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Joint Legislative Public Hearing on SFY 2024-25 Executive Budget Proposal: Environmental Conservation

Thank you to the chairs and members of the Senate and Assembly committees for the opportunity to submit testimony.

Riverkeeper protects and restores the Hudson River from source to sea and safeguards drinking water supplies, through advocacy rooted in community partnerships, science and law. We envision a future in which the Hudson River, its tributaries and watershed, and the New York City drinking watershed are: restored to ecological health and balance, free-flowing, resilient, teeming with life, reliable sources of safe, clean drinking water, recovered from historic and inequitable environmental harms, safe and accessible for swimming, fishing, boating and other recreational activities and valued and stewarded by all.

Clean Water Infrastructure Act

Oppose $250 million cut; increase annual funding to $600 million

We are disappointed to see Governor Hochul propose to halve our nation-leading funding for the Clean Water Infrastructure Act (CWIA). Since 2017, this popular program has been funded at $500 million a year, supporting critical wastewater and drinking water projects that reduce pollution into our waterways and protect drinking water quality. As climate change continues to cause unprecedented precipitation, now is not the time to slow down our progress in funding critical infrastructure for our water systems. We urge the Legislature to push back against this cut forcefully and restore funding to at least $500 million annually. However, we recommend a final appropriation of $600 million to address inflationary pressures and emergent needs, including for filtration of PFAS in drinking water. The legislature's strong support for this program is greatly appreciated. We strongly oppose the Governor's 250 million cut to New York's clean water, and urge the legislature to go bigger and fund the program at $600 million annually. **The Clean Air, Water, and Green Jobs Bond Act of 2022 was intended to be additive to annual appropriations of *at least* $500 million to the CWIA.**

The suggestion that $1 billion in unallocated funds for the CWIA justifies a reduction in annual appropriations does not reflect the reality facing the state's growing water infrastructure needs. As a new report from Environmental Advocates of New York demonstrates, the state could accelerate awards for projects by at least $1 billion in shovel-ready projects for the Water Infrastructure Improvement Act and Intermunicipal Grant Program.[1] The same report highlights that in 2022 the state successfully pushed $900 million out the door – proving that with direction and focus, state agencies can accelerate spending to shovel-ready projects. Additionally, inflation over the past few years has reduced how far public dollars

[1] https://eany.org/report/a-new-era-for-new-yorks-water-an-analysis-of-clean-water-infrastructure-act-spending/

go in infrastructure projects – a core argument for why New York should increase CWIA allocations to $600 million.[2]

The cut to the CWIA will set back the progress we have made in addressing the very conservative estimate of $80 billion over 20 years of documented need for water infrastructure investment in New York, the largest in the nation - this figure was developed in 2012 before emerging contaminants, lead service line replacements and most Combined Sewer Overflow (CSO) reduction projects added a new layer of costs to water utilities and suppliers. A new comprehensive needs assessment is overdue. The largest share of the $4.8 billion in documented wastewater projects in the Hudson River Watershed is needed in and around New York Harbor. Excluding New York City, the Hudson River watershed wastewater infrastructure needs (based on 2022 IUP) have increased consistently since 2017, and are at $941 million in documented needs.[3] **This figure based on a 2022 analysis is 60 percent greater than the 2017 need.** As many legislators know, communities outside of New York City face aging and crumbling wastewater infrastructure. For example, the 44 municipally owned wastewater treatment plants that discharge directly to the Hudson River Estuary, rely on at least 1,500 miles of sewer pipe, half of which are over 60 years old.[4]

Hudson River Watershed communities need at least $2.2 billion to repair and upgrade wastewater infrastructure, according to a Riverkeeper analysis of New York State's 2023 list of projects eligible for federal funding. Achieving the "swimmable" goal of the Clean Water Act, 50 years after its passage, hinges on ongoing and stepped-up investments in our wastewater infrastructure.

These costs include upgrades and repairs at wastewater treatment plants–the most visible components of our wastewater infrastructure–but also for projects necessary to maintain the vast network of underground pipes and pump stations that collect and transport sewage. This infrastructure is essential for preventing water pollution, but much of it is well past its intended lifespan.

