



**Testimony of the Adirondack Council at the  
Joint Legislative Public Hearing on the Environmental Conservation  
Portion of the Executive Budget Proposal for Fiscal Year 2022-2023**

February 1, 2022

Good afternoon Chair Krueger, Chair Weinstein and honored legislators. My name is Kevin Chlad, and I am the Director of Government Relations for the Adirondack Council. Thank you for the opportunity to testify at the public hearing today.

The Adirondack Council is a 501 (c) 3 not-for-profit organization dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. We do not accept any government grants. We envision an Adirondack Park with clean water and air, healthy and abundant wildlife, and large wilderness areas, surrounded by working farms and forests and vibrant communities.

We offer the following testimony in response to the Governor's Executive Budget proposal for the 2022-2023 fiscal year.

**About the Adirondack Park**

The Adirondack Park is a national treasure, and we have it right here in upstate New York. **At 6.1 million acres, it is the largest park in the contiguous United States. The Park itself is ecologically significant in that it is the largest intact temperate deciduous forest in the entire world.** With over 2,800 lakes and ponds, and 1,500 miles of rivers that are fed by an estimated 30,000 miles of brooks and streams, the Adirondacks are an important source of clean water, a refuge for wildlife, and a sponge for greenhouse gases like carbon dioxide.

The Park is a patchwork quilt of public and private lands, with slightly more than half in private ownership and the remainder consisting of 'forever wild' Forest Preserve lands, protected by our state's constitution. This is the strongest conservation law in the world, and something New Yorkers take great pride in. The Adirondack Park Agency (APA), led by an eleven-member board, provides oversight of the administration of the Forest Preserve, and is also responsible for long-range planning for the Park. The Department of Environmental Conservation (DEC) is tasked with the care and custody of our Forest Preserve, and protecting the public who use these lands for hunting, fishing, respite, and recreation. With roughly 130,000 year-round residents in more than 100 communities, the Park is a source of

business and culture as well: arts, craft making, sports, hunting and fishing, farming, forestry, and other entrepreneurial efforts merge with the Park's spectacular setting to create a place that is truly special.

## **Ensuring the Adirondacks benefit all New Yorkers**

The Adirondack Park is a precious gift. We hope to pass it down to future generations in better shape than it is today. There is strength in diversity. Because of its diversity, New York reaps the benefits of the world's broadest pool of talent, skill, and aspiration. The Adirondacks must welcome and nurture that diversity. In doing so, we honor this national treasure and solidify it as a place of respite, refuge, and peace for all.

**Every single New Yorker is a co-owner and co-protector of the "forever wild" forest preserve. New York's Executive Law §801 establishes a vested interest for all New Yorkers in preserving a park-like aesthetic in the Adirondacks.**

There are many opportunities to act this year in the interest of justice, equity, diversity, and inclusion. We urge the legislature to act this year to reclaim the Adirondack Park for all New Yorkers.

## **Protecting Wilderness while Fostering Equitable Access in the Adirondacks**

More than 12 million visitors come to the Adirondack Park each year, marking a dramatic increase in use in the last decade. Most visitors will enjoy time on the state-owned "forever wild" Forest Preserve, hiking, boating, or one of many other recreational opportunities permitted on these lands. Even more recently, the COVID-19 pandemic has led New Yorkers to seek safe experiences in the outdoors with their friends and family. While there is reason to celebrate the exceptional popularity of the Forest Preserve, there is also reason for concern.

**State investments and management planning have not kept pace with this dramatic increase in use, and that has led to widespread impacts to the natural resources, visitor safety, and the wilderness experience.** This is known as overuse. **Additionally, access to the Forest Preserve is essentially a privilege afforded to those who have access to private transportation.** Public transportation is limited and largely non-existent. Park visitation is predominantly homogenous and demands further exploration into whether or not we have adequately fostered access opportunities for New Yorkers in the farthest-flung corners of our state.

