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Testimony of Basil Seggos
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Regarding H.R. 4677
Before the
Subcommittee on Waters, Oceans and Wildlife
United States House of Representatives
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Chair Huffman, Ranking Member Bentz, and Members of the Subcommittee:

Thank you for convening this hearing to discuss H.R. 4677, the New York/New Jersey Watershed Protection Act. If enacted, this legislation will provide critical federal support to address the restoration and protection of the Hudson-Passaic-Mohawk River and watershed system, which stretches from upstate New York to northern New Jersey and includes the New York/New Jersey Harbor. As Commissioner of the New York State Department of Environmental Conservation (DEC), I am pleased to provide the following testimony in support of this legislation that would enhance ongoing state and local efforts to safeguard this national treasure.

Overview: Rationale for H.R. 4677

Extending from the Verrazano Narrows and including the Passaic, Hackensack and Mohawk Rivers, the Hudson watershed is a rich, diverse, and productive ecosystem, despite enormous damage from legacy contaminants, massive physical alterations, invasive species, wetland loss, combined sewage overflows and polluted runoff. More than 14 million people live in the counties encompassing the Hudson watershed's core waters. The Mohawk River, the largest tributary to the Hudson, makes up roughly 25 percent of the Hudson River drainage area. The connectivity of these watersheds makes them an important regional system affecting both New York and New Jersey residents and businesses. The system was also integral to our nation's history and development, and its rich biodiversity is critically important to many aquatic and terrestrial species.

In fact, as the New York/New Jersey Harbor and Estuary Program and the Hudson River Foundation stated in *The State of the Hudson 2020*,

The estuary is a unique and highly productive ecosystem that is habitat for a wide variety of fish and wildlife, including some that have provided economic benefit to people for centuries and others that provide inspiration and ecological benefit. In particular, the estuary enables a rich biodiversity of migratory fish—shad, striped bass, sturgeon, and herring—that spawn in the estuary and then spend much of their life in the ocean. Blue crab, a migratory crustacean, and resident fish such as bass and perch are also highly valued. Bald eagles, diamondback terrapin, herons and ducks are just some of the rich wildlife resources of the estuary. All of these species depend on the chemical, physical, and biological characteristics of the estuary, including a complex food web of plants and animals, as well as habitats.



Federal and state entities such as the New York-New Jersey Harbor and Estuary Program (HEP), and New York's Hudson River Estuary Program and Mohawk River Basin Program, operated through DEC, are providing valuable science-based guidance on opportunities for the restoration and preservation of these watersheds and their natural and cultural resources. However, given the national importance of the Hudson/Mohawk/Passaic system, sustainable federal funding is necessary to ensure the system's effective future use and protection.

H.R. 4677 creates a collaborative, consultative partnership to protect this important watershed by encouraging federal agencies to work in consultation with key stakeholders, including representatives of state and local governments, academic institutions, and regional and non-profit organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Hudson watershed. This process would draw on existing management plans including the HEP Action Agenda, Hudson Raritan Comprehensive Restoration Plan, Hudson River Comprehensive Restoration Plan, Hudson River Estuary Program Action Agenda, Mohawk River Action Agenda, Sustainable Raritan River Initiative Action Plan, and the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan, as well as other critical conservation plans and assessments in the region that will help advance the bill's conservation goals.

The \$50 million annual appropriation authorized by H.R. 4677 will provide substantial support, and a federal perspective, to on-going efforts to protect the Hudson-Mohawk-Raritan watershed. It's important to note that the funds will be used to support locally-driven efforts, which, in DEC's experience, are critical to ensuring that the projects have citizen support. The H.R. 4677 funded projects will effectively restore ecosystems and enhance flood resiliency and align with the Biden Administration's important goals, such as Justice 40 and 30x30. This approach parallels the Delaware River Basin Conservation Act (DRBC Act), which President Obama signed in 2016, and which annually provides grants through the National Fish and Wildlife Foundation to serve the needs of both local communities and natural resources. Senator Tom Carper (D-DE) has noted that the DRBC Act "is supporting important efforts to keep this critical resource vibrant for years to come," and I am confident that the New York/New Jersey Watershed Protection Act will have a similar benefit for this crucial, populous and historic watershed.