Region	Total Documented Need
Upper Hudson River Watershed (Areas upstream of Troy Dam)	$56 million
Mohawk River Watershed	$349 million
Hudson River Estuary (Treatment plants that discharge to the river's main stem downstream of the Troy Dam)	$399 million
Tributaries to Hudson River Estuary (All other treatment plants downstream of Troy Dam)	$193 million
New York City (The 7 treatment plants located within the Hudson River Watershed boundary)	$1.184 billion
Hudson Watershed Total*	**$2.180 billion**
New York State Total	**$5.737 billion**

These failures mean raw or partially treated sewage leaking into our streams and rivers, and they are common during wet weather. For instance, in January of this year the following municipalities in the Hudson River Watershed issued sewer overflow alerts through the Sewage Pollution Right to Know Act: Albany, Amsterdam, Bloomingburg, Carmel, Catskill, Coeymans, Cohoes, Florida, Fort Edward, Fort Plain, Glens Falls, Goshen, Green Island, Kingston, Highland Mills, Hudson, Hudson Falls, Little Falls, Mahopac, Menands, Millbrook, Middletown, New Paltz, New York City, New Windsor, Newburgh, Nyack, Orangeburg, Palatine Bridge, Poughkeepsie,

[2] https://apnews.com/article/inflation-us-infrastructure-projects-e89dcd5f3e623e532353f087265f9a63

[3] https://efc.ny.gov/cw-iup

[4] Hudson River Comprehensive Restoration Plan, 2018, "Storm and Wastewater Target Ecosystem Characteristic report," available at http://thehudsonweshare.org/wp-content/uploads/2018/08/Storm-and-WasteWater.pdf

Port Ewen, Nelliston, Rensselaer, Troy, Walden, Warwick, Watervliet, Utica, Yonkers/Westchester County and Yorkville, into the Hudson River. The majority of these communities reported multiple overflows in this time period - roughly 200 sewage overflow reports in all.

Most of these communities reporting repeated overflows have combined sewers that discharge raw sewage mixed with stormwater when it rains because their sewers were designed to carry both street runoff and sewage, leading to overflows when pipe capacity is exceeded by an influx of rainwater.

In a time of rapid intensification of climate change, when extreme storms are more common, overflows will come more frequently if the infrastructure is not upgraded and optimized continuously to handle the deluges. As Riverkeeper has documented repeatedly, **data show that rain causes degradation of water quality in many communities, and after extreme storms, the impacts are more severe.**[5]

The Hudson River Watershed contains about one-third of the state's wastewater treatment facilities, **yet it accounts for nearly 40% of the documented needs.**

A recent analysis of the Clean Water Intended Use Plans for the Mohawk Valley demonstrated an increase in need for funding in 2022 from $350 million to $550 million in the 2024 documents.[6] This demonstrates that the need is only growing and this is no time to cut funding.

Riverkeeper strongly opposes the $250 million cut to Clean Water Infrastructure Act spending and encourages the Legislature to increase funding to $600 million annually.

$400 million Environmental Protection Fund

Oppose $25 million cut; Restore Hudson River Estuary Program

Riverkeeper is a member of the broad Clean Water & Jobs coalition that supports the Governor's proposed funding for the Environmental Protection Fund (EPF) at $400 million as part of a multi-year goal to reach a $500 million allocation. **We strongly oppose the $25 million cut proposed in the Executive Budget.** The Governor is attempting to raid these funds, diverting them towards staffing and away from capital projects that desperately need this investment**.** The impacts of these cuts will not be theoretical in practice, they will lead to diminished programs for protecting the environment, providing valuable science, and preserving community resources such as drinking water. The Legislature is a strong champion of the EPF, and we urge you to continue your commitment to this important source of funding. This use of capital funds for staffing is an unacceptable attempt to saddle the EPF with costs it was never intended to shoulder and should be soundly rejected by the Legislature, as has been done in years past.

