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Importance of Long Island Sound Restoration Funding

Testimony for the US House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Water Resources and the Environment
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Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan advocacy organization working for the protection of public health and the natural environment on behalf of its members in New York and Connecticut. The protection of waterways, especially estuaries, is of the utmost importance to CCE. CCE has been working to protect water quality across New York State and throughout the Nation since our inception in 1985. Currently, CCE actively works on protecting many of New York's largest and often most impacted waterways including the Hudson River, the Long Island South Shore Estuary Reserve, the Great Lakes, Finger Lakes, Peconic River, and Long Island Sound. Additionally, CCE is an active member of the Long Island Sound Study Citizens Advisory Committee and Chairs the South Shore Estuary CAC. **Thank you for holding this hearing on such an important topic.**

I would like to thank Congress for demonstrating a commitment to protecting the Long Island Sound. As you are aware, the Comprehensive Conservation and Management Plan (CCMP), developed by EPA's Long Island Sound Study (LISS) has been a guiding blueprint to restoration and preservation efforts for this estuary.

Congress has responded over the last decade to challenges facing Long Island Sound by enacting two key authorizations that target federal funding toward the most pressing needs identified in

the CCMP: the Long Island Sound Restoration Act (first authorized in 2000 and again in 2005) Authorizes up to \$40 million per year for projects to reduce nitrogen loading and improve and monitor water quality; and the Long Island Sound Stewardship Act (authorized in 2006) authorizes up to \$25 million per year for acquisition of land and easements that protect and enhance important ecological and recreational sites around the Sound, and promote public access to this amazing natural treasure.

CCE offers the following comments for continued and productive restoration efforts for Long Island Sound:

FUNDING

- **The Long Island Sound, as well as our Nation's other Great Water Bodies, needs a dedicated, reliable funding stream to allow for a holistic and comprehensive approach for restoration and protection efforts.** The uncertainty from year to year of federal funding for LIS projects provides a burdensome roadblock for long term projects from advancing in any meaningful way. In past years funding allocation for Long Island Sound restoration has been anemic. Funding for 2006, 2007 and 2008 was \$2.2 million, \$2.7 million, \$5.5 million respectively. While these amounts have allowed efforts and work to progress, they represent a sizable disparity from the \$65 million yearly authorized under federal legislation.

Recently, the Citizens Advisory Committee of the EPA LISS, a volunteer group with broad representation including municipalities, marine trades, and non-profit environmental groups, identified well over \$70 million in needs for FY10 for projects ranging from water quality, land acquisition and stewardship, wildlife and marine resources including aquaculture, mapping, monitoring, research, dredging, and planning for climate change.

For instance, one such recommendation is for the LISS to increase resources devoted to fish, shellfish and lobster management. However, these programs need at least a three year commitment of resources. Another recommendation is to fully implement the *Sentinel Monitoring for Climate Change* program, assessing impacts of sea level rise on beaches, wetlands, coastal ecosystems, and developing adaptation plans in response to these changes are all critical priorities. Infrastructure, buildings, water-dependent uses, and natural resources are all threatened by shoreline erosion and flooding. Strategies to address these threats must be properly planned. Minimal funding from year to year does not allow for these types of essential programs to advance and provide the critical science and policy we need. A three to five year funding commitment is necessary for many specific projects to reap results.

- **A dedicated and robust Clean Water Trust Fund needs to be established to help all Great Water bodies address the serious needs of failing infrastructure.** Such a Trust Fund will assist states and local municipalities in closing the gap for waste infrastructure needs, create jobs, improve water quality, and protect public health.

Failing, aging water infrastructure is a national dilemma, with the EPA estimating a need exceeding \$722 billion over 20 years. Many times it is our Great Water bodies that face the dire consequences. Long Island Sound is not immune. Facing excessive nitrogen pollution, Connecticut, New York, and the EPA reached a landmark agreement to reduce human sources of nitrogen by 58.5% by 2014. Progress has been made. Forty-one of the 105 sewage treatment plants that discharge into Long Island Sound have been upgraded to remove nitrogen. Yet, we have more to do.

In the winter of 2008, a sewage pipe broke in Greenwich, CT, pouring over 28 million gallons of sewage into the Sound.¹ Westchester County is facing a \$230 million price tag to reduce nitrogen in 2 of their plants and New York City needs to invest over \$1 billion.