The DEC's High Peaks Strategic Planning Advisory Group (HPAG) issued recommendations [in a report last year](#) to address the impacts of overuse for the High Peaks Region, the headwaters of the Hudson River. The state has implemented a selection of those recommendations. Recent completed actions include the deployment of trailhead and summit stewards and educators, additional porta john facilities, closing dangerously-located parking lots, and establishing a limited hiker shuttle. **Some of the most important**

**HPAG recommendations have not been completed, and more work must be done to promote equitable access for New Yorkers.**

For example, the state has long been required to establish a *carrying capacity* for our Wilderness lands but has not done so. Carrying capacity is a determination of the amount of use the landscape can withstand without degrading the natural resources, visitor safety, or wilderness experience. The hiker shuttle system does not connect with public transit hubs such as the Westport Amtrak station. Traffic on some of the most popular Wilderness peaks exceeds the acceptable level of traffic for NYC sidewalks. Forest Rangers are summoned to rescue hundreds of hikers each year. [More than 130 miles of trails](#) in the High Peaks are in need of major repair and redesign, and these needs are currently being addressed at a rate of only one-two miles per year. Waters near the summit of Mount Marcy, our state's highest peak, [have tested positive for E. Coli bacteria](#), indicating the presence of human waste in Wilderness waters.

**The most meaningful action New York can take this year to address overuse is to establish a one-time \$500,000 sub-allocation in the State Land Stewardship category of the Environmental Protection Fund, to undertake an independently-led Visitor Use Management Framework (VUMF) for the Adirondack High Peaks Region.** This modest action will have positive ramifications for management of all of New York's lands for years to come. The [VUMF](#) would use national experts to guide a state transition to a 21<sup>st</sup> century approach known as adaptive recreation management, where an iterative process uses goals, "threshold indicators," and ongoing data collection to drive decision making. The VUMF is already in use at all of our most popular national parks. The VUMF is the means through which the state will ultimately preserve our Wilderness character, protect our natural resources, foster equitable access, and improve visitor safety.

Lastly, as we work to restore the wilderness character of landscapes such as the High Peaks Wilderness, it is important to recognize that these efforts are entirely consistent with the goals of fostering equity in public lands access. **The current lack of adaptive recreation management (VUMF) acts against the values of justice, equity, diversity and inclusion, and results in a homogenous community of outdoor recreationists enjoying a privilege of access, rather than a right that should be afforded to all.** Proactive visitor use management, done correctly, is our best hope to bring equity to public lands access and restore wilderness character (solitude, peace, tranquility) to Forest Preserve lands.

## **Protecting Clean Air for Disadvantaged Communities in New York**

The work of protecting clean air for all New Yorkers has long been rooted in the Adirondacks, where water quality monitoring has provided essential data in support of clean air regulations and successful litigation against those who pollute the air we breathe. This work must continue and grow to meet modern challenges, like climate change, road salt contamination, harmful algal blooms, and more. There is no time to waste.

**The Adirondack Council requests \$6 million to continue critical water quality monitoring and undertake a new 21<sup>st</sup> century Survey of Climate Change and Adirondack Lakes Ecosystems (SCALE).**

In the 1980's, a federal clean air lawsuit settlement resulted in the funding of a comprehensive water quality survey of more than [1,500 Adirondack lakes and ponds](#). This three-year study established a baseline to guide the state's recovery from acid rain and smog. Since then, the Adirondack Lakes Survey Corp (ALSC) has monitored a subset of these lakes and ponds like clockwork for more than 30 years, establishing a world-renowned water quality data set. In recent years, their funding, staffing, and in-kind services have declined, putting the future of this dataset in peril.