Hudson River Estuary Program and Mohawk Basin Program

Restore Funding to $7.5 million dollars; $250,000 cut will harm estuarine management

The Department of Environmental Conservation's Hudson River Estuary Program and the Mohawk Basin Program are the state's only programs dedicated to protecting the Hudson River and its watershed.

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[5] https://www.riverkeeper.org/blogs/water-quality-blogs/more-than-2-billion-needed-to-fix-hudson-river-watershed-sewers/

[6] Through this process of updating our data as a result of a request from members of Congress, it is clear that New York Environmental Facilities Corporation and NYS Department of Health should publish Intended Use Plans in a searchable online database including the ability to sort projects by state legislative districts and Congressional districts.

Recognizing it as an indispensable source of technical advice, community grants, and planning expertise, **we strongly oppose the proposed $250,000 cut and urge the Legislature to maintain the Estuary Program's $7.5 million budget.**

The following programs may be at risk from cuts:

- Paid opportunities for high school and college students from disadvantaged communities to engage in field research to gain STEM skills and open the doors of opportunity that otherwise may be out of reach. These grants provide a career path for students who otherwise could not afford unpaid internships in hands-on scientific work.[7]
- Foundational climate research, such as the Hudson River Salt Front Study, which is currently moving forward with USGS, with partial funding through the EPF from Hudson River and Oceans and Great Lakes Initiative. The first step of creating a model of how future sea-level rise will move the salt front north towards the drinking water intakes of the Hudson 7 is underway. The second phase of running the model and looking at various scenarios that help guide management decisions could be at risk if funding is cut in this budget. The loss of this study could leave the Hudson 7 in the dark about future risks of increased sodium concentrations in the drinking water supply for over 100,000 mid-Hudson residents.
- Endangered species monitoring and conservation could be negatively impacted by cuts due to the inability to upgrade equipment such as fish tags that are used to monitor the federally endangered Atlantic Sturgeon. Other Hudson River species such as herring and the recreationally and commercially significant striped bass could also be impacted by a lack of funds for equipment upgrades and the availability of tags to monitor their populations.
- Subaquatic vegetation research and restoration for water celery beds (Vallisneria americana), which were decimated during Irene and Lee, is currently being tested at Stockport Flats to better understand how to increase the survival rate of plantings and develop genetic lines that are more resilient and adaptive to climate change. Water celery is a keystone species in the Hudson River as it provides oxygen in the water column while allowing sunlight to filter through the water providing critical habitat for wildlife. Phase 2 of the project, which would expand the restoration of subaquatic vegetation bed across the estuary could be at risk if funds are cut, diminishing the long-term recovery of the Hudson River.

The Estuary Program supports strategic local initiatives with high impact, such as Natural Resources Inventories and Open Space Plans, watershed management planning and climate adaptation planning. **It has made the Hudson Valley a leader in climate resilience and adaptation, through its support of communities developing climate adaptation plans.** The program coordinates research needed to ensure the recovery of the Hudson's signature fish from sturgeon to the economically important striped bass. It funds high-profile and high-impact projects, including Riverkeeper's recent removal of dams to promote healthy free-flowing creeks. It has also created beloved projects like the *Day in the Life of the Hudson* and *Trees for Tribs*, which introduced thousands of school children to the wonders of the American eel, and helped bring the concept of the "Big Night" for amphibian migration into the vocabulary of hundreds of volunteers who monitor and protect vernal pools.

A recent newsletter from the Estuary Program on December 5, 2023, highlighted some of the important work Riverkeeper has been able to accomplish with the partnership of this outstanding program, stating: "This year, an Estuary Program Local Stewardship Grant supported water quality monitoring on the Peekskill Hollow Brook. Monitoring is an implementation action identified in the City of Peekskill's

[7] https://hrnerr.org/research-monitoring/student-research-opportunities/

state-accepted Drinking Water Source Protection Plan (DWSP2). The Peekskill Hollow Brook is a regionally important, surface water supply to 100,000 people. It is not only the City of Peekskill's primary source of water, but also supplements the Village of Buchanan's water supply, and serves as a backup for the Towns of Cortlandt, Somers, and Yorktown. Estuary Program staff co-facilitated the City of Peekskill's first DWSP2 management team meeting in October."[8] Riverkeeper's work in Peekskill is just one of the many projects that are routinely conducted using funds from the Estuary Grants. With the help of grants like these, Riverkeeper was able to conduct significant work in 2023 on dam removal projects and studies looking at dam removal feasibility and climate-related vulnerability assessments.[9]

