an economic cost to this. If we don't continue to invest at the

rate we are or better, we're going to continue to have this problem, it gets more expensive later, and we won't be able to leverage the billions of dollars of federal dollars that we need to solve these problems. And these are multi-billion-dollar problems.

Thank you very much for the time.

CHAIRWOMAN KRUEGER: Next?

MR. ZEPP: Good evening. I'm Andy Zepp, executive director of the Finger Lakes Land Trust.

We're a conservation organization that serves the 12 counties encompassing the Finger Lakes and a good chunk of the Southern Tier. We own and manage land that's open to the public. We hold conservation easements. And we also undertake cooperative acquisitions with the state, particularly DEC.

And I'm going to follow up on Kathy Moser's comments about the backlog that we're facing. As she mentioned, we -- nonprofits like mine now hold $150 million worth of real estate that was acquired with the

understanding it would be sold to the state. And over the years -- I've been working on this for over 20 years -- it was never quick, but it's got slower and slower and slower. Hence the backlog.

For my modest organization, this means that we own 19 different properties awaiting transfer to the state and last year, for the first time in a number of years, we completed zero sales to the state.

What are the reasons for this? As Kathy mentioned, title review is a particular bottleneck. And we support authorizing the use of title insurance. As I travel around the country, virtually every other state and the federal government use it, as does the private sector and our land trust.

But also I want to recognize that over the years there's been a lot of attrition. The Real Property Bureau I think is sometimes an obscure little corner of our state agencies, and people have retired and not been replaced. So both the DEC at its regional offices and in Albany need

additional real property staff, and also the Attorney General's office. So staffing is part of this as well.

And attention is also needed. The processes and procedures used by the state, I think some of them probably haven't been reviewed in a while. Are we using the best approaches for today and then thinking of more aggressive goals for 30 for 30? Are we configured as we should be? Issues such as appraisals, project approvals, and so on, my sense is they haven't been revisited.

And in considering these projects, I want to put in a plug for what's at stake in the small projects. I love the Adirondacks, but when you look at processing a project, it's about the same amount of work sometimes to buy a thousand acres in the Adirondacks or to buy, say, 50 acres just outside of the City of Elmira, where those folks may never get to the Adirondacks.

And we're at the point where most of our acquisitions are self-financed, so we're able to do this, but the credit card's pretty

much maxed out.

And to give you a sense, though, of the opportunity in what has become a really hot market, we just put one more on the pile, which is 1600 feet of frontage on the Chemung River, which is navigable, in an area with very little public access, hosts bald eagles, for the princely investment by the state of $60,000.

So there are bargains still out there. There's a need because this land is going away. And the acquisition process needs to be addressed.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MS. NICHOLS: Good evening. Thank you for the opportunity to provide testimony tonight. I am Nina Nichols, representing TIMBER, a nonpartisan and all-volunteer community organization advocating on behalf of working people in Troy.

The 2017 Clean Water Infrastructure Act established programs that fund major local water infrastructure projects in

New York State, including lead service line replacement. These programs received $500 million in every state budget since 2019. This year's Executive Budget cuts that investment in half.

Cities like Troy rely on financial assistance from the Environmental Facilities Corporation's intermunicipal grants and Water Infrastructure Improvement Program grants to support critical repairs and upgrades.

And even at the current funding levels, the need far exceeds what's available. Of the almost 500 applications submitted in 2023, only 156 were at least partially funded.

Add to this the new regulations proposed by the EPA requiring every city in the country to replace 100 percent of their lead service lines by 2037.

TIMBER's top priority is to restore the traditional $500 million for Clean Water Infrastructure funding and to add $100 million specifically for lead service line replacement.

Our second related priority is a request that the state formally, publicly and explicitly opine on the constitutionality of bonding for lead pipe replacement programs. In most of New York State, a lead service line becomes private property beginning at the curb stop. Because local governments cannot borrow money to give gifts, several local water authorities have shared concerns that they may be sued if they bond to fully replace lead service lines.

Like many concerned and disadvantaged communities around the state, Troy does not have the liquidity to fully replace its lead service lines without bonding.

While we are confident that state agencies consider any private benefit to be incidental to the public health crisis that lead service line replacement programs are intended to address, local governments are stuck in a holding pattern until the state clarifies this matter.

Finally, TIMBER is enormously supportive of the Local Government Efficiency

Grant Program. As proposed, Part W of fiscal year '25's Public Protection and General Government bill increases the maximum awards for planning grants and implementation grants. We strongly endorse these proposed changes.

To make the grant program even stronger, we request the local matching fund requirement be waived for planning grants that either predominantly support disadvantaged communities or support a total population of more than 30,000 and less than 200,000. Local governments need the planning grant to assess the potential fiscal impact, but it is often a barrier.

CHAIRWOMAN KRUEGER: (Inaudible.)

MR. CHERSON: Good evening, Senator.

CHAIRWOMAN KRUEGER: (Inaudible.)

MR. CHERSON: We're burning the midnight oil here.

Good evening. I'm Jeremy Cherson with Riverkeeper, and I'm going to start with the basics you've heard: No cuts to clean water funding, no cuts to the Hudson River estuary

program, and reject the $3 million cut to environmental enforcement. Support our ECOs.

Now I'm going to talk about salt. No, not that salt, we're going to talk about this kind of salt (holding photo): Excessive road salt spreading. You've heard about it. It's a ticking time bomb statewide. We need to address it before it's too late.

CHAIRWOMAN KRUEGER: Sorry, we don't let people bring posters or photos or any other exhibits. So you can share those with us afterwards.

MR. CHERSON: All right, all right, all right.

(Laughter.)

MR. CHERSON: Well, I was going to say water containing more than 20 milligrams per liter of salt is unhealthy for those on a low-salt diet. But in our analysis, over half of Hudson Watershed water suppliers are over that limit. Meaning over a million and a half New Yorkers are drinking water above the EPA's guidance for salt management.

So we know what we need to do:

require measurable reductions in road salt, make state agencies accountable for reductions, incentivize local reductions, and invest in equipment and training.

The Governor's budget does not include anything about this. And that is a shame, because the task force report has a lot. And as you can tell, I am a little salty about this.

(Audience reaction.)

MR. CHERSON: Now I am going to transition to invasive species, another threat we are not addressing enough.

Even though Halloween is long in the rear-view mirror, I'm going to talk about something quite eerie that might transit the Erie Canal. This is the round goby. It is a a threat. It is a threat to Lake Champlain, it is potentially a major threat to the Hudson. We also -- you know, biologists are raising all kinds of red flags about this, and we need to do something about it now.