**Our state Attorneys General have relied upon this *unbroken data set* in establishing standing for numerous [clean air lawsuits](#) against the Environmental Protection Agency and upwind polluters.** An interruption in this data set would weaken an important tool for our state leaders and their agencies in defending public health and charting modern clean air regulations. These lawsuits and regulations have protected the respiratory systems of people living in communities who are disproportionately affected by air pollution.

| <b>County</b> | <b>Total Diagnosed Adult and Pediatric Asthma Cases</b> |
|---------------|---|
| Bronx         | 128,325   |
| Kings         | 231,724   |
| Nassau        | 123,019   |
| New York      | 148,673   |
| Queens        | 204,920   |

*\* Based on 2019 Data from Behavioral Risk Factor Surveillance System, Courtesy of American Lung Association. For information about your county, contact Kevin Chlad*

But keeping this critical program alive is not enough with the modern challenges we face. A grant recently issued by the New York State Energy Research and Development Authority (NYSERDA) supported the design of a new Survey of Climate Change and Adirondack Lakes Ecosystems (SCALE). **SCALE is a three-year comprehensive assessment of 400 waterbodies in the Adirondacks to establish baseline data that will allow the state to answer questions about climate change, harmful algal blooms, road salt, invasive species, and more, while continuing the work that has been underway for the last 35 years.** More than 10 academic and scientific institutions will leverage their laboratories and scientists for this large-scale data collection effort. We must act this year to ensure the survival of this important work for years to come.

**The Timbuctoo Summer Climate and Careers Institute**

The Adirondack Park will play a central role in New York State's effort to combat climate change. The fight for climate and social justice demands that we better connect the Adirondack Park with communities disproportionately affected by climate change. We should celebrate that the Adirondack

Park was a cradle of the early civil rights movement, dating back to the mid-1800s. [Timbuctoo](#) was the site of an early black suffrage settlement, one of eight known settlements in the Adirondacks that enabled 3000 black men to meet the property requirements granting them the right to vote in New York State. This history of opportunity at Timbuctoo should be uplifted, celebrated, and replicated in a modern Timbuctoo Pipeline. The Timbuctoo Pipeline will connect youth to opportunities at the intersection of climate science and green careers, preparing them for the threats and opportunities we face in the 21<sup>st</sup> century.

**The Adirondack Council urges the legislature to approve \$2.1 million for a systemic partnership between the SUNY College of Environmental Science and Forestry (ESF) and CUNY Medgar Evers College (MEC) with the goal of collaborating on the design, development, and hosting of an annual Summer Climate and Careers Institute dedicated to providing an introduction to climate science, an exploration of intersectional careers, and addressing systemic issues of access to the Adirondack Park from an equity and justice perspective.** This program would be comprised of an intersectional and interdisciplinary summer experience introducing mid-level high school students to the foundations of climate change science and an exploration with the environment. These careers start with the physical sciences but include everything from engineering to public policy and journalism to philosophy and ethics.

### **The Adirondack Diversity Initiative**

[Adirondack Diversity Initiative](#) (ADI) works to make the Adirondack region more welcoming to and inclusive of everyone. Additionally, ADI works to make the Adirondack region relevant to and supported by an increasingly diverse New York State and American population. ADI currently benefits from a \$250,000 sub-allocation in the Environmental Protection Fund. Currently, its impact far exceeds reasonable expectations for any entity operating with a grant of this size. **The Adirondack Council supports ADI's request to double its allocation to \$500,000 in this year's budget, in response to the growing impact and reach of this highly effective program.**

### **Clean Water, Clean Air, Green Jobs Bond Act**

**We applaud Governor Hochul for her proposal to increase the Clean Water, Clean Air, Green Jobs Bond Act to a total of \$4 billion in her executive budget proposal.** The Bond Act, which should appear on the 2022 general election ballot across New York State, is a once-in-a-generation opportunity to reduce harmful carbon pollution and protect communities from flooding and deadly heatwaves. The Bond Act will help us create a safer future in the Adirondacks by protecting clean drinking water, modernizing critical infrastructure, conserving family farms, and restoring wildlife habitats while providing access to nature for more people. It will also support more than 65,000 good jobs and allow New York State to leverage federal, local, and private funding to improve the quality of life for New

Yorkers. We look forward to working with the Governor and State Legislature to help ensure voters have the chance to realize this historic opportunity in November.

