



**Statement to the New York State Legislature
Concerning the Executive Budget for the Environment
Feb 1, 2022**

To Senator Krueger, Assemblywoman Weinstein and all Members of the Joint Senate Finance and Assembly Ways and Means Committee Public Hearing

Re. Executive Budget for the Environment for FY 2022-23

2022 Environmental Bond Act: Adirondack Wild applauds Governor Hochul’s proposed bonding increase of \$1 billion, and urges the state legislature to present to the voters an Environmental Bond Act worth \$4 billion in the fall, needed to accomplish the Climate Avoidance, Mitigation and Adaptation strategies created by the legislature in 2019, to clean up and restore our streams, rivers and watersheds, and to respond to environmental protection opportunities across the state over the next five-seven years, including the Adirondack and Catskill Parks.

Environmental Protection Fund: Governor Hochul has proposed the largest ever EPF in the Fund’s history dating to 1994. Her landmark proposal to increase the EPF by \$100 million, from \$300 million to \$400 million, will advance work to protect our environment and improve quality of life in every county of New York State. We applaud the Governor’s proposal and encourage the Legislature to support a \$400 million EPF during budget negotiations. This funding marks a big step forward on the path to achieve the environmental community’s long-term goal of a \$500 million EPF. In this regard, the Governor has proposed the first increase to the Real Estate Transfer Tax contribution to the EPF since the great recession. This increase in the legislated, dedicated funding stream for the EPF is very important and should be retained in the final budget.

Open Space: We applaud the proposed \$10 million increase in the EPF’s Open Space Land Conservation account, from \$30 to \$40 million. However, given the number of high priority properties now on the market in the Adirondacks, Catskills and across the state we urge the Legislature to increase the Open Space Land Conservation account even more, **to reach a total of \$60 million**. DEC requires this increase, for instance, to negotiate acquisition in fee and in conservation easement of all or portions of the historic **Whitney Industry holdings**, 36,000 acres in Long Lake including incomparable interconnected lakes, streams and forested wetlands, all of which were put up for sale

in summer 2020. In addition, we understand that the Hochul administration has initiated contact with the Nature Conservancy concerning the future of historic and resource rich, 14,000-acre **Follensby Pond**, where a combination of state fee and easement acquisitions are fully justified. Both Whitney and Follensby are on the original High Priority list of the statewide Open Space Conservation Plan.

The lasting protection and regrowth of forests from former logging operations at Whitney Park and elsewhere would significantly contribute to achieving the Climate and Community Protection Act's goals and objectives for forest carbon sequestration and storage.

- We ask that the legislature and Governor add an additional \$20 million to the EPF Open Space Account to reach a total of \$60 million so that DEC can negotiate protection of all or significant portions of the 36,000-acre Whitney tract this year from a willing seller and respond to other high priority open space conservation projects across the state, including Follensby Pond.

Public Lands Stewardship: We applaud the increase, from \$40 to \$50 million, for Statewide Land Stewardship in the EPF, needed for state land management plans, stewardship projects, trail design and development using visitor use management tools and procedures across the Adirondack and Catskill Forest Preserve. However, in truth the state only invests a few dollars per acre in the care and stewardship of the 3 million-acre Adirondack and Catskill "forever wild" Forest Preserve. Appropriate caring for the preserve during this and future generations, from trail maintenance, to education and outreach, to use of visitor management tools requires that the state dedicate \$80-100 million annually to Adirondack and Catskill Forest Preserve's care and stewardship. We therefore ask that the State Land Stewardship account be increased to \$60 million this year as important progress towards this goal.

A portion of these stewardship funds should go to plan and implement a crucial but to date little used management tool, a *pilot permit reservation/limited entry system* for the most overcrowded portions of the High Peaks and other Wilderness areas, similar to the system long used to reserve space in our DEC State Campgrounds. DEC would set limits on the number of people hiking off the most heavily impacted trails to the High peaks, similar to a pilot project tested successfully last summer at the Ausable Club. They would issue online reservation permits up to those limits - just as DEC has done for years at our State Campgrounds, holding back some permits for same-day use. DEC would monitor and evaluate its benefits which may include less damage to trails and natural resources and greater opportunities for hikers and campers to have a true Wilderness experience free from over congestion. Permit fees could be dedicated to wilderness trail maintenance and DEC Forest Rangers.

- We ask that the legislature and governor add an additional \$10 million to the EPF State Land Stewardship Account to reach a total of \$60 million.

DEC Operations: We are pleased to see an increase in staff and funding for the Department of Environmental Conservation (DEC). It is especially gratifying to see an increase of 13 FTE positions in Land and Forest resources, and an increase of 12 FTE environmental conservation enforcement staff.