And additionally, we have the invasive carp. Several species moving through the

Mississippi River system, the Great Lakes, could jump through the canal. That would be a major, major disaster for the Hudson River. It could destroy our striped bass fisheries among the entire ecosystem of that.

And so, you know, we appreciate Canal Corp. has done a little about this. They're paying attention to it. But we need the Governor and the Legislature to show leadership on this and have solutions that match the urgency of the reality of the timeline we are facing.

So what we're calling for is a hydrological separation in the Erie Canal from the Great Lakes system, the Hudson and Champlain system, to make sure there is a physical barrier that will stop taxa, the different species either coming from the Hudson to the Great Lakes or the Great Lakes over to the Hudson.

And that needs to happen, and that needs to happen soon. That's not in the budget, but this is a big threat that's coming that isn't being addressed that I

wanted to make everybody aware of.

Thank you.

CHAIRWOMAN KRUEGER: (Inaudible.)

SENATOR LIU: How much time do I have, Madam Chair? Just kidding.

I'll be very brief. I want to thank this panel for your testimony and for bearing with us. I do want to give an especial note of appreciation to Jeremy. He's a funny guy.

(Laughter.)

SENATOR LIU: But he's pretty effective also. And, you know, we've worked with him --

MR. CHERSON: Thank you, Senator.

SENATOR LIU: -- and Riverkeeper on local issues like the Flushing River as well as other bodies of water in the City of New York. So keep up the great work.

MR. CHERSON: Thank you, Senator.

SENATOR LIU: Keep the jokes coming. But no props in the hearing room.

(Laughter.)

MR. CHERSON: I'm so sorry. Mea culpa.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Yes, we have several Assemblymembers.

Assemblywoman Glick first.

ASSEMBLYWOMAN GLICK: First of all, Jeremy, if you could provide us with the details of what it is that you believe we should be acting on, that would be very helpful.

Obviously in a lot of places the various types of invasive species, particularly the carp, in a lot of places, where they're like -- I know Chicago and Lake Michigan have had a big concern. So I'm sure we have a lot of problems. Obviously we've been faced -- looking at more of the terrestrial. But I'm sure there are a lot of aquatics aside from the zebra mussels, which for years have been a concern.

I do think that we did get an opinion from the Environmental Facilities folks that the bonding for privately owned lead service lines is actually possible. So I think that

that exists. And I think that was an issue from last year, and I think that it is now that we have counsel's opinion from the Environmental Facilities Corporation.

MS. NICHOLS: I do think that that is correct, but it hasn't been made very formal, very public, and broadcast in a way that municipalities feel comfortable. There's still resistance to bonding because of the perception that they will be open to legal action.

So we were hoping for all related agencies who might be able to opine on this to do so, including the State Comptroller, the Attorney General, and the Department of Health.

ASSEMBLYWOMAN GLICK: Well, I would say that municipalities that are concerned should be getting that opinion and relying on it legally. So I don't know, I think it may just be that they don't want to do the bonding for private property. But that's just me.

And David, all your points well taken.

And I appreciate the notion that the smaller properties that are readily available that are unique are things that we should go after.

So thank you very much. Appreciate you being here, and look forward to continuing to work with you.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Jeremy, you had another issue you didn't talk about tonight but was mentioned by somebody else, which is the issue of taxing runoff.

Did you want to talk about that, or no?

MR. CHERSON: Yes, Assemblyman.

Well, we don't necessarily want to tax runoff. I think that's the wrong way to look at it. I think what we want to do -- and there's a bill, A4019, that would allow incentives to create discount programs for properties that install green infrastructure and reduce stormwater runoff.

And there's a little bit of an

uncertainty in state law about whether or not a discount program like that is allowable, and so we are trying to figure out a way to make it allowable for water utilities, or clear, so they can create this discount program and offer those incentives.

Because in places like New York City specifically, we've run out of a lot of places to install green infrastructure on public property. And so really the -- now we need to turn to ways to incentivize property, and that involves adjusting or at least making the water rates transparent.

Because right now you pay for potable water, you pay for your sewer charge, but you're paying for stormwater out of general revenue and other taxes, but you don't know you are. So, I mean, we should make it transparent and create incentives.

ASSEMBLYMAN OTIS: Great. Thank you.

I want to ask David a question, from Save the Sound, which is storm impact, erosion -- the last few years, what kind of damage have you been seeing on the shorelines

of the Sound that should be of concern to everybody in terms of sea-level rise and climate change?

MR. ANSEL: Okay. Thank you, Assemblyman Otis.

Yeah, we are seeing, with the frequency and severity of the storms that are coming through, in addition to flooding just on people's Main Streets and communities all over the State of New York, we are definitely seeing more sea-level rise, more erosion affecting people's property and people's lives.

And, you know, we know that hardened surfaces are not really the best solution. We know that living shorelines, nature-based solutions, marshes and green infrastructure are a better investment over time. And so we're encouraging municipalities and private landowners to turn to those solutions.

ASSEMBLYMAN OTIS: Thank you.

And for Andrew, one quick question. You mentioned the amount of properties that you have that have not been transferred to

the state. How many acres are in that mix?

MR. ZEPP: It's probably about 2,000 acres. And our most recent was a large acquisition for us: 1,000. But typically they're smaller, like hundred-acre pieces.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYMAN OTIS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you all for being here.

So David, thank you for all your efforts in saving the Sound. You're doing a great job.

MR. ANSEL: Thank you.

ASSEMBLYWOMAN GIGLIO: And the rest of you too. I appreciate all your comments.

But do you think that there's a need for New York State to put in building codes that require, especially when they're government-funded, that they put in the cisterns, they put in the living green walls, the rooftop green environments, to absorb the stormwater that could be created? Do you

think that with New York's investment in affordable housing for train stations with these massive elements, big buildings, big footprints, that we should make it a building code that if you are getting state money that you maintain your stormwater?

MR. ANSEL: Well, there's a few different issues there. But I do believe that government policy is part of the solution.

I do believe that, for example, we -- this body, the Assembly, the Senate and the Governor, passed a living shorelines bill in the State of New York to address that, that when you get a -- when you need a permit in New York to do any coastal work, that you have to look at living shorelines and nature-based solutions as an option.

And so I do believe, conceptually, that should be followed through with any type of building as it relates to gather stormwater and dealing with stormwater runoff.

ASSEMBLYWOMAN GIGLIO: Yeah, well, we

did it with illicit discharge, where you have to maintain your runoff on-site.