In total, the program awarded 23 Estuary Grants in 2022, equaling a $1,423,474 investment into local projects (with 87 percent going to environmental justice communities). That same year, the Estuary Program assisted 57 municipalities and 3 counties throughout the Hudson River Valley and provided training that educated 3,740 local leaders on how to tackle important environmental issues, such as climate adaptation and watershed protection. The Estuary Program also backed 10 new research projects to study fisheries management, watershed protection, and climate justice.[10] Through its crucial grants program, educational initiatives for decision-makers, and informative studies shaping conservation efforts, the Estuary Program is at the front lines of preparing the Hudson River Estuary communities for the impacts of climate change. This one-year snapshot of the Estuary Program's impact is indicative of its annual impact, assuming sustained funding.

The needs of the Hudson Valley region served by the Estuary Program are considerable and increasing. They include planning and implementing programs such as drinking water source protection and harmful algal bloom prevention; advancing dam removal and culvert right-sizing initiatives; promoting climate resiliency planning and implementation locally and regionally. The Estuary Program's five-year action agenda sets ambitious goals for the next decade supported by a wide variety of stakeholders.[11] With continued funding and support, the program's vision and commitment to leadership in the climate crisis can be realized.

2024 grants awarded from the Hudson River Estuary Program have yet to be announced, but awards from previous years are providing habitat enhancements, educational opportunities, and waterfront access across the Hudson River.

Riverkeeper opposes Governor Hochul's proposed $250,000 cut to the Hudson River Estuary Program and Mohawk Basin Program funding and calls on the Legislature to protect funding at $7.5 million.

Oceans and Great Lakes Initiative - $22.5 Million (EPF) - Restore $1.5 Million Cut

The Oceans and Great Lakes Initiative supports vital scientific research and management of fisheries in New York. Any reduction to the program could potentially harm ongoing research and monitoring of fish populations in the Hudson River, including the ability of state agencies to upgrade technology such as the tags used to monitor the endangered Atlantic Sturgeon. Additionally, cuts could impact important research into the threat posed by the Round Goby on

[8] https://content.govdelivery.com/accounts/NYSDEC/bulletins/37dab11
[9] https://extapps.dec.ny.gov/docs/remediation_hudson_pdf/grantees20212022.pdf
[10] https://extapps.dec.ny.gov/docs/remediation_hudson_pdf/hrep2022report.pdf
[11] https://www.dec.ny.gov/docs/remediation_hudson_pdf/hreaa2021.pdf

the Hudson River's ecosystem and the impact of other aquatic invasive species. Over the years, more state programs have been requesting project funds from this line, indicating that it is oversubscribed and may warrant future funding increases in years to come.

Water Quality Improvement Program (EPF): Maintain at $22 million

WQIP is, along with the Water Infrastructure Improvement Act, a key source of needed grants to support community investments in wastewater infrastructure. Significant Clean Water Infrastructure Act funds are spent via the Water Quality Improvement Program, but the terms of Water Quality Improvement Program grants are more favorable to communities, typically allowing for less local match and greater state investment per project. The funds should be allocated to the greatest degree possible based on statewide needs, to ensure all communities have access to this important funding source.

Riverkeeper supports sustaining the Water Quality Improvement Program funding at $22 million

Source Water Assessments (EPF - WQIP): $5 million in Executive Budget

The EPF is a critical funding source for implementing the Drinking Water Source Protection Program (DWSP2) which provides critical support for communities to develop drinking water source protection plans.[12] Communities across the state will benefit both from new plans , which identify risks to their water supplies, and plans to mitigate or eliminate those risks. For decades, New York and its communities have been under-invested in the planning and implementation of source water protection, and we have unfortunately seen the consequences as communities face drinking water pollution and health concerns as a result. **Outside of New York City's drinking watershed, Source Water Protection costs have not been assessed statewide.** We assume that most communities do not have costs estimated, and a survey could, at this stage, highlight the need to inventory at the local level so the state can plan its investments over the coming years.