Documentation of the Need to Enact H.R. 4677

In 2018, "The Hudson We Share," a consortium of state and federal agencies, not-for-profit organizations, and academic institutions, advised that, "(d)espite recent improvements to the Hudson River water quality, cumulative effects of expanding populations, industry and transportation projects have taken their toll on the estuary's habitats and ecological processes, and reduce the river's potential to support life." This statement encapsulates why the enactment of H.R. 4677 is so vital to the restoration of this region.

Similar collaborative efforts have articulated the importance of restoring the Mohawk River watershed. The 2015 Mohawk River Watershed Coalition Report found that the implementation of Best Management Practices would assist in protecting the watershed from agricultural and industrial pollution, enhance flood resiliency in this highly flood-prone region, and improve the function of water resources and fish and wildlife habitats.

In 2019, the New York Historical Society displayed an exhibit, "Hudson Rising," to showcase 200 years of "ecological change and environmental activism along 'the most interesting river in America.'" This display, now an educational curriculum, documents the centuries of ecological change along the Hudson River, which has been shaped by Revolutionary War battles, industrialization, and population expansion. New Yorkers do not forget the Hudson River's immense importance to the shaping of our nation, nor its contributions to the country's environmental conservation efforts. Indeed, the "Battle for Storm King" is universally recognized

as the legal precedent that established the modern environmental movement, first in New York State and subsequently across the U.S. Storm King became the basis for President Johnson's call to "end the poisoning of our rivers and the air we breathe" and create a "green legacy," as well as the legal underpinning for the National Environmental Policy Act.

The Mohawk River is also positioned uniquely in American history. Named for the Mohawk Nation of the Iroquois Confederacy, the Mohawk River was first a highway for the Mohawk people and later, through the creation of the Erie Canal, provided waterborne transport enabling western migration and spurring economic development. It also was strategically important in both the French and Indian War and the Revolutionary War. As the Hudson played a critical role in modern environmental protections, the Mohawk was vital to the nation's growth. Recognizing the damage past generations of Americans wrought through development and colonization, HR 4677 appropriately advances environmental justice.

The history and use of these rivers, and their watershed as a whole, has left a problematic legacy. As noted by *The Hudson We Share*:

Habitats have been altered or destroyed by dredging, filling and sediment contamination. Shorelines and wetlands have been altered, relocated and eliminated completely. River flow has been directed to a single channel between Catskill and Troy, and over a third of the surface area of the river in this same reach was filled with sediments dredged from the federal navigation channel. Invasive and exotic species have been introduced, and water quality has been degraded.

As a result populations of numerous native fish, wildlife and plant species have declined, and several have been listed as threatened or endangered. Hundreds of dams have been built in tributaries leading to the Hudson, preventing migratory fish movement and degrading water quality. Water and sediments have been contaminated with toxins, and invasive plant and animal species have taken up residence in the estuary.

While we cannot restore the river to its original condition, we can take action to improve and restore remaining habitats, while also continuing the Hudson's current function as a navigable river and a transportation corridor.

While benefiting many, development of these rivers and adjacent lands has resulted in environmental degradation and contamination. Flooding, sewer overflows, and harmful algal blooms pose serious potential risks to human health and public safety. Loss of industries has led to poverty for many communities in this region. Wildlife has suffered, as well. DEC's State Wildlife Action Plan (SWAP) identified myriad risks to terrestrial and aquatic species across the state, including those in the Hudson/Mohawk region. Threats from invasive species are also noted in the SWAP, and it is essential to remember that through the Port of New York and New Jersey, the Hudson/Mohawk system is a pathway for aquatic invasives to potentially become established in the Great Lakes/Mississippi River system, as well as Lake Champlain. The need to block pathways for invasive species is a priority for New York, and an objective we cannot achieve without the assistance of our federal partners. HR 4667 provides an important means to address this serious ecological and economic threat.

