



**Statement to the New York State Legislature
Concerning the Executive Budget for the Environment
Feb 2, 2024**

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 2024-25

Respectfully, Adirondack Wild issues the following budget and policy recommendations:

Department of Environmental Conservation

DEC Staffing: The Division of Lands and Forests

Addressing New York's climate challenge is among the state's most pressing priorities. In part, it requires an accelerated land and water protection program guided by New York's Open Space Conservation Plan. Yet, the necessary staffing dedicated to the job of land and water protection remains flat in the DEC's Executive Budget.

The NYS DEC is now undertaking implementation of the 2019 Climate Act (CLCPA), the 2022 Environmental Bond Act, and the 30 by 30 statewide goal to conserve 30% of New York's lands and shorelines by 2030. The CLCPA scoping plan states that maximizing the carbon sequestration and storage potential in forests is a key strategy for achieving the Climate Act's goals of net zero emissions by 2050. The state's forests, including the Forest Preserve in the Adirondack and Catskill Parks, serve as major carbon sinks, holding nearly two million metric tons of carbon, or ten times the amount emitted annually from all sectors. Our forests sequester over 26 million metric tons of CO₂ annually. Yet, over the past decade the percentage of forest cover in the state has declined for the first time in our lifetimes. This trend must be reversed.

Fortunately, New York's Forest Preserve, State Forests, State Parks and other protected areas add up to 66% of the state's 30 by 30 goal. The remaining one-third, or about 3 million acres, must be conserved in just six short years.

Unfortunately, the DEC's Division of Lands and Forests is severely understaffed. Fewer than 200 dedicated men and women now staff DEC Lands and Forests across all nine DEC regions to accomplish the goals of the CLCPA, Open Space Plan, 30 by 30, Conservation

Easements, Visitor Use Management, and much more. Lands and Forests must staff-up rapidly to meet all of these objectives. Currently, some of the nine DEC regions employ just a single Real Property professional, and the results of such understaffing show. Last year, DEC protected just 5,000 acres statewide, a fraction of the acreage that must be protected annually to meet 30 by 30 objectives.

We ask DEC Commissioner Seggos to advocate with the Executive and the Legislature for additional DEC Land and Forest resource professionals dedicated to the vital task of helping us all protect and properly care for 30 percent of New York by 2030 and sequester and store additional GHG emissions.

Streamlining Land Protection: We call on the Legislature for assistance in streamlining the state land acquisition process in their one-house budgets. To realize our state's conservation and climate goals and fulfill the wishes of voters who strongly supported the Bond Act as well as the EPF, the state's land acquisition program must be improved and streamlined. Regrettably, land protection in NY has slowed in recent years. In 2022, DEC & NYS Parks acquired just 5,056 acres combined. Contrast that number to the historic average of 70,000 acres each year over the history of the EPF. One immediate step that can be taken to increase the pace of land protection is to include language in your Senate and Assembly Budget Proposals expressly authorizing the Real Property Bureau of the Office of Attorney General to use private title insurance as a means of achieving marketable title. Such an allowance would be consistent with common real estate practice, as well as allowable practices in virtually all other state and federal land acquisition programs. In contrast, New York State undertakes its own review of land titles, sometimes going back one hundred years or more in an attempt to prove perfect title. This materially slows down transactions and open space conservation program implementation, depriving communities across the state of the benefits of these projects. In addition, these lengthy periods impact the public purse due to the accrual of additional holding costs while properties are being held by land trusts or other entities. Currently there are more than 100,000 acres valued in excess of \$150 million pending transfer to the state.

Environmental Protection Fund: Governor Hochul claims that her administration is proposing a \$400 million EPF. However, the governor's proposal effectively removes \$25 million from the EPF for staff salaries. The Legislature should properly view the Executive's EPF budget as \$375 million. We ask the State Legislature to modify the Governor's proposal in the following ways:

- **Eliminate the Executive's proposal to offload \$25 million** from the EPF to staff positions, and thereby budget, at minimum, \$400 million for the EPF. The EPF does not begin to meet all the state's environmental needs as it is, without having to pay for staff salaries. For more than 30 years, the EPF's legislated authorization and appropriations have strictly avoided off-loading of staff salaries and related costs onto this vulnerable environmental revenue stream. This is not the year to start doing so.