## **Environmental Protection Fund**

**Governor Hochul has proposed the largest ever EPF in her Executive Budget. Her landmark proposal to increase the EPF to \$400 million will advance work to protect the Adirondack Park, improve the quality of life for its residents, and enhance the experiences of its visitors. We applaud the Governor's proposal and urge the legislature to support a \$400 million EPF during budget negotiations.** This funding marks a huge step forward on the path to achieve the environmental community's long-term goal of a \$500 million EPF. According to a study by The Trust for Public Land, every \$1 invested in land and water conservation through the EPF returns \$7 to the state. The EPF supports 350,000 jobs across New York in a broad spectrum of industries including construction, agriculture, recreation, tourism, forestry, recycling, and recreational fishing. EPF-supported industries add \$40 billion to the state's economy every year. **Governor Hochul proposed the following appropriations for these categories that are important to the Adirondacks:**

- **\$40 million for open space protection,**
- **\$2.5 million for the Land Trust Alliance conservation partnership program**
- **\$50.089 million for state land stewardship and Adirondack/Catskill overuse**
- **\$17.025 million for invasive species prevention and eradication**
- **\$120,000 and \$180,000 for the Visitors Interpretive Centers and SUNY School of Environmental Science and Forestry and Paul Smith's College**

We urge the legislature to support these proposals during budget negotiations. We also support the Governor's proposal to increase the transfer of Real Estate Transfer Tax receipts from \$119 million to \$257.4 million. This cash infusion should lead to a dramatic uptick in EPF disbursements to Adirondack communities.

## **Preserving Clean Water and Promoting Community Vibrancy**

Recent years have brought much attention to the great needs our Adirondack Park has with [clean water infrastructure](#) and [septic system replacement](#). The impacts of failing wastewater systems and failing septic systems have been far-reaching – from closed beaches to impaired trout streams to harmful algal blooms. The challenges local Adirondack governments face to take on these needs are enormous from a technical and operational basis as well a fiscal basis. Small Adirondack communities host disproportionately large numbers of visitors, requiring funding that their residents cannot afford.

Since 2016, New York State has invested approximately \$80 million in grants for clean water infrastructure projects for communities in the Adirondack Park (including the new projects in Plattsburgh and Queensbury that protect Adirondack waters). More grants are expected in the next few months. In spite of our success, the need continues to be great. **The Adirondack Council applauds**

**Governor Hochul's proposal for a new \$500 million appropriation for the Water Infrastructure Improvement Act urges the legislature to support it.** If approved, this would amount to more than \$4.5 billion in grant appropriations since the creation of the Water Infrastructure Improvement Act (2017). Clean water infrastructure grants are essential for communities in the Adirondacks with lower median household incomes, even when combined with zero-interest loans. This fund also provides for septic system replacement, and county needs greatly exceed the current amounts they have been granted. As communities continue to enact local laws requiring septic system inspections, we expect the identified needs will grow rapidly.

### **Environmental Agency Staffing**

The Adirondack Council applauds the proposed restoration in staffing for the DEC (+94 FTEs) and APA (+4 FTEs). These restorations are important as the state's workload continues to grow, fighting climate change, protecting clean water and air, and preserving our beautiful landscapes. What is most notably absent in this budget is a meaningful increase in the DEC's Forest Ranger division, which has been desperately needed for some time. The division does expect a new influx of Rangers with an upcoming academy, but that will ultimately be offset by attrition from retirements. Unfortunately, our Forest Rangers are still personally responsible for purchasing important equipment, like boots, which can cost them thousands of dollars once they have purchased all of the pairs they need for summer, winter, firefighting, and more. Lastly, we recommend the state review its hiring practices and civil service requirements to ensure that they are attracting and hiring a diverse Ranger force.