The cost of treating or replacing public drinking water supplies, and of treating illnesses that result from drinking contaminated water far outweigh the cost of protecting drinking water at its source. Riverkeeper urges the Legislature to continue supporting this program.

Riverkeeper supports the Governor's $5 million allocation for Source Water Assessments to ensure the program is utilized to its maximum potential.

Road Salt Pollution: A Ticking Time Bomb for Drinking Water Quality

Implement statewide road salt reduction policies to prevent drinking water contamination and protect public health.

Excessive laying of road salt during the winter season exposes our environment to dangerous levels of sodium that could eventually poison our drinking water supplies. Already, more than half of New Yorkers on public water supplies in the Hudson River Watershed live in an area where tap water should not be consumed by those on very low sodium diets.[13] Data from private wells indicate a similar rate of impact.[14] Increased salt concentrations in water can also lead to the degradation of pipes, exacerbation of nutrient

[12] https://www.dec.ny.gov/chemical/115250.html

[13] https://www.riverkeeper.org/wp-content/uploads/2024/02/Riverkeeper-Testimony-Executive-Budget-for-Transportation-20240124.pdf

[14] https://acsess.onlinelibrary.wiley.com/doi/10.2134/jeq2017.03.0124

pollution in soil, and contribute to harmful algal blooms, posing risks to both human and ecological health.[15] Riverkeeper submitted detailed testimony on the impacts of road salt on Hudson Valley water quality for the Joint Legislative Hearing on Transportation. Legislators and staff should take action in this session to slow and stop the continued degradation of drinking water from excessive road salt.

Riverkeeper urges members of the New York State Legislature to advance statewide legislation that builds on the strongest aspects of the Adirondack Road Salt Task Force Report, which summarizes a review of road salt uses and impacts and provides recommendations for road salt usage reduction.

Environmental Enforcement Cuts: Restore $3.14 million

Protect funding for the people who protect our environment

The enforcement of our environmental laws is paramount. Environmental Conservation Officers (ECOs) have one of the toughest jobs in the state and are responsible for $46 million in penalties from polluters and other violators of the law, which in turn help fund important programs statewide. We cannot afford to cut the DEC enforcement budget by $3.14 million. Whether it is funding for ECOs or for general counsel positions within DEC, this moment demands all hands on deck to ensure our violators are not just caught, but prosecuted and brought to justice to deter future violations. As we add additional laws and regulations to DEC's portfolio, we must ensure enforcement is given as much of a priority as possible. While there are no cuts to personnel, which is welcomed, there should always be an effort to increase the number of officers who enforce our laws and regulations. **Riverkeeper urges the Legislature to protect funding for DEC's Environmental Enforcement and oppose the Governor's proposed $3.14 million cut.**

NY SWIMS

Expand its focus to ensure access to natural waters receives equal treatment to public pools.

Providing equitable access to places to cool off will be increasingly important in the years ahead, as the Governor rightly recognizes with the New York SWIMS initiative. The Hudson River – with multiple potential beach sites[16] and community-driven efforts to restore or develop access for swimming – can benefit from this groundbreaking effort. It will require water quality improvements in some cases, projects to boost resilience to sea-level rise in others, and provisions to protect habitat disturbance in others.

It's clear from the Governor's press materials that the administration intends for some of the funding to be available for public beaches.[17] However, the terms "swimming facilities" or "swimming facility" are used in only two sections of state law, and there's an argument that such facilities do not include "surf beaches." Specifically, NY Public Health Law section 225(5-c)(a) distinguishes between the two: "the sanitary code shall [] provide that any public or private **surf beach or swimming facility** which is required by any other provision of law to be supervised by a surf lifeguard qualified according to the standards of such code…" In addition, the NYS public health code has separate sections and definitions for pools and beaches at 10 NYCRR parts 6-1

[15] https://www.epa.gov/sciencematters/epa-researching-impacts-freshwater-salinization-syndrome
[16] https://extapps.dec.ny.gov/docs/remediation_hudson_pdf/swimhudsonfearpt.pdf
[17] https://www.governor.ny.gov/news/governor-hochul-unveils-fourth-proposal-2024-state-state-ny-swims-new-york-statewide

and 6-2. To ensure the program can reach communities that want to create new beaches on natural waterways the language is consistent and inclusive.