In addition, the States of New York and Connecticut, and their municipalities, have invested hundreds of millions of dollars to upgrade treatment facilities in an effort to restore water quality and protect the coastal resources of Long Island Sound. It is vital that the federal government continue to be a key player in the upgrading of this critical infrastructure needs.

Lobster Population Restoration

Every water body has a species that defines and embodies the culture and the history of the waterway. The Long Island Sound is no exception and our species is the Long Island Sound Lobster. Praised to some as a culinary delight, others as an integral part of the ecosystem and still others an important economic resource. Whichever category you fall in—one thing remains the same, NY and CT love the lobster. The problem: every year there is less and less to love.

In the 1990's the lobster harvest was at an all time high, with a harvest value of \$40 million. In 1997 NY harvested 8.2 million pounds of lobster, and in 1998 Connecticut harvested 3.2 million pounds. Since then there has been a dramatic decline in the lobster population. In 2003 the NY harvest dropped to 800,000 pounds and in 2006 the combined NY and CT total catch was less than 2 million pounds.

Connecticut responded by rolling out their Lobster V-notch program in 2006. The Lobster V-notch program is an innovative and effective program that works to protect the lobsters, while ensuring the lobstermen are adequately compensated.

How the V-Notch Program Works:

¹ http://www.wtnh.com/dpp/news/news_ap_epa_greenwich_sewage_spill_among_largest_200812300855

- Mature female lobsters are marked on a tail flipper with a v-shaped notch. In Long Island Sound, this includes lobsters with a minimum legal length of 3-1/16" CL ("carapace length" or length of the body shell excluding the "tail"), as compared to the minimum legal length at which they can be taken in the fishery (3-5/16" CL).
- Legal-sized lobsters are considered protected for two full years until the lobsters have molted twice and the notch has been reduced by the growth of the shell filling in the notch to less than 1/8" in depth.
- Students of the three schools are employed as "v-notch agents" deployed on the vessels of participating lobstermen. Two-person teams notch the lobsters, record biological data, and verify the numbers notched for accountability.
- Lobstermen are compensated at fair market value for the value of marketable lobsters notched.

The program is a mere \$300,000 to run per year. In 2008 there were 67,000 lobsters notched and the lobstermen were compensated \$180,000; a laudable achievement. The program is a low-cost, high yield environmental program that aims to restore the Sound's lobster population. Yet, every year it is a battle to keep the program funded.

Not only is it a battle to keep the program operating in CT, but there is one crucial element missing from the program: New York State. Lobsters do not stay within state boundaries; rather they freely move between state lines, from one side of the Sound to the other. For the program to truly restore the Sound's lobster population it needs to be a bi-state holistic program.

The federal government can play a key role in the recovery of the lobster population and the preservation of our maritime culture by expanding this program and ensuring a stable, reliable stream of funding for three years for both NY and CT.

The reduced lobster population and the spiraling costs of fuel for the lobstermen's boats make the program a necessity in preserving this species and the maritime culture that is a vital part of Long Island Sound.

Diadromous Fish Restoration

Fish species that migrate between fresh and marine waters during their life cycles are collectively referred to as diadromous fish. Historically, Long Island Sound tributaries and rivers provided unobstructed and valuable nursery and spawning habitat for diadromous fish. Over the years, installation of dams, roads crossings, channelization of streams and the destruction of terrestrial habitat adjacent to streams has created physical barriers to fish migration. ***An inventory and Analysis of Barriers to Fish Passage*** between the estuary and its fresh water tributaries is needed.

Stormwater Management

It is well established that the two greatest sources of contamination in the Long Island Sound are stormwater runoff and sewage treatment facilities. The remedies for stormwater management and treatment are gravely deficient. There is no cohesive storm water management plan for the entire LI Sound watershed. CCE recommends the following:

1. Comprehensive Stormwater Mapping for all of New York's and Connecticut Watersheds

Stormwater outfall pipes and related drainage infrastructure discharging into water bodies fall under the jurisdiction of the state, county, town, city and village governments. The infrastructure has evolved over the years and has been constructed piecemeal. Many times, no drainage system records or plans exist for a specific water body. The Long Island Sound should be required to conduct a “*Stormwater Infrastructure Mapping Inventory and Assessment*” report such as was done for the South Shore Estuary Reserve in a report dated February 20, 2008.