Thank you again for your time today and for considering our testimony. Please do not hesitate to contact me if you have any questions:

Kevin Chlad  
Director of Government Relations  
Adirondack Council  
[www.AdirondackCouncil.org](http://www.AdirondackCouncil.org)  
[kchlad@adirondackcouncil.org](mailto:kchlad@adirondackcouncil.org)  
Cell: 518-937-3844

# VISITOR USE MANAGEMENT FRAMEWORK

## PROPOSAL:

Dedicate a \$500,000 sub-allocation in the EPF to fund an independently led Visitor Use Management Framework for the Headwaters of the Hudson River.



## Implementing 21st Century Management for the Headwaters of the Hudson River:

New York needs an independently-led Visitor Use Management Framework (VUMF) for the High Peaks region, where the Hudson River begins. The VUMF brings in national experts to implement adaptive management, where overarching goals and indicators define how the state manages the landscape. Some examples of the goals for this region could include:

1. providing reasonable access for visitors lacking drivers licenses
2. preserving a Wilderness experience, where visitors are guaranteed an experience in solitude
3. providing high quality hiking trails that are climate resilient and safe for hikers
4. protecting the Hudson watershed from human waste

After identifying overarching goals, actions are planned to achieve those goals. Data collection efforts are ongoing, and monitor the efficacy of these proposed actions. After reviewing data, it is then time to circle back to the beginning and reassess whether goals need to be adjusted or new actions need to be taken. The Department of Environmental Conservation has done important work addressing the impacts of overuse in recent years, but stands to gain much needed guidance and expertise from recreation managers that have done this work for all of our major National Parks.



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## CONTACT:

Kevin Chlad | Director of Government Relations  
342 Hamilton St | Albany, NY 12210  
kchlad@adirondackcouncil.org | 518.937.3844 (cell) | 518.432.1770 (office)



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# VISITOR USE MANAGEMENT FRAMEWORK

## Background:

More than 12 million visitors come to the Adirondack Park each year, marking a dramatic increase in use in the last decade. Most visitors will enjoy time on the state-owned “Forever Wild” forest preserve, enjoying hiking, boating, or one of many other recreational opportunities permitted on these lands. While there is reason to celebrate this exceptional popularity, there is also reason to be concerned.



Photo: Nancie Battaglia

A crowded summit on the popular Cascade Mtn.

limited shuttle, and even additional portajohns, in one of the Park’s most popular regions, the High Peaks region that encompasses the headwaters of the Hudson River, and this is commendable. These actions represent just a selection of the recommendations put forth by a High Peaks Strategic Advisory Group assembled by the Department of Environmental Conservation in 2021. Some of the most important actions have not been undertaken to-date.

For example, the state has long been required to establish a **carrying capacity\*** for our Wilderness lands, but has not done so. The current hiker shuttle system alleviates much needed challenges with parking congestion, but does not address the need to provide opportunities for those who do not drive. Traffic on some of the most popular Wilderness peaks exceeds the acceptable level of traffic for NYC sidewalks. Forest Rangers currently serve as parking enforcement officers by day, and understaffed/underfunded heroes by night. Rangers are summoned to rescue hundreds of hikers each year. More than 130 miles of trail in the High Peaks are in need of major repair and redesign, and these needs are currently being addressed slowly at a rate of 1-2 miles per year. Waters near the summit of Mount Marcy, our state’s highest peak, have tested positive for E. Coli bacteria, indicating the presence of human waste in Wilderness waters. We must address these issues in order to preserve this space and allow for even more visitors in the future.

State investments and management planning have not kept pace with this dramatic increase in use, and that has led to widespread impacts to the natural resources, visitor safety, and the wilderness experience. Equally as important is the concern that access to the Adirondack Forest Preserve continues to be an opportunity available to those who can drive a car. Public transit is limited and generally non-existent. The majority of our co-owners and co-protectors of the forest preserve are disenfranchised from their public lands.