The Town of Ossining, in Senator Harckham and Assemblymember Levenberg's districts for example, wants to reopen a public bathing beach or river pool at Louis Engel Park along the Hudson River, but like many communities, struggles to navigate the labyrinth of red tape that impedes progress. Similarly, Sleepy Hollow, in Majority Leader Stewart-Cousins and Assemblymember Shimsky's district, is not as far along as Ossining but there is strong interest in opening a beach or river pool in their community and Riverkeeper has engaged in recent discussions with their leadership. In both cases, communities had access to beaches at these locations on the Hudson River for decades up until the middle of the 20th Century. The River Pool at Beacon, too, has identified locations in Newburgh and New Windsor that may be suitable for new beaches or river pools. The City of Kingston in Senator Hinchey and Assemblymember Shrestha's districts is home to Kingston Point Park Beach, one of four publicly accessible beaches along the entire reach of the Hudson River, which will need funding to adapt to anticipated sea level rise.

Let's take advantage of this rare chance to address deficiencies in access to the Hudson River and ensure that communities already on the path to creating new beaches or upgrading existing ones have the funding and regulatory support they need to accomplish their communities' goals. Riverkeeper stands ready to work with the Governor and Legislature to advance this important initiative.

Barrier Removal - Dams

Remove dams and restore free-flowing waterways before rehabilitating or extending the life of a dam

Governor Hochul's proposal to restore and remove hazardous dams in the state will no doubt contribute to risk reduction and habitat restoration along our waterways. However, as this initiative moves forward, dam removal must be prioritized as the first preference, before dams are rehabilitated. Allowing obsolete dams to persist and investing in restoration efforts ignores the inevitability that these dams will again deteriorate and may lengthen the lifespan of a dam whose decay is already posing risks to the environment. As these failing, unused dams erode, they pollute our waters and obstruct fish passage. There are over 1,600 dams and many more culverts in the Hudson River estuary that prevent species migration up and downstream corridors that are essential to amphibians, fish, and insects. Dam removal addresses the issue at its source and lays the groundwork for initiating habitat restoration projects.

Plant 25 Million Trees in the Next Decade

Maximize the impact of this initiative by targeting dam removal sites as well as urban areas.

Riverkeeper applauds the Governor's goal of planting 25 million trees by 2033, and strongly urges the Legislature to identify planting sites in key areas where new trees planted will have the strongest impact. The Governor's proposal currently includes guidelines for prioritizing tree planting in urban areas. Riverkeeper urges the Legislature to further explore how this tree planting initiative can be tied to various green infrastructure projects in cities statewide. **By supporting the passage of green infrastructure incentives, the positive impact of the Governor's tree-planting initiative could be more widespread and accessible than originally imagined.**

Additionally, while building up urban forests is key to mitigating the damaging effects of climate change, connecting this initiative to areas, such as sites where dam removal projects have been completed, has the potential to strengthen stream banks, restore habitat complexity, enhance ecosystem resilience, and boost adaptability to climate change. Prioritizing tree planting in these key areas can bring significant benefits, such as preventing erosion, retaining floodwater, improving wildlife and stream habitat, preventing invasive species intrusion, and protecting water quality. **Recognizing the nexus between dam removal and tree-planting efforts will help us create a more resilient environment.**

Notably, the state's "Trees for Tribs" program, which supports community tree planting and maintenance along stream corridors, is an example of the Hudson River Estuary Program's innovative impact. The program was developed for the Hudson River region, and has since been expanded statewide – as have many successful Hudson River Estuary Program initiatives.

We urge the Legislature to leverage the tree-planting initiative where it will have the most positive ecological impact.