But I think that the building codes and the power of the state with the building codes, especially when New York State is investing in these projects, that we could make sure that that water stays on-site and doesn't run into our storm drains and run into our rivers and our lakes and our --

MR. ANSEL: Well, one of the things I think Jeremy was just talking to -- talking about was the Water Bill Fairness Act, which is an attempt to try to incentivize people to use green infrastructure for runoff. And so that there would be an incentive to move away from hardened surfaces versus codifying it.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

Vice President Ansel, my first question is for you. We've heard a lot all

day today about all of the problems and the repercussions and the circumstances that those problems have created environmentally for us across a host of different applications. I'm just curious if you would think that, in light of recognizing the limitations of our current wastewater infrastructure, that our practice of cloud-seeding could be a contributing impact or could be providing some level of impact to the frequency of these events that you've cited.

MR. ANSEL: I have to say I'm not familiar with the impacts of cloud-seeding. I'd be happy to look into it and get back to you.

But I think that we try to rely on established science. And it is my organization's understanding that the established science is that human carbon production is resulting in the frequency and severity of the rain events that are occurring.

ASSEMBLYMAN LEMONDES: There's

different scientific opinions. My purpose was simply to bring discussion around it.

My second question -- thank you.

My second question, for Director Zepp, could you please just simply enumerate the one, two or three things that we could do to help you the most?

MR. ZEPP: Sure. Authorized title insurance use by the Attorney General. And then particularly that obscure corner of DEC, the Real Property Bureau, adequate staffing.

ASSEMBLYMAN LEMONDES: Thank you.

Madam Chair, I yield the remainder of my time.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Chair Weinstein.

Thank you all for being here tonight.

And my question is related to -- you brought up the Salt Task Force report, which before I was even in the Legislature, I participated in the group from Randy Preston up in Essex County, and worked with DOT.

I'm disappointed there isn't any funding, and I just want to say those costs are adding up in our infrastructure, our personal property, our water, which is irreplaceable. And it's disappointing that after all this work and the years that have been put into establishing at least a report -- through a lot of efforts to even have that released -- to not have anything budgeted this year is just -- I don't understand it.

So it was just a statement. I wanted to acknowledge I appreciate you bringing that up, and its importance, especially to the region that I represent. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Kelles to close on this panel.

ASSEMBLYWOMAN KELLES: So the Salt Task Force report, is there an estimate of what would be needed or what you would have recommended to have put in this budget for that?

MR. CHERSON: Well, the task force

report only looked at the Adirondacks. While we know that the Adirondacks has a significant impact from road salt, there hasn't been a statewide assessment. And that's one of the basic steps that needs to happen. We need a statewide assessment.

And it's possible and very likely that the impact is worse statewide than it is in the Adirondacks, as a whole.

ASSEMBLYWOMAN KELLES: Perfect. So that's the next thing we need to ask for.

Thank you. That's super-helpful.

Question for Mr. Zepp. So good to see you. Thank you so much for being here.

What is the longest-standing outstanding land acquisition bill that you have --

MR. ZEPP: We have one property that is about to celebrate its 11th birthday.

ASSEMBLYWOMAN KELLES: That still you have not gotten reimbursed for.

MR. ZEPP: We are hopeful that it will be sold this year to the department.

ASSEMBLYWOMAN KELLES: Okay.

How many individual properties have still not been reimbursed?

MR. ZEPP: Nineteen.

ASSEMBLYWOMAN KELLES: Nineteen.

MR. ZEPP: But we're stretching, because we really support this partnership, so --

ASSEMBLYWOMAN KELLES: I totally get that. But it gives us a sense.

MR. ZEPP: But right now it's 19.

ASSEMBLYWOMAN KELLES: So it's 19, eleven years. And what is the total cost of all of them together that is owed to you?

MR. ZEPP: Approximately $6 million that -- we've largely been able to do this through self-financing. So we have a revolving internal fund that represents $4 million of that. And then there's $2 million of loan.

ASSEMBLYWOMAN KELLES: (Inaudible.)

MR. ZEPP: But the sooner we can sell, we'll secure more land, fulfilling the state open space plan goals and the 30 for 30 goals.

ASSEMBLYWOMAN KELLES: That's super-helpful. Thank you.

And a question for you. Just if you could give us a picture of -- you talked about the overflow of the wastewater, you know, into our waterways, drinking water, open water. Can you describe a bit what the impact is on like eutrophication and species health and public health and environmental integrity? A little bit, in the last minute.

MR. ANSEL: Sure. Thank you.

ASSEMBLYWOMAN KELLES: So we understand what the consequences of not doing something are.

MR. ANSEL: Sure. Well, in the 1980s, Long Island Sound was almost 50 percent dead. It couldn't support life. There were schools of fish coming to the surface, lobsters were crawling out onto the beaches because they were suffocating in the water and they were just trying to survive.

And so it's been a very long road, but through work with the State of New York being a lead, with the State of Connecticut, the

EPA investing in wastewater treatment and nitrogen reduction, the Sound has rebounded. But it's still in dire shape --

ASSEMBLYWOMAN KELLES: And we're going backwards.

MR. ANSEL: Well, we're at a tipping point. We're at a tipping point. The studies that we've done through water testing and water monitoring -- you know, we tested 53 bays and harbors last year. Over half of them got a C, D or F in our report card. And so they're ecologically extremely challenged from wastewater and nitrogen, which is a huge problem.

ASSEMBLYWOMAN KELLES: Great, thank you. I'd love a cost of the invasive species plan too.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Okay, we want to thank you all for being here tonight with us.

And as you leave, we're going to call up Panel J. But people note, if they're Panel K, that they should also head down

towards the front so that they can move from the front seats to the last panel.

But right now we're looking for the All Deposit Redemption Center of Long Island; the MT Returnables; the Empire State Redemption Association; and Beyond Plastics.

Okay, good evening. And we'll just start at this side of the table and just go down. Thank you so much.

(Off the record.)

MS. GOLDSMITH: Okay. All right.

Good evening, and thank you for this opportunity to contribute to shaping the State Budget and for your hard work to allocate funds responsibly and equitably.

My name's Alexis Goldsmith, and I'm the organizing director at Beyond Plastics.

Modernizing the Bottle Bill in the State Budget is an opportunity to bring between 40 million and 200 million in revenue to the state. This effect would also be amplified because it would reduce costs for hauling, landfilling, and incinerating containers by an estimated $70 million.

My fellow panelists here can attest that modernizing the Bottle Bill will buoy the state's redemption system and will provide much-needed income for more than 10,000 informal recyclers who support themselves by redeeming containers that would otherwise be disposed of and who usually face barriers to traditional employment. This is just one social justice aspect of the Bottle Bill.