- **Open Space:** DEC requires the ability to efficiently negotiate in fee and in conservation easement many open space projects statewide to meet the 30:30 legislative mandate. Among these are the historic **Whitney Industry holdings**, 36,000 acres in Long Lake including incomparable interconnected lakes, streams, and forested wetlands, all of which are for sale as of 2020. The lasting protection and regrowth of forests from former logging at places like Whitney Park significantly contribute to achieving CLCPA goals and objectives for forest carbon sequestration and storage. Bond Act funds will roll out slowly over the coming years. The Executive Budget for the EPF has reduced the open space category significantly from last year. *Therefore, we ask that the legislature add at least an additional \$5.5 million to the EPF Open Space Account to reach a minimum total of \$40 million-\$50 million so that DEC can negotiate protection of significant tracts like Whitney Industry holdings.*
- **Lakes:** For fifty years, the Adirondack State Land Master Plan has required DEC to study Adirondack lakes surrounded by the public's Forest Preserve to determine their ability to withstand public use from social, physical, and biological standpoints. That lake study was never undertaken. *We ask the state legislature to appropriate \$1 million from the EPF for a lake carrying capacity study in the popular, heavily used Saranac Lakes Wild Forest this year. We also ask the Legislature to clarify in the ECL that, analogous to forests in the Forest Preserve, lakes must be similarly classified, subject to unit management plans, and evaluated for their carrying capacity, or ability to withstand a variety of human uses.*

Also, a three-year study of 400 lakes in the Adirondacks, known as the Survey of Climate Change and Adirondack Lakes Ecosystems, or SCALE, is underway thanks to a \$500,000 down payment the legislature, *but more funding is needed this year to continue this \$6 million project.* This year, the Executive Budget appropriates nothing for this important Survey. *We ask the Legislature for an EPF appropriation of \$3 million for SCALE.*

- **Timbuctoo Summer Climate and Careers Institute:** The Timbuctoo Institute first summer in 2023 was a huge success involving students from the New York City Metro Area in science and climate studies in the Adirondacks, with a goal of encouraging employment in climate and environmental sciences. Despite this success, the Executive Budget zeroes this line item out. *We ask for another \$2 million investment in the Timbuctoo Institute this year.*
- **Adirondack Diversity Initiative:** The ADI diligently engages community leaders throughout the Adirondack Park to confront and address racist attitudes and actions through increased awareness, education and training. Given its successful track record, *\$400,000 is needed simply to maintain program strength.*

- **Forest Preserve Stewardship:** Thank you for approving \$8 million for an Adirondack and Catskill Visitor Safety and Wilderness Protection EPF subcategory last year, for the preservation and care of the “forever wild” Forest Preserve. Forest Preserve Stewards hired under this subcategory maintained 230 miles of Forest Preserve trails and had 150,000 positive interactions with hikers in 2023, imparting important information about sustainable hiking, and wilderness stewardship principles and practices. Our great Wilderness areas, such as the High Peaks Wilderness, provide immeasurable recreational, ecological and spiritual benefits to the residents of this state. *We urge you to increase funding dedicated to Adirondack and Catskill visitor safety & wilderness protection to \$10 million this year.*

Adirondack Park Agency: The Executive leaves APA’s staffing inadequately flat at 54 FTE positions. During this time of climate change, APA staffing should grow commensurate with new legislative and gubernatorial expectations of the Agency, including responding to the Climate Leadership and Community Protection Act.

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 mostly rubber stamps what state and private applicants seek. We ask the State Legislature to undertake hearings this year to investigate whether the APA is currently performing its legislated mission and, if not, how to correct the situation. We will gladly offer our recommendations.

A better resourced 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:

- *We ask the Legislature and the Executive to create a new Local Community Planning Assistance grant fund that would provide the mostly small, 103 Adirondack towns and villages with vitally important planning and technical assistance. Long ago, the Legislature provided a local planning appropriation to the Adirondack Park Agency to pass on to qualifying towns and villages lacking in full-time planning staff, enabling these localities to share professional planning expertise in the review and evaluation of complex land use and development applications, including public infrastructure applications for clean water treatment and supply. Given the pressures on local budgets and from complex development applications, we ask for this Local Planning Assistance Grant to be renewed in 2024 with a significant appropriation to the APA to pass through to qualifying Park localities.*
- *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. Sprawl and forest fragmentation are the result. State legislation was introduced in the State Senate and approved in the State Assembly in 2022 to develop more smartly in the legislatively protected Adirondack Park (A. 4074, S.1145). There is no more important measure to commemorate the 51st anniversary of the APA Act of 1973. We ask that the bill be reintroduced, and passed in both Senate and Assembly this year, and sent to Gov. Hochul for her signature.*

- *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 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,



David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

P.O. Box 9247, Niskayuna, New York 12309

www.adirondackwild.org

518-469-4081

dgibson@adirondackwild.org

cc: Pete Harckham, Chair, State Senate Environmental Conservation Committee
Deborah Glick, Chair, State Assembly Environmental Conservation Committee
Basil Seggos, Commissioner
Katie Petronis, Deputy Commissioner for Natural Resources
Ashley Dougherty, Executive Chamber
John Ernst, Chair, APA
Barbara Rice, Executive Director, APA