However, this DEC enforcement staff increase is not specifically allocated to the DEC Forest Rangers, where the staffing shortfall has grown particularly acute. DEC Commissioner Seggos has testified that more than 450 Search and Rescue Operations were conducted in the 2020 calendar year, a significant increase of one-third over 2019. Our New York State Rangers are front line workers, conducting patrols, search and rescue, prevention and response to emergencies on our public lands and waters, and communication with the public flocking here in large numbers. Yet, there are approximately the same number of Forest Rangers today than patrolled in 1970 when our public lands and easements were half the acreage that they are today. In the Adirondack High Peaks Wilderness alone, there are ten fewer Rangers at work today than there were fifty years ago.

With less than half the public land acreage to protect, Yellowstone National Park employs almost three times the number of Rangers than we do for all our public lands across the State of New York. Every member of the State Legislature knows a family member, friend or colleague who relies upon the skills, knowledge, and educational abilities of the DEC Forest Rangers during a summer or fall hike, snowshoe, ski, snowmobile or paddling trip on these magnificent public lands. Public lands and easements have grown by 2 million acres since 1970. With the number of field rangers stuck at 1970 levels each ranger is responsible for an additional 20,000 acres on average, on top of their areas of responsibility 50 years ago. Meanwhile, search and rescue emergencies led by the Forest Rangers on our public lands and waters have increased by 33% just over the past decade.

➤ We ask the legislature to work with the Governor *to add 40 new FTE DEC Forest Rangers to the current force of 134 FTE positions*. The real need is to double the Ranger force, so 40 new rangers in the DEC General Fund operating budget would represent a very modest but vitally important beginning to bolster public lands stewardship and public safety on our public land trails and waterways.

NonPersonnel Service, Operational Budgets: We are very concerned, however, about proposed decreases in non-personal service appropriations for DEC environmental enforcement, lands and forests, fish and wildlife and operations. In all, these General Funds for critical DEC programs serving the Adirondacks, Catskills, and across the state are proposed to be cut by over \$25 million. These cuts seriously damage our ability to care for our public lands and natural resources. Given the positive state revenue picture this year, they should be restored.

➤ We ask that the legislature and Governor cooperate to restore proposed General Fund cuts to DEC's environmental enforcement, land and forest, fish and wildlife and operations non-personal service budgets.

Adirondack Park Agency: We acknowledge and appreciate the Governor's proposed increase of 4 FTE positions at the APA, from 50-54 FTE positions. The lifting of the hiring freeze and this increase will allow certain key positions to be filled.

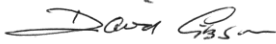
However, we note that the proposed increase is extremely modest compared to the need at the APA in Ray Brook. A significant increase in staffing must be undertaken in coordination with a much strengthened legislative and gubernatorial mandate for the agency. The APA has been reduced from a former guardian and proactive regional planning agency for the natural resources and state lands of the Adirondack Park to a reactive, compliant permitting agency that essentially rubber stamps what state and private applicants seek.

➤ We specifically ask the State Legislature to undertake legislative hearings this year to investigate whether the APA is currently performing its legislated mission and mandate and, if not, how to correct the situation. A much stronger, better resourced and staffed APA is needed to allow the APA to become a proactive partner in implementation of the 2019 Climate Act and to undertake projects like the following:

- **Conservation subdivision design of all significant residential subdivisions should be** the site plan standard in the APA law and regulation, not the exception as it is today. State legislation is pending in the State Senate and Assembly to do just that. Resources are needed at the APA to implement it.
- **Analyze Park trends:** Particularly during our era of climate change, with severe weather events affecting the Adirondack Park, the State must be able to establish and track critical environmental thresholds, trends and indicators of change. The Governor and State Legislature should require and provide funds for the APA to do this in order to know what Parkwide trends are occurring, where and at what rate.
- **Measure Cumulative Impacts:** Regulations are needed to specify the standard by which APA reviews proposed development in context of fifty years of projects already permitted by the APA and by local governments.
- **Performance Standards:** APA should create performance standards for the lengthy "secondary uses" list in the APA Act to assure that each allowed use is consistent with the purposes, policies and objectives of each land use area. By doing these things, the APA's review of projects would gain more predictable, scientifically based standards.
- **Create regulations for the SLMP** - The Adirondack Park State Land Master Plan, or SLMP should be given "teeth" by placing its definitions, procedures and guidelines for public use of the Forest Preserve into enforceable regulations. These have been needed since 1972.

Thank you very much for considering our comments and recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Gibson".

David Gibson, Managing Partner
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