Senate Bill 237 and Assembly Bill 6353 will realize many positive effects for the state. However, Beyond Plastics urges an amendment to require refill in the bill -- specifically, 25 percent refill within a refill system by 2030. And refill is supported by the DEC Solid Waste Management Plan and the Scoping Plan to meet our mandates under the Climate Law.

You have my comments from the October 23rd hearing on the Bottle Bill. In the U.S., plastics are on track to surpass coal emissions by 2030. One million single-use plastic bottles are produced every

minute, and recovering these bottles through a deposit system prevents litter. But they are still made from fossil fuels and chemicals, and they cannot be recycled into new bottles.

We must address plastic's role in climate change and environmental justice. Coca-Cola has publicly pledged to switch 25 percent of their bottles to refill by 2030, so how about the state codify that commitment through the deposit system?

A January study found that a liter of bottled water can contain 400,000 nanoplastic particles, which may contribute to Parkinson's disease and other health issues.

Plastic bottles are a major pathway of exposure for toxic chemicals, and recycled plastics may be even more toxic. The estimated healthcare costs from exposure to plasticisers is $250 billion per year. Therefore, glass bottles are the preferable alternative for refillables and glass bottles refilled 10 times are also the preferred alternative from a climate perspective.

Finally, I'll manage the Packaging Reduction and Recycling Infrastructure Act. This is a strong bill that will take a huge step toward phasing out single-use packaging, as directed by the Climate Scoping Plan. It was not included in the Executive Budget, and we support keeping it out of the budget and urge you to pass it as a stand-alone bill as soon as possible.

Thank you for your time, and I welcome any questions.

CHAIRWOMAN WEINSTEIN: Thank you.

Next?

MR. SIDOTE: Hello. I want to thank Ms. Glick and all you legislators for having me here to testify.

My name is Peter Sidote, and I have been running one of Long Island's largest redemption centers since 1983, since the beginning of the law.

On average, my redemption center provides over $6 million annually to businesses and citizens in the Brentwood, Bay Shore and Islip communities. My

redemption center has proven to be a critical lifeline to people and community centers for generations.

Despite being a lifeline for so many years, I am being forced to consider shutting my doors. This is strictly because the handling fee has not been increased since 2009. Every year minimum wage and the cost of living increases, yet my only source of revenue has not been changed. Nor do I have the legal right to charge more for my services.

This is where redemption centers and bottle deposits fit into the New York State finance. Rachel May's "Lifeline Bill," S6869, raises the handling fee, effective immediately, and provides grant money for for-profit redemption centers. Okay? Which is needed and essential to the survival of redemption centers and the entire system. This would allow redemption centers to invest in new technology and offset the higher costs of operations.

Deputy Speaker Phil Ramos and

Senator Luis -- help me with this -- Sepúlveda also have a "Lifeline Bill" which is in the Assembly, A9044. There are currently eight bills addressing this issue, which shows the need for this to be addressed now.

I would like to point out that the bottle deposit has remained only 5 cents for the past 40 years. I think that it's time to raise the deposit to 10 cents and allow the canners, the stewards of the earth -- these people work so hard, okay -- a raise. They only make around $5 an hour doing what they do. This would generate more money for them and the State of New York, providing even more money to the DEC and environmental programs.

I am asking the Legislature, Mrs. Glick, please, put the Lifeline Bill into the Governor's budget. So many businesses and families are depending on it.

Thank you so much.

CHAIRWOMAN WEINSTEIN: Thank you.

Next?

MS. EDDY: Hi, my name is Jade. I own MT Returnables up in Queensbury, New York.

It has now been 16 years since New York has passed any legislation in the Bottle Bill. This system has been New York's most successful recycling program for the last 40 years. It has created jobs, kept communities clean, added a financial lifeline to struggling citizens, and provided the most usable material in the recycling industry. But the system is collapsing due to lack of maintenance.

Bottle redemption centers continue to close across the state, hurting the communities that this bill was meant to serve.

At the end of last year, the Attorney General tackled our litter issue by opening a lawsuit against Pepsi -- but far more needs to be done. Consumers are losing access to easy bottle returns, resulting in more containers going into our landfills and our environment. And it's costing our municipalities money.

In 2009 we had 4.3 billion beverage containers sold in New York. That number rose to 9.2 billion containers sold in 2022. I cannot, for the life of me, understand why New York State is allowing this system to collapse when we have even more need for it now than we ever have.

New York once strived to be a leader for the environment and for the workforce. We are falling behind. Four states updated their Bottle Bill last year. Maine took emergency action when they lost half the number of redemption centers that New York has, and they were already ahead of us on the handling fee.

When over 100 people have lost their businesses in the last year alone, and people continue to lose their homes -- myself included -- jobs and savings, we have an obvious problem. And the solution is simple. We need a living wage like everybody else.

The last time I was here I was asked if a 6-cent handling fee would even make a difference. The answer is yes. Tripling my

profit margin would absolutely change my world. Assemblyman Phil Ramos has introduced a Lifeline Bill that would do just that. Representatives May and Glick have similar bills, as well as a broader bill that would capture more recyclable material and generate an additional 40 to 200 million for the state.

The economic strain that we are suffering is not ours alone. The residents that we serve in our communities are relying on this system's success as well. Every day I have customers returning bottles to cover a basic necessary expense. Whether it be to put gas in their tank or food on their table, they need that money to survive.

Organizations like the Boy Scouts and event centers like the Buffalo Bills Stadium depend on redemption centers specifically to handle the high volume of containers they have. They cannot simply turn to stores in the event of our closures.

The Bottle Bill redemption system was meant to serve the purpose of encouraging

recycling and supporting communities. I have concerns that once the state laid claim to 80 percent of the unredeemed fund, motivation to protect this system stopped. That fund was never intended to be anybody's profit but meant to sustain --

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MS. EDDY: -- the system, and I'm just asking that you include that in the budget.

CHAIRWOMAN KRUEGER: Appreciate it.

Good evening.

MR. NARO: Good evening, everyone. Thank you for staying up so late with us.

My name is Martin Naro, and I am the CEO of Recycletek, a NYSERDA-funded AI and robotics company that aims to provide the world's most efficient buying, auditing and fraud prevention machines to redemption centers, third-party pickup agents, and initiators.

Over the past seven years I have become highly educated on the redemption industry's economics, supply chain and

operations. Two years ago redemption center owners asked me to help start and co-run the Empire State Redemption Association, an effort to unify the industry and attempt to pass legislation that would save our redemption centers from going out of business.

Today, alongside my colleagues, my words represent the interests of over 120 redemption centers across New York State.

It's unfortunate that since 2018, over 400 redemption centers have been forced out of business, with over 100 closures happening within the past year. For obvious humanitarian, environmental and economic reasons, this is disastrous for New York State.