The state, local communities and private entities have deployed trailhead educators, online resources and a new

## \*WHAT IS CARRYING CAPACITY?

*A determination of the amount of use the landscape can withstand without degrading the natural resources, visitor safety, or wilderness experience.*

A DEC trail crew working in the Adirondacks



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Kevin Chlad | Director of Government Relations  
342 Hamilton St | Albany, NY 12210  
kchlad@adirondackcouncil.org | 518.937.3844 (cell) | 518.432.1770 (office)



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# PRESERVING CLEAN WATER



## PROPOSAL:

Fund a 21<sup>st</sup> century Survey of Climate Change and Adirondack Lakes Ecosystems (SCALE) for \$6 million in the FY 2022-23 NYS Budget.

## Introduction:

Water quality research in the Adirondack Park has played a critical role in protecting the lungs of residents living in environmental justice communities for nearly four decades. Unreliable funding streams have left the future of this research in question, posing a risk to disadvantaged communities that bear the brunt of air pollution. New funding is needed to help this work survive and ultimately thrive. A new investment would allow important water quality research to continue, while expanding its work to study modern threats like climate change, road salt pollution, and more. This Adirondack Research has and will continue to benefit New Yorkers in every corner of our state.



The Park contains more than 2,800 large lakes and ponds, and more than 1,500 miles of rivers, fed by an estimated 30,000 miles of brooks and streams.

## TOTAL DIAGNOSED ADULT & PEDIATRIC ASTHMA CASES BY COUNTY

|                 |                |
|-----------------|----------------|
| <b>Kings</b>    | <b>231,724</b> |
| <b>Queens</b>   | <b>204,920</b> |
| <b>New York</b> | <b>148,673</b> |
| <b>Bronx</b>    | <b>128,325</b> |
| <b>Nassau</b>   | <b>123,019</b> |

*\*Based on 2019 Data from Behavioral Risk Factor Surveillance System, Data courtesy of American Lung Association*

## Background:

On the worst air quality days, nearly 12.5 million New Yorkers – almost two-thirds of the state’s population – breathe air with unhealthy levels of smog. Unhealthy smog levels disproportionately affect disadvantaged communities, causing coughing, throat irritation, lung tissue damage, and the aggravation of existing medical conditions, such as asthma, bronchitis, heart disease, and emphysema. Exposure to smog is also linked to premature mortality.

In the 1980’s, a federal clean air lawsuit settlement resulted in the funding of a comprehensive water quality survey of more than 1,500 Adirondack lakes

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Kevin Chlad | Director of Government Relations  
342 Hamilton St | Albany, NY 12210  
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# PRESERVING CLEAN WATER



and ponds. This three-year study established a baseline to guide the state's recovery from acid rain and smog. Since then, the Adirondack Lakes Survey Corp (ALSC) has monitored a subset of these lakes and ponds like clockwork for more than 30 years, establishing a world-renowned water quality data set. In recent years, their funding, staffing and in-kind services have declined, putting the future of this dataset in peril.

Our state Attorneys General have relied upon this **unbroken data set** in establishing standing for numerous clean air lawsuits against the Environmental Protection Agency and upwind polluters. An interruption in this data set would weaken an important tool for our state leaders and their agencies in defending public health and charting modern clean air regulations.



ALSC scientists collect water samples from the AuSable River

## Conducting Climate and Water Quality Research for the 21<sup>st</sup> Century

More than 10 institutions assembled in the summer of 2021 to consider ways to continue this unbroken data collection and build a research agenda to address 21st century threats. **Climate change, harmful algal blooms, aquatic invasive species, road salt pollution, acidification and many other threats are part of a new proposal to execute a 21st century Survey of Climate Change and Adirondack Lakes Ecosystems (SCALE).** Scientists believe that water quality data will not only continue to provide important information in fighting smog and acid rain, but also will guide our state's response to climate change and many other modern threats. This is not science for the sake of the Adirondacks. This is science for the sake of all New Yorkers.



Photo: Nancie Battaglia



Photo © Carl Heilman II/Wild Visions Inc.

L-R: Road salt pollution and climate change threaten water quality across New York

### CONTACT:

Kevin Chlad | Director of Government Relations  
342 Hamilton St | Albany, NY 12210  
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