

Testimony of Peter A. Scully
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before the
United States House of Representatives
Committee on Resources
Subcommittee on Fisheries and Oceans
on the Long Island Sound Stewardship Act of 2005

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Groton, CT

On behalf of Acting Commissioner Denise M. Sheehan, I would like to thank the Subcommittee for providing the New York State Department of Environmental Conservation (Department) with the opportunity to testify today on H.R. 307, the Long Island Sound Stewardship Act of 2005. My name is Peter A. Scully, and I serve as the Director of the Department's Region 1 office. This office is responsible for the implementation of federally-delegated and New York State environmental laws, policies and programs across Long Island B the largest island adjoining the continental United States, and home to nearly three million people.

Because the Long Island Sound area is so heavily populated, enjoying robust industries in tourism and commercial and recreational fishing, Governor George E. Pataki has directed the Department to make the restoration of the Sound one of our highest priorities. The Governor strongly supports the Long Island Sound Study (LISS), a cooperative effort of New York, Connecticut and the federal government to protect and improve the health of the Sound through the implementation of a Comprehensive Conservation and Management Plan (CCMP). The Department, along with the Connecticut Department of Environmental Protection and the United States Environmental Protection Agency, is implementing the recommendations of the CCMP through specific projects to reduce nitrogen, control nonpoint source and stormwater pollution and restore aquatic habitats.

Since Governor Pataki took office in 1995, nearly \$345 million in State funds have been invested in projects that benefit Long Island Sound B along with more funds spent by local governments and private organizations on the Island. Funds for Long Island Sound projects in New York State come from the Clean Water/Clean Air Bond which the voters of New York State approved in 1996, the New York State Environmental Protection Fund and other sources. These funds, matched by municipal contributions, include funds for water quality improvements as well as other projects such as open space conservation, brownfields investigation and remediation, solid waste management, and habitat restoration projects that are located within the watershed which drains to the Sound.

Activities on the Sound greatly contribute to Long Island's economic well-being. Over \$5.5 billion is generated annually from boating, commercial and sport fishing, swimming and beach recreation on Long Island. The ability of the Sound to support these uses is dependent on the quality of its waters, its living resources and their habitats. The current value and quality of the Sound are partly the result of investments in water pollution control, habitat protection and fishery management programs made over the past two decades. In spite of these many efforts, serious issues remain, including hypoxia, lobster mortality, closed shellfish beds, habitat loss, and limited open space and public access.

Since 1985, the Department and its many partners have worked collaboratively to develop and implement the Long Island Sound CCMP. Using this Plan as a guide, New York has reduced its nitrogen load to the Sound by more than 22 percent. Pathogen loads are being reduced through nonpoint source and stormwater controls and through the development of pathogen Total Maximum Daily Loads. Over the past six years, New York has restored 234 acres of habitat as well.

One of our most important partners in these activities has been the United States Congress. Through the Long Island Sound Restoration Act of 2000, Congress authorized appropriations of up to \$40 million annually for five years, to be shared equally between New York and Connecticut, for projects to restore the Sound's water quality and environmental resources. This authorization, totaling \$200 million, was designed to ensure that the federal government matched the significant financial contributions which New York and Connecticut already have made to projects for the improvement of the Sound's environment.

Approximately three million people live on Long Island and within 50 miles of the Sound the population balloons to a staggering 20 million people. Thus, pollution loading to the Sound can be considerable unless both states and the federal government make a concerted effort to protect the Sound's natural resources and water quality. Because Congressional appropriations under LISRA have been approximately one-tenth of the authorized amount, the reauthorization

of LISRA and the continued infusion of federal funds into projects to implement the CCMP are still needed.

The Department greatly appreciates the efforts of Congressmen Pete King and Jim Walsh for the much-needed LISRA appropriations. However, the reauthorization of LISRA and increased annual appropriations are needed to help New York and Connecticut reach our goal of restoring the Sound's water quality. For that reason, Governor Pataki has made the reauthorization of LISRA, and continued appropriations, a high environmental priority for 2005. H.R. 307 includes language to reauthorize this statute, which New York State strongly supports.