As you've heard, redemption centers continue to go out of business, and that's strictly because the handling fees have not been increased since 2009. A really great comparison I could give is in 2009, minimum wage was around $7. In 2024, minimum wage is up to $16 in some parts of the state. With

costs rising all across the board, it's only logical that redemption centers will continue to go out of business unless handling fees are raised.

I and many others are incredibly grateful that Assemblywoman Glick and Senator May have put forward Bigger and Better Bottle Bills, stand-alone lifeline bills that could save redemption centers immediately simply by increasing the handling fee.

To my understanding, Senator May and Assemblymember Glick are diligently working on creating a same-as Bigger and Better Bottle Bill that would increase the deposit from 5 cents to 10 cents, giving canners a necessary raise, expanding the types of containers covered under deposits, while also increasing the handling fees.

However, there is concern in the industry that the likelihood of a bigger and better Bottle Bill being passed this session, due to size and complexity, is concerning for us. The reason: We are looking for a quick

answer that could save redemption centers soon.

We feel that Senator May and Assemblywoman Glick's stand-alone lifeline bills can effectively allow us to receive the necessary handling fees to keep our redemption centers in business.

Finally, I'd like to publicly thank Deputy Speaker Phil Ramos and Senator Sepúlveda for creating same-as bills that would strictly increase handling fees for redemption centers.

I hope that all of you today could hear our message and help us push an increase in handling fees to save many redemption centers across the state.

Thank you.

CHAIRWOMAN KRUEGER: Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair. I can't even speak at this hour.

Thank you all for waiting it out and being here with important testimony. And Jade and Peter, I remember you from our

hearing in October. Thank you for coming back. And although Senator May is not here, I can speak for her in response to that; that's why she came up with the Lifeline Bill while we debate a broader Bottle Bill.

So to you as owners of redemption centers, that bill, if we pass that and get it signed into law, will provide stability to your operations and your lives.

MS. EDDY: Are you looking for a response?

SENATOR HARCKHAM: Yeah, go ahead.

MS. EDDY: Okay. I wasn't sure if that was just a statement.

So I ran numbers based on 6 cents, but my $44,000 profit from 2022 would become $131,000 with a 6-cent handling fee. That's how much of a difference it makes. If we pass an entire Bottle Bill, it brings it up to $180,000. So to be clear, that would change not just my life, but I would be able to change the lives of my staff as well, and my community, by providing a better, more efficient service to them.

SENATOR HARCKHAM: All right, thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Yes, so it's nice to see you again.

And Jade, you know, your very passionate emotional appeal at the hearing that we had for the EPR was really very striking, and it had an impact on me.

But if I recall correctly, that you have a small facility that you are taking in recyclables, and that there is only really one company that was picking up those recyclables, and they were not dependable, they were not picking up when they were supposed to, they were not paying you on a regular basis, and that was affecting your business.

And I just want to -- you know, I don't always see that throwing money at an issue will necessarily fix it. I think that

we need to come up with new markets for recyclables. And I had this discussion with the DOT commissioner the other day about having new markets for recyclables, and I have a meeting with her at the end of the month to discuss how she's using it and trying to put that into law.

Because I think that these -- the one company that you were talking about that actually picks up the recyclables from your facility, that they were not -- that there aren't enough of them, let's just say that. And the company that is picking up, where are they bringing these recyclables to? Are they making it somebody else's problems, or are they, you know, coming up with new markets to reuse the recyclables?

And that's a concern of mine, not only for New York State but for our country.

I think that New York State ag markets should be exempt, whether they be distilleries, whether they be cider houses or wine and liquor producers in New York State. I mean, and those are, you know, larger

bottles that I think that we could come up with better solutions to reuse those bottles if you bring it back to the local cider house or you bring it back to the local distillery, and not necessarily include them in the Bottle Bill.

Because that's just going to take up more space while you're waiting for the big truck to come in and pick up your recyclables from your small facility, and not be able to take any more redemptions until that actually happens, those items get picked up.

So Peter, I'm looking forward to coming and seeing your facility. It's been a little bit busy at this time.

One thing that was striking to me is that the -- while you were all talking about the Bottle Bill at the last public hearing, you were all pleading your case and saying that you had a problem, and there was one not-for-profit on the panel that was saying, you know, everything's kind of okay and we have enough money and I'm sorry that the for-profit businesses are struggling with

this.

And be sure that you have my commitment to work with you to make this better and make new markets and make sure that your deposits are being picked up so you have room to take additional deposits.

MS. EDDY: Thank you.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

And to close out this panel of questions, Assemblywoman Alicia Hyndman.

ASSEMBLYWOMAN HYNDMAN: Thank you, Chair Weinstein.

Just a quick question. If we -- if all the bills are to pass and the redemption fee was increased, how many of the redemption centers do you think would come back online?

MS. EDDY: Oh, a lot, yeah.

MR. NARO: I believe that we would surpass the amount that we originally had in 2018, which was an estimated 1100 to 1200 redemption centers. I believe more than that would come back online.

ASSEMBLYWOMAN HYNDMAN: Okay. And do

you think that if it was raised not 6 cents, but higher, then a lot more consumers would choose to recycle their own bottles as opposed to --

MS. EDDY: That doesn't affect them.

ASSEMBLYWOMAN HYNDMAN: -- going to a redemption center? I'm thinking of the Seinfeld episode where Kramer and Newman are --

MS. EDDY: So our handling fee and the deposit are completely separate entities. So us going to 6 cents has no bearing on the consumer, what they pay as a deposit. And they do not come out of each other. The consumer pays 5 cents and gets 5 cents. The handling fee comes from the distributor, and that's often conflated.

I actually put pamphlets in all of your mailboxes today, so when you go back to your offices, I have an illustration to help you understand that system.

ASSEMBLYWOMAN HYNDMAN: Okay. Thanks for the explanation.

MS. EDDY: Absolutely.

CHAIRWOMAN KRUEGER: Okay, anyone else?

Then I want to thank you all for being here with us this evening. Appreciate your time. And you can do --

(Inaudible interjection.)

CHAIRWOMAN KRUEGER: No, he got to speak for three minutes. He doesn't get to add on anything else, sorry.

MS. EDDY: No further questions having us this late?

SENATOR LIU: Sorry.

UNIDENTIFIED SPEAKER: I can answer your question offline.

CHAIRWOMAN KRUEGER: Perhaps afterwards.

We're going to ask you to step away, thank you --

MS. EDDY: Thank you.

CHAIRWOMAN KRUEGER: -- and have the next panel come in.

MR. NARO: Thank you very much. We appreciate it.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR HARCKHAM: Good to see you again.