A stormwater assessment can determine the extent of the areas discharging to the water body and provide a more accurate and objective characterization of the quantity of the stormwater sources. The goal of the SSER report was to provide an inventory and assessment of geographic information systems (GIS) drainage mapping efforts of all of the state, county, town, city and village governments within the Reserve. With this information, the SSER Council will be able to make informed recommendations of programs that will improve water quality in the priority areas identified. Improved information about these sources and impacts will help promote design and site location of cost effective projects to mitigate pollution.

We understand that some municipalities have this information, such as the Village of Babylon, who reports mapping 100% of their drainage system including pipes, manholes and catch basins. Other municipalities have no current plans to digitally map their drainage infrastructure. Babylon Village can be a model for Long Island Sound municipalities. Nassau County also has established a solid frame work of comprehensive stormwater drainage system mapping. This type of GIS data base needs to be accumulated for an entire watershed. Information needs to be shared and entered into one central GIS data repository so that a water body can be evaluated in a more holistic approach.

2. Address areas with documented high bacteria levels

A yearly report by Natural Resources Defense Council, “Testing the Waters,” examines beach closures throughout the nation. In New York State beach closings increased 21% from 2006-2007. Sources of contamination were primarily stormwater run-off (70%) and sewage contamination (19%).

Part of the report focused on the percent of monitoring samples that exceeded the state's daily maximum bacterial standards. For NYS the percent of samples exceeding the standard increased to 11% in 2007 from 9% in 2006. *It is clear that there are serious problems with bacteria at several of our nation's beaches.* Yet, a process or mandate to trace back the source of the bacteria contamination does not seem to exist. High bacteria levels could be due to contaminated run-off or they could be related to other sources such as a marina located in close proximity to the beach. Instead of identifying the source and implementing a remedy to the problem, we just close the beach and wait for the water to clear. Then we continue to test the water and wait for it to become contaminated once again. Closing the beaches is not a solution - tracing the source load of that bacteria and mitigating that source is the solution. If the source area cannot be identified these areas should be on a priority list for filtration structures.

CCE urges that the LISS engage in a process that identifies high priority areas, establish a “needs list” that will help guide allocation of funds for municipalities with effected beaches.

3. Stormwater Management Plans. The City of Norwalk, CT? is a model plan.

Successful stormwater management plans are needed and can be done. The City of Norwalk, CT recognizing the harmful effects caused by polluted stormwater on waterways and commercial shellfish hatcheries, embarked on an evaluation program known as the “Stormwater Filter Project.” The project evaluated different technologies to treat stormwater run-off. The project selected two similar areas in the city. One of the selected sites had stormwater filters installed in each catch basins, the other site did not. Both areas were routinely tested for bacteria, oil and grease, heavy metals, and sediment debris. The result of the study was astonishing. The filters were able to remove bacteria by 75-95%, and oil and grease by 70%. The filters also removed some heavy metals and prevented 19 tons or 13 cubic yards of sediment from being deposited in the harbor. The city is currently looking to expand the project.

The reason the study is so significant is that it clearly illustrates the extent of the stormwater pollution, but more importantly it shows that the pollution is treatable, when there is willingness to address the problem. Preventing 75% to 95% of bacteria from entering our estuaries, bays, and lakes provides meaningful protection to marine and freshwater ecosystems, public health, and our economy.

4. Implement a federal law restricting fertilizer applications in the fall and winter months

CCE recommends federal action to enact legislation that restricts the use of fertilizer in the fall and winter months in coastal communities. This simple, common sense legislation goes far in protecting our water resources against harmful run-off. Literally, our public behavior makes the choice between red tide and a green lawn. This choice is not well understood by the public. Legislation could help create this needed change in public understanding and public behavior.

In the fall of 2007, Suffolk County signed to law legislation (Resolution 2117-2007) that restricts the use of fertilizers in the fall and winter seasons. This simple restriction significantly reduces the amount of nitrogen polluting our waterways and at the same time it educates the residents of Suffolk County to as to why excessive nitrogen is harmful. Parts of the legislation state:

“The Legislature further finds that fertilizers are responsible for approximately 50% of the total nitrogen loads to the Peconic Estuary and throughout medium-density residential land use in Suffolk County.”