Climate Change and Environmental Justice in the Hudson/Mohawk Watershed

Two key issues must be highlighted in efforts to protect the Mohawk/Hudson watershed: climate change and environmental justice, which are two fundamental priorities of Governor Kathy Hochul and DEC.

Climate change has had dramatic impacts on this region. We saw this play out just last year through the unprecedented devastation caused by Hurricane Ida, which produced more than \$140 million in damages in New York alone. This same region of New York was devastated by Superstorm Sandy in 2012, highlighting current vulnerabilities and the need for sustained and coordinated action from all levels of government.

Devising methods to bolster flood resiliency, while enhancing natural ecologies, is a key focus of planning efforts throughout the Hudson/Mohawk/Passaic watershed. Mohawk River flooding has been a historic problem and DEC works closely with the U.S. Army Corps of Engineers (USACE), Natural Resources Conservation Service, and local communities to improve resiliency to flooding and severe weather. For Hudson River communities, Superstorm Sandy illustrated the extent and severity of coastal storm risks as our climate continues to change. The USACE Harbor and Tributaries Study, along with many ongoing projects, offer opportunities to protect the public. But more research is needed as we advance efforts to address flooding through nature-based solutions such as wetlands and streambank restoration and other green alternatives that are designed to provide significant protection at lower cost than traditional concrete and steel infrastructure. Nature-based solutions, which have substantial benefits for natural resources and our communities, are specifically supported in H.R. 4677.

In New York, action to address climate change is underway as the State works to implement the Climate Leadership and Community Protection Act (CLCPA). Among its many features, this holistic law requires the state to address Environmental Justice issues through the development and implementation of the Disadvantaged Communities Barriers and Opportunities Report. The Barriers Report, issued in December 2021, will help New York State better understand barriers to renewable energy solutions for some communities, often the same communities historically and disproportionately impacted by climate change and environmental pollution.

This is the challenge that we face – not just in New York but also across the United States and around the globe – how best to protect those most vulnerable to the devastating, life-threatening impacts of climate change. For the Hudson watershed, H.R. 4677 is an effective, necessary means to address this critical issue.

Drinking Water Issues for the Hudson/Mohawk Watershed

The Hudson watershed also provides drinking water to more than 10 million New Yorkers, including New York City, the largest unfiltered drinking water supply in the world. It provides approximately 1.2 billion gallons of high-quality drinking water to nearly one-half of New York State's population every day. DEC, New York City municipal officials, and many other partners work in close collaboration to ensure the safety of this drinking water supply.

Working with the U.S. Geological Survey, efforts are underway to assess impairments of Mohawk River water quality so that constructive actions can be taken to ensure high-quality drinking water for all users. From New York's perspective, we appreciate that H.R. 4677 acknowledges and provides means to address this issue.

Ongoing Projects in the Hudson/Mohawk Region

It is important to emphasize that New York and its communities are not simply waiting for federal assistance. We recognize the threats to the Hudson/Mohawk system and are acting to address these threats. We also appreciate the federal support and assistance that we have received to date. However, we believe that enactment of HR 4677 is a necessary catalyst to protect this heavily populated and historically significant region, and, as noted, actions to protect

the Hudson/Mohawk region benefit the nation by boosting the economy and helping to prevent the spread of invasive species.

New York is continuing to make significant investments in projects, which are addressing combined sewer overflows, flooding, and habitat restoration, while also providing opportunities for economic development. These state investments would be leveraged greatly with enactment of H.R. 4677, and we would be happy to provide the Committee with an accounting of the projects underway currently that would be expanded with enactment of this legislation.

Conclusion

Through HR 4677's provisions, I am confident that New York will be able to significantly expand upon water quality, flood resilience and ecosystem restoration efforts, particularly in Environmental Justice communities, to protect and restore our natural resources, reduce flooding risks, and ensure water quality. I applaud Congressman Tonko for introducing this important legislation and the members of the New York Congressional Delegation – led by Congresswoman Velazquez – for their support of his efforts. DEC looks forward to working with our federal, local, and New Jersey partners to implement this bill.

On behalf of Governor Hochul, thank you for providing New York with the opportunity to submit testimony in support of this bill.