CHAIRWOMAN KRUEGER: Thank you. Our next and last panel is Daniel Kelting, from Paul Smith's College; Arthur Perryman, from the New York State Forest Rangers Benevolent Association; and Matthew Krug, from the New York State Environmental Conservation Police Officers Benevolent Association.

Good evening, gentlemen. Thank you for being with us so late.

Shall we just go in the order I just listed you all in? Okay, thank you.

PRESIDENT KELTING: Am I on?

CHAIRWOMAN KRUEGER: Yes.

(Inaudible response.)

PRESIDENT KELTING: Lean in, lean into it. Okay, good, there I go.

Well, thank you for this opportunity to testify this evening. It's really a pleasure to be here. And I had good afternoon written on my notes -- it shows you how much I know about how long these things go.

But good evening. My name is Dan Kelting, and I am the president of Paul Smith's College, the only four-year college, now graduate school, located in the spectacular Adirondack Park of New York State.

Our mission is really to cultivate a skilled workforce for the State of New York, largely in the natural resources space. So we're talking about environmental science, forestry, fisheries and wildlife science, conservation. But we also train in culinary, hospitality, business and other areas.

I was sitting up there in the bleachers and listening to folks talk about the Road Salt Task Force, and I actually served on that task force. I was the Governor's appointee on the task force. And Paul Smith's College is not only an education institution, we're also a research institution. And Paul Smith's College actually contributed most of the science that led to the formation of that Road Salt Task Force.

In addition, we are one of the only accredited forestry schools in the nation left that really integrates hands-on learning about forest management with rigorous professional and academic training. So we're very proud about that.

So I have two initiatives that strengthen the understanding and protection of our state forests and freshwater resources that I want to bring forth to you tonight.

First we are seeking $200,000 from the Environmental Protection Fund to invest in our Adirondack Watershed Institute's certified environmental laboratory. Our laboratory holds the distinction of being the only certified environmental laboratory within the Adirondack Park of New York State, and we're also one of a handful of certified environmental laboratories that are collocated at a college.

So improvements to our environmental lab will allow us to contribute certified water quality data to our communities and agencies, supporting science-driven decisions

to protect water quality. With the financial support that we are seeking, we can better address environmental challenges such as the impacts of road salt -- that we heard about before -- climate change, harmful algal blooms and others, which benefits our environment and also the communities that rely on a clean environment.

Second, we are also requesting an expansion of the EPF line for the climate and applied forestry research institute, or CAFRI, which is currently funded in the Governor's budget at $1 million, with funding going to SUNY ESF and Cornell. We are asking for an additional $500,000 to come to Paul Smith's to support applied forestry research at our 14,000-acre management forest campus.

Oh, I'm done. Thank you.

(Mic issues; inaudible.)

DIRECTOR PERRYMAN: -- Forest Ranger for 22 years now, and I'm also a board member of the PBA of New York State.

The most pressing concern for our members is retirement parity and equity. The

vast majority of police titles in New York State and the nation have a 20-year retirement plan. In fact, only 4 percent of police officers in the Police and Fire Retirement System do not.

Forest Rangers do a job that combines police duties with wildland firefighting and emergency response. In other words, we are required to work in both worlds and be exposed to risk from both worlds.

In order to become a Forest Ranger, only a select science-based degree program qualifies. A Forest Ranger exits the academy after 28 weeks of training with all DCJS police requirements, as well as the specialized training needed to be a Forest Ranger. Comparable titles with 20-year retirement fall well below these standards.

Unfortunately, we will not be able to fill our academy this year from the pool of qualified candidates. I consider it a major failure of New York State when the Forest Rangers can't recruit enough people to fill a

25-person academy, in large part because of pension inequity.

This year I'd like to talk a little bit more on the wildfire aspect of our job. The fires burning across Canada this past summer released an estimated 480 megatons of carbon into the atmosphere. The last time New York experienced that kind of smoke condition was when hundreds of thousands of acres of New York's own forests burned early in the 20th century.

As a result, the Forest Ranger title was created and given legislative authority to enforce laws and direct the suppression of forest fires. I sincerely hope that the air quality crisis we experienced this year demonstrates the importance of protecting our forests. Eventually New York will experience these wildfires on a vast scale again.

New York State Forest Rangers have become respected for fighting wildfires across the West, Alaska and Canada. Out-of-state deployments give Forest Rangers the required training to combat large

wildfires and also manage large incidents.

To support deployments and training, I am calling on the DEC to create a fund that holds federal fire grant dollars and federal reimbursements separate so those dollars are available for use the next year.

The DEC also needs to create a separate and distinct budget for appropriate funding set aside for the Forest Ranger Division. We are still buying much of our own gear. Last year the not-for-profit Forest Ranger Foundation was created to assist Rangers getting the gear and equipment they need.

Although progress has been made in procuring quality equipment, there is still much work to do. It is time to budget for and fully fund the Forest Ranger Division.

Thank you.

(Mic off; inaudible.)

DIRECTOR KRUG: -- for the PBA of NYS. My testimony this evening will focus on the current needs of the 273 New York State Environmental Conservation Officers.

In 2023 our field officers and investigators completed nearly 31,000 calls for service. The majority of those calls dealt with environmental quality complaints, including destruction of wetlands, pesticides, aquatic invasive species, air pollution, petroleum spills, dumped garbage, fish and wildlife complaints, and even the returnable container law.

In addition, ECOs routinely respond to floods, hurricanes, snowstorms, protests, manhunts, as well as catastrophic incidents that cause mass devastation, including 9/11 and the COVID pandemic.

I testified last year asking for additional funding for equipment and staffing. Instead, our budget was cut by $1.7 million, and we continue to lose staffing even though we generate tens of millions of dollars in revenue more than we cost the state.

Our 35 special environmental crimes investigators generated $46 million in civil penalties last year alone. The rest of our

officers generate tens of millions of dollars more in fines, court fees and administrative settlements from holding poachers and polluters accountable.

This doesn't include the $115 million annually the state receives from the 5-cent returnable container law, which we are the major enforcers of.

This year I am simply asking that we retain some of the revenue to bridge the pay and pension gap between ourselves and the majority of law enforcement agencies in the state. Governor Hochul has again cited fiscal costs for vetoing our 20-year pension bill, and OER has done the same during collective bargaining. A correction to such will allow us to fill our vacancies and hopefully increase our numbers above the current 1970s-era staffing levels.

To further hold poachers and polluters accountable, we need to hire special prosecutors to enforce the environmental laws that are passed. Environmental crimes continue to be underprosecuted by district

attorneys statewide, who either have too much already on their docket or simply do not know how to prosecute criminal cases pertaining to pollution and poaching. This should be a revenue-generator for the state.