Hudson River Superfund Five-Year Review

With over a 200-mile stretch of contamination, the Hudson River is the largest Superfund site in the nation. Although the practice was put to an end many years ago, General Electric's (GE) decades-long dumping of toxic PCB waste into the Hudson River marks one of the most egregious environmental transgressions of our state. Today, the Hudson River remains contaminated with toxic PCBs, a forever chemical that does not readily break down and can bioaccumulate, resulting in escalating levels of PCBs as these toxic chemicals move up the food chain. It has become so pervasive in our environment that the bodies of river otter and mink qualify as hazardous waste due to the high concentrations of PCBs they contain.[18] Aside from this legacy of environmental degradation, PCBs in the Hudson River have severe effects on human health and particularly threaten subsistence fishermen and impoverished communities who rely on the river for food.

Although the dredging of PCB-contaminated sediment was completed in 2015, data shows that the PCBs left in the sediment continue to result in high PCB concentrations in fish at much higher levels than anticipated when the dredging remedy was chosen.[19] The Friends of a Clean Hudson (FOCH) conducted an independent review of the data used by the EPA to determine the effectiveness of the Hudson River dredging remedy and found that the measures taken are "not protective of human health and the environment," urging EPA to reassess their course of action.[20]

The EPA plans to release its third five-year review of the Superfund Site cleanup in March of 2024, which is an assessment of the status of the cleanup, the effectiveness of the method chosen, and whether the remedy is protective of people's health and the environment. **Riverkeeper urges the Legislature to call on EPA to make a "Not Protective Determination" in the third five-year review set to be released in March of 2024.** This will open the door to finding appropriate remedial measures to protect human health and the environment.

[18]https://www.riverkeeper.org/wp-content/uploads/2023/12/Public-PCB-Five-Year-Review-Q-A-Handout-a_o-NOV-2023.pdf
[19]https://www.riverkeeper.org/wp-content/uploads/2023/11/November-10-2023_FOCH-Independent-Review-of-Upper-Hudson-River-Dredging-Remedy.pdf
[20]https://www.riverkeeper.org/wp-content/uploads/2023/11/November-10-2023_FOCH-Independent-Review-of-Upper-Hudson-River-Dredging-Remedy.pdf

Aquatic Invasive Species

Effectively preventing invasive species from crossing from the Great Lakes via the Erie Canal is one of the most important actions that can be taken to protect the ecology of the Hudson River Estuary and its watershed. Similarly, a Champlain Canal barrier would prevent species like the round goby, which traversed the Erie Canal in just seven years and reached the Hudson in 2021, from threatening the Lake Champlain ecosystem.

Restoring populations of native species like striped bass, Atlantic sturgeon, American shad and river herring will be impossible if invasive species disrupt the ecosystem. . Already half the species in the Mohawk River, the Hudson's largest tributary, are non-native. The Hudson River's ecology has already been severely disrupted by invasions, diminishing natural abundance. Preventing future species invasions is an important step to bolster the resilience of the Hudson River in the face of climate change and the many other stresses affecting aquatic ecology.

Using technology and processes used at many marinas for lifting, washing and winterizing boats, we can close small portions of each canal while maintaining recreational boating access. With careful consultation with the limited commercial users of the canals, we can ensure that the industry's needs are met as well. The state has funded studies that have identified specific solutions for the Erie Canal. These solutions must be implemented and impediments to their implementation must be addressed.

We urge members of the Legislature to support the creation of effective engineered solutions in the Erie and Champlain Canals to hydrologically separate the Hudson, Great Lakes and Champlain watersheds to protect native ecology while maintaining boating and commerce.

Conclusion

New York State’s actions to support water infrastructure, drinking water quality, and source water protection have made tremendous progress over the last few years. However, Governor Hochul’s proposed budget is disappointing in many regards despite a strong start at her State of the State. This year we face looming cuts to core environmental funding that threaten the progress we have worked so hard to achieve. Riverkeeper is encouraged by the strong opposition to these cuts from both sides of the aisle and looks forward to working with the Legislature to restore funding for these programs in a final budget agreement. hank you for your consideration and for the opportunity to submit this testimony.

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