New York has used the funds which Congress has provided under LISRA aggressively and innovatively. For example, combined with the funds provided by state and local sources, we have:

- Upgraded 47 sewage treatment plants;
- Reduced nitrogen loads by over 22 percent;
- Constructed sanitary sewers; and
- Restored 234 acres of coastal habitat.

The LISRA funds have been specifically used for:

- Wastewater treatment improvement projects;
- Nonpoint source and stormwater control projects; and
- Aquatic habitat restoration projects.

The major source of State funds for these efforts in New York State has been the Clean Water/Clean Air Bond Act. As Bond Act funds are spent, it is imperative to develop other funding sources, such as federal appropriations, to meet the Long Island Sound Study's goal of 2,000 acres of habitat restored and 100 river miles restored by 2008, and to meet the 58.5% reduction in nitrogen load by 2014.

When Governor Pataki and other Long Island Sound partners reaffirmed their commitment to restoration in 2002, ecological and open space/recreational resources were added as a key element of the program, and the Long Island Sound Stewardship Initiative was born. This Initiative envisions the development of an integrated network of open space sites, access sites and ecological areas which will provide the necessary natural infrastructure to support the valuable resources of the Sound and support the commercial and recreational needs of our present and future residents. The stewardship program will provide enhanced access for the citizens of New York and Connecticut who have supported B and paid for B implementation of the CCMP and the Long Island Sound cleanup.

The Long Island Sound Stewardship Initiative Strategy, developed by the Study's workgroup, is an excellent blueprint to identify, protect and enhance special places around Long Island Sound. The workgroup has identified 15 complexes in New York that are proposed as inaugural special places. They include the significant submerged aquatic vegetation beds around Fisher's Island, the boating and fishing paradise around Port Jefferson and Mt. Sinai Harbors, the exemplary riverine habitat of the Nissequogue River, the oyster producing Oyster Bay Harbor (which produces up to 90 percent of the oysters harvested in New York), and the largest municipal park in New York City at Pelham. The restoration, protection and enhancement of these unique and valuable resources will require a considerable amount of financing.

Consistent with the objectives of the Initiative, in 2000 Governor Pataki pledged in his State of the State address to create 10 public access sites to Long Island Sound within the decade. To date, three new access sites have been created at a cost of \$22 million. While the new access site in Mattituck is a gem, the crown jewels are the Nissequogue River State Park and the Jamesport State Park and Preserve.

Both New York State and Connecticut have made significant financial and programmatic commitments to Long Island Sound. But Governor Pataki has long recognized that the two states cannot restore the Sound alone. Resources are needed to support the Initiative, specifically: stewardship site and complex planning; management; specific project implementation; purchasing easements; and acquisitions. Costs for this initiative will rival that of sewage treatment plant upgrades for nitrogen reduction. Resources will also be needed to adequately address the underwater lands of the Sound for stewardship opportunities and needs. Full partnership between the states and the federal government is essential for this initiative to succeed and must not come at the expense of other activities to fully restore the Sound's water quality and estuarine habitat.

I would like to make some specific recommendations on the stewardship portions of H.R. 307. The Department is concerned about the awkward committee structure and management proposed in the bill. The steering committee established by the bill should not be able to accept donations of property, as would be authorized by '7(d), since such an action does

not appear to be consistent with its general powers and duties. Several entities already exist B including the State of New York, local governments and not-for-profit conservation organizations B which can legally hold title to parcels on either a temporary or permanent basis. Applicants should not have to apply to become a stewardship site; designation should be based upon sound science, environmental considerations, and landowner approval. The existing LISS Management Conference structure needs to be a part of the review and approval process. New York will be happy to work with the Subcommittee to amend the bill to address these issues.

On behalf of Acting Commissioner Sheehan, I would like to thank you again for the opportunity to share with you our enthusiasm to restore, protect and enhance Long Island Sound. The Department is committed to working with the Subcommittee to ensure the reauthorization of LISRA, and to address our concerns with the new Stewardship program which is envisioned by H.R. 307.