We need $3 million to update our computer system for records management and the 2019 criminal justice reforms. We need to replace our boats, ATVs and snowmobiles that are often older than the officers driving them. We need to purchase safety equipment like rifle-rated body armor, riot gear, hazmat suits and respirators to protect my fellow officers, like Lieutenant David McShane, who was just our fifth confirmed 9/11 death.

While it's not the responsibility of the Legislature to correct the shortcomings of the executive branch, we have a Governor that is willing to spend hundreds of millions of dollars on artificial swimming pools filled with chlorine and other chemicals instead of hiring conservation officers at a much lower cost to protect the Hudson River.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

We have a question from Senator Hinchey.

SENATOR HINCHEY: Thank you. A little bit more of a comment, but I want to thank you all for being here with us tonight.

But -- and I -- you know, we've heard a lot today and I think we all agree how critical it is that we protect our natural resources and we conserve more land. And when we do that, we have to support the people who protect the land that we are saying it is so critical that we protect. It is unconscionable to me that you have to buy your own equipment. That is unbelievable, and yet somehow we have not figured out how to correct this wrong.

That and the pension bill -- of course in the Senate we passed it. But, you know, we have to do more to support you guys and to really make sure that the -- what we are wanting to do, what we are prioritizing, are giving the resources to the folks who are

actually carrying that out on the ground.

So if there was anything else you wanted to add at the end -- I know you were just cut off. But I just thank you for what you guys do, and we've got to figure it out.

DIRECTOR PERRYMAN: Thank you.

DIRECTOR KRUG: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: About your lab. Is this a lab that provides additional support, are you part of the consortium for SCALEs, for the reporting of that information?

PRESIDENT KELTING: Right. So we -- our lab is not part of their consortium for SCALE. We are familiar with SCALE. Our lab is really -- our lab is connected to our lake-monitoring network. We have 180 lakes that we monitor in the Adirondacks. On a continuous basis, we've been working for about 20 years. And so the lab supports that work.

And what's important is -- there's a

number of important dimensions to the lab. I think one of the most important is to think about the data that comes from a certified lab is actually -- meets the standards for DEC, for their own reporting to -- under the Clean Water Act, to the EPA.

So having that capacity helps them meet their goals, is really one of the big things that we're really pushing with it.

ASSEMBLYWOMAN GLICK: Okay, thank you.

Just -- we've been down this road before, gentlemen. You have my full support. We raised the issue during the questioning. The commissioner indicated that on the Forest Rangers side, when I asked if they had -- where they were in terms of staffing, going back 15 years how did they compare -- they were clear that -- maybe erroneously, but they were clear that they had had the largest cohort now. Is that, from your point of view, accurate?

DIRECTOR PERRYMAN: (Mic off; inaudible) -- inaccurate if not accurate. It's definitely better than the last few

decades for sure.

ASSEMBLYWOMAN GLICK: But you're still --

DIRECTOR PERRYMAN: But now we need to invest in the equipment and the program, and make sure that we have the appropriate budget to run the division.

ASSEMBLYWOMAN GLICK: Matt, on the other hand, I think the commissioner did admit that they were behind on Environmental Conservation Officers, and we pressed that they do more to reach out.

And obviously the issue of the pension, which has been passed by the Legislature on at least a couple of occasions and has been vetoed, is probably something we'll be going back to again.

DIRECTOR KRUG: Thank you.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN KRUEGER: Senator Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair. Last time I have to fight with the button tonight.

Thank you all for being here. It's

been a long day. Thank you for your patience.

First, Daniel, your institution does amazing work. When I was in the Adirondacks I had dinner with a few of your professors to hear about the research. One was stunning research by an environmental biologist who identified six species of birds who are no longer in the Adirondacks because of climate change and temperature rise.

I mean, that's really important, important research.

PRESIDENT KELTING: Yes.

SENATOR HARCKHAM: So it's important that we get you funding. If -- that funding that you suggest, will that be adequate to keep you whole for a while?

PRESIDENT KELTING: Yes, absolutely. So both combinations -- so the first funding, the $200,000 to support the certified lab, and then the second piece, the $500,000 to support really applied forestry research so we can put the science to forestry so we can get the maximum productivity and

profitability from our forests. So both of those would be critical.

SENATOR HARCKHAM: All right, thank you.

And gentlemen, ditto on what's been said before. It was good to see you up in the Adirondacks. I just want to follow up, Matthew, the conversation we had about the interest in body cams for your officers. Is that still something that you and your members are interested in pursuing?

DIRECTOR KRUG: Absolutely. I have a memo of support I'm still working on because I was working on all this --

SENATOR HARCKHAM: Yeah, sure.

DIRECTOR KRUG: -- that I plan to give to you. As long as we have funding for the body cams and the servers and computers that we can upload everything to. Sometimes bills get passed and we don't get the funding for it --

SENATOR HARCKHAM: Right. Right.

DIRECTOR KRUG: -- which means --

SENATOR HARCKHAM: No, I mean, can

you -- can you, in that memo, give us an estimated cost of what you think that is? Because we'll have to find it somewhere.

DIRECTOR KRUG: It's going to be between five and $8 million, from the estimates that I've gotten from my management. And I spoke to them this morning about that. But it's something we 100 percent support in all aspects, and it's going to help us gather evidence in the future for these polluters.

SENATOR HARCKHAM: And also protect you when you go into court as well.

DIRECTOR KRUG: Absolutely.

SENATOR HARCKHAM: All right, thank you.

And then finally, Arthur, anything you want to add on any of these subjects?

DIRECTOR PERRYMAN: No. Thank you for your support. Thanks for the meeting. I think you understand all our issues and are very supportive and I think we're making headway, but we've got to keep at it. So I appreciate it.

SENATOR HARCKHAM: All right. Thank you all very much.

CHAIRWOMAN KRUEGER: Thank you.

Excuse me, Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Chair Weinstein.

So it's my pleasure, if only because I have a connection with Paul Smith's and Art -- my grandfather served in the State Police with your father --

DIRECTOR PERRYMAN: Right.

ASSEMBLYMAN SIMPSON: -- for many years. He was a captain.

My son and my daughter-in-law both graduated from Paul Smith's. I was a town supervisor in the Adirondacks and can attest to the importance of Paul Smith's and their water quality work in the Adirondacks over the seven years I was supervisor. They were a great resource for us in dealing with our issues with Brant Lake, Schroon Lake and all the surrounding lakes.