“The Legislature also determines that excess nitrogen inputs result in depressed dissolved oxygen (hypoxia), harming aquatic life, causing excessive algal blooms, and diminishing water clarity to further impair habitat for aquatic plants.”

“This Legislature determines that the quality of our water should be considered a higher priority than the aesthetics of lawns, and that high maintenance lawns require more nitrogen and are more likely to leach excess nitrogen, so that high maintenance lawns should be discouraged.”

As you may be aware, 2008 was the largest, most dense and longest lasting Brown Tide event in the South Shore Estuary Reserve. The lesser publicized, but more threatening, Red Tide also occurred in Long Island Sound. A relationship between nutrient loading and these algae blooms is being closely studied.

5. Support green infrastructure designs

As sprawling developments cover land with impervious surfaces, like roofs, driveways, highways, and parking lots, rainfall is prevented from filtering naturally into the ground. Instead, these hard surfaces accelerate stormwater run-off that collects pollutants in its path to the Long Island Sound. In contrast to relying on conventional catch basins, storm drains, and combined sewer systems to manage stormwater, communities are beginning to incorporate “green infrastructure” strategies. Designed to buffer, absorb, and slow polluted run-off, using vegetative buffers, restored wetlands, porous or permeable pavers, green roofs rain gardens and rain barrels are all green infrastructure designs to filter pollutants, like pesticides and oil, prior to stormwater reaching the nearest tributary or storm drain. Green infrastructure designs improve stormwater quality by while adding beauty to our neighborhoods, easing burdens on municipal wastewater treatment plants, and conserving energy.

Comprehensive Bi-State Public Education Plan

CCE Recommends an improved, coordinated and wide scale public education plan. The government is not solely responsible for protecting our waterways. A large share of that responsibility is the public's. The public needs to be part of the solution instead of part of the problem. We need to plan a constructive, productive way to enlist the public's assistance in stopping runoff. **We need a comprehensive public education program that will result in public action.**

When it comes to ensuring that our waters are not polluted with unnecessary pesticides, fertilizers, plastic bottles, cigarette butts, and the infamous plastic bags, it is the public that can take simple steps to prevent this type of contamination.

In October of 2006 the Long Island Sound Study released a Public Perception Survey. Several of the questions that were asked related to fertilizers and lawn maintenance practices. Here are some interesting results.

- When asked how often Long Islanders living in the LIS watershed fertilized their lawn, 49% said several times a year.
- 74% of Long Islanders fertilize their lawns as often today as they did 5 years ago.

- 46% of residents did not know whether they used a slow-release fertilizer or a fast-release fertilizer.
- When asked if Long Islanders thought a change in their everyday behavior would improve the quality of Long Island Sound—55% of Long Islanders said no.

The Long Island Sound Public Perception Survey found that roughly 90% of residents agree that humans are severely abusing the environment. Yet, roughly 70% of residents do not believe they do anything that worsens the quality of water in the Long Island Sound. A closer look revealed that those who thought they did not affect the water negatively were just as likely to partake in harmful activities (ex. Using quick release fertilizer), as those who thought they may have a negative impact on water quality. Moreover, most residents did not think that there was anything they could do to improve the quality of water in LIS, although they believed that if other residents changed their everyday behavior water quality in the Sound would improve. **The good news is those that had high environmental knowledge on the issues, were also most likely to practice pro-environment behaviors.** This finding again reinforces the importance of a wide-spread public education component that will lead to positive behavioral changes.

CCE strongly believes the public wants to be engaged in Long Island Sound protection, however, the current void of information or simply having a patchwork of efforts provided by local municipalities and non-profits has proven to be inadequate to alter public behavior in a meaningful way. Federal government coordination and involvement in a wide scale, far reaching Long Island Sound public education efforts is needed if we are to provide lasting remedies for restoration and long term preservation of this Great Water body, the Long Island Sound.

In conclusion, I would like to emphasize the much progress has been accomplished for the protection of the Sound, but we still have much to do. The partnership and leadership of the federal government, agencies and our congressional leaders has all added to the preservation of the Sound and we look forward to collaborated and coordinated efforts for years to come.

Thank you for the opportunity to comment.