And Matt, I have a question for you. So are there other sources of funding that -- I mean, you talked about the cuts and the need for equipment in all the different programs. Are there other sources of grants or -- you know, you talked about body cams. I know law enforcement in other agencies are able to apply for grants through other sources, and I just wondered.

DIRECTOR KRUG: We cannot apply to state grants for funding sources. We do apply to Homeland Security grants, and we get several hundred thousand dollars a year from federal Homeland Security grants. We run radiation detectors in New York Harbor and do a significant amount of fisheries work where we also get a little over $500,000 a year.

But we've been told numerous times by the DEC budget folks that they will not process any grants less than $50,000 for us. So we continue to leave money on the table often on these smaller details. For instance, we had a detail on Lake Champlain where National Grid asked us to close off the

bay to hang a high wire for the week, and they were going to completely refund us. And we were told we couldn't do it, we couldn't accept that check from National Grid to reimburse us for the overtime and the boat costs. Instead, the local sheriff's department got the reimbursement, and Washington County is now very happy with that.

But we continue to leave that money on the table, and it's troublesome.

ASSEMBLYMAN SIMPSON: Well, I want to say you guys do great work. I participated in the Youth Pheasant Hunt earlier this year and just had a great time. Thanks for all you do.

DIRECTOR KRUG: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles to close out this panel.

ASSEMBLYWOMAN KELLES: Great, thank you so much.

CHAIRWOMAN WEINSTEIN: No pressure.

ASSEMBLYWOMAN KELLES: No, no pressure at all.

Mind-blown that you guys have not been -- that parity has not been created yet. I am very passionate about it; so many of us are. We'll be pushing for it, and hopefully we'll all put it in our budget letters and demand it. So I'm so sorry. And thank you for coming.

I wanted to ask a couple of questions, Mr. Krug. How does a typical criminal enforcement action occur, from start to finish? Just to give us a sense of what it looks like.

DIRECTOR KRUG: So depending on the complaint, it's -- most of the time it's reported by the public. They may see a discharge from a pipe or a corporation, and they call us. We get out to investigate as quick as we can, depending on staffing.

And then we begin gathering evidence, taking samples with our evidence-sampling team, sending them out to labs, developing a criminal case, conducting interviews, doing search warrants.

And then when we have that all wrapped

up, taking some sort of enforcement action, whether it's giving appearance tickets to individuals running a corporation. And then it goes to the district attorneys or the Attorney General's office. Who are normally dealing with Penal Law crimes and not environmental crimes, and that's where we seem to have a lot of trouble.

ASSEMBLYWOMAN KELLES: So you have a lot of them thrown out because they don't really understand it, you have all of that extensive work that you're doing, and then you have major cuts to your enforcement team so you don't have an enforcement team so you can do all that work. And then it goes to waste because you don't have a way to enforce it. Is that about correct?

DIRECTOR KRUG: Yes, ma'am.

ASSEMBLYWOMAN KELLES: Great. That is a waste of our money.

Second question, about the forest fires that you're doing out of the state. So the only time that I've heard that we have actually groups that are bringing in revenue

but we're not paying them to do it. So you go to California, you put out fires there, they pay New York State, and that money doesn't go to you to pay your pension? Is that about right?

DIRECTOR PERRYMAN: That's a good point, yeah.

Right, everything's reimbursed when we're going out of state to fight wildland fire. And a portion of our budget is paid from the federal government for wildland fire protection, so --

ASSEMBLYWOMAN KELLES: It seems like the money that you guys bring in should be used to pay your pensions. So just a point.

And then the last point I just wanted to make, I carry a bill with Rachel May, it is specifically for how to create a comprehensive bringing all the data together across the state that you're already collecting, because there's no way we're going to get causality if we don't have water quality data, we don't have a longitudinal data set. That's exactly what you're doing.

It would create $25 million in the budget, so I just wanted to say that would be exactly to help these. So I just wanted to let you know that that's there.

PRESIDENT KELTING: I love that. Thank you.

ASSEMBLYWOMAN KELLES: Absolutely. Absolutely. Thank you guys all. This is amazing. Happy to support you.

DIRECTOR KRUG: Thank you.

DIRECTOR PERRYMAN: Thank you.

ASSEMBLYWOMAN KELLES: Absolutely.

CHAIRWOMAN WEINSTEIN: So actually Assemblyman Lemondes to close, I guess.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

Directors Perryman and Krug, I just want to pledge my support to what you do, your organizations. I am absolutely dumfounded that we don't have a 20-year retirement for you. This is unconscionable. And I sure hope we can fix that. If there's anything I can personally do, I would ask you to follow up with me. I don't know if it's

another letter or what. But this makes absolutely no sense.

Secondly, my question for President Kelting, as a Paul Smith's grad myself, I want to ask -- there's a direct need, at least in my district, the 126th, for licensed wastewater treatment plan operators. Does Paul Smith's still provide graduates that are licensed and ready to go upon graduation?

PRESIDENT KELTING: Not at this time. But we're looking at it. We had an environmental technology program that actually seated most of the wastewater treatment plant operators like in the '70s and '80s. That program closed down. But we're looking at bringing it back.

ASSEMBLYMAN LEMONDES: I'm a graduate of that program.

PRESIDENT KELTING: Oh, great, the ET program, yeah.

ASSEMBLYMAN LEMONDES: And that -- anyways, I think that's really valuable and there's a direct need. I mean, this state is dying for licensed operators. And I would

only encourage you to allow me to help in bringing that back, perhaps as a graduate and communicating the need statewide.

PRESIDENT KELTING: That would be great.

ASSEMBLYMAN LEMONDES: I think most people don't understand what it takes to do that and how important that those kids -- coming out licensed -- are to their communities all over the state.

And then secondly, I'm wondering if Paul Smith's understands and has any entomology curriculum. Because we are nationally short entomologists for all of our food security issues and invasive species with respect to our agricultural commodities.

PRESIDENT KELTING: Yeah, we just have one course in entomology, so that -- for the forestry kids. But we don't have a robust enough curriculum in that area to address what you're talking about.

ASSEMBLYMAN LEMONDES: Thank you. Appreciate the time, and I yield back the remainder. Thank you, Madam Chair.

Thank you, gentlemen.

PRESIDENT KELTING: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I want to thank you, gentlemen, for staying the whole time with us today. Sorry we are closing down 11 o'clock at night.

(Applause.)

CHAIRWOMAN KRUEGER: And I am officially closing down the EnCon hearing for '24.

And the Higher Ed Committee -- excuse me, Higher Ed hearing starts 9:30 tomorrow morning, right here in the same room.

Thank you, everyone. Get home safe.

(Whereupon, at 11:00 p.m., the budget hearing concluded.)