



**Statement to the New York State Legislature
Concerning the Executive Budget for the Environment
January 28, 2025**

To: Senator Krueger, Assembly Member Pretlow, and all Members of the Joint Senate Finance and Assembly Ways and Means Committee Public Hearing

Re. Executive Budget for the Environment for FY 2025-26

Respectfully, *Adirondack Wild: Friends of the Forest Preserve* issues the following budget and policy recommendations:

Department of Environmental Conservation: Addressing our 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 DEC's Executive Budget.

The NYS DEC is 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 five short years.

The DEC's Division of Lands and Forests is severely understaffed. About 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. In 1996, there were 186 staff responsible for managing a total of 3.8 million acres of public land. Today there are only about 200 staff who are responsible for over 5 million acres of public land and conservation easements. Lands and Forests must staff up to meet all of the division's programmatic objectives. Currently, some of the nine DEC regions employ just a single Real Property

professional, and the results of such understaffing show in the DEC's five-year average of completing open space protection projects.

We ask the Executive and the Legislature for 10-15 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: All New Yorkers want clean water, clean air, flood mitigation, and access to nature that land conservation delivers. Governor Hochul and the NYS Legislature have shown their commitment through the Climate Leadership and Community Preservation Act, the Clean Water, Clean Air Green Jobs Bond Act, The Environmental Protection Fund, and NYS 30x30 legislation.

However, inefficiencies continue to plague the process of open space conservation. The environmental community has repeatedly asked the Governor and the Legislature to modernize the state land protection process. The system badly needs to catch up with the times. In 2007 NY State purchased over **283,000 acres** of land. In 2023, both DEC and OPRHP purchased a combined total of **3,800 acres**. In 2024 this has grown to 25,000 acres, still far below where we need to be.

We were encouraged when the Governor's 2025-26 State of the State book included a section called **Make Open Space Accessible for All:** *"Recognizing the need for streamlined processes, the Governor will also champion several key initiatives. These will include modernizing the use of title insurance to expedite land acquisitions, ... and reducing the financial hurdles faced by non-profit organizations in their land conservation efforts. These changes and investments will empower the state to protect our natural heritage more effectively for future generations.*

Regrettably, the Governor's proposed Executive budget failed to include the main remedy to resolve these longstanding issues: that the Office of Attorney General (OAG) insists on using antiquated processes to clear title. The OAG insists on perfect title, not marketable title, in sharp contrast to the practice in forty-nine other states and the federal government, not to mention the private sector.

For example, in North Hudson, Essex County, that town has been working with the DEC to convey a conservation easement to DEC for over a decade over the popular Frontier Town campground. There is a title issue dating back to the 1850s. North Hudson estimates it will spend approximately \$50,000 looking for heirs to a property sold over 170 years ago to resolve a title issue that would be insurable in the private real estate market.

This is just one example. Most land trusts or local governments trying to partner with NYS on open space projects have their own tales of delays and costs associated with the OAG's outdated practice. DEC acknowledges there are over 100,000 acres awaiting to be purchased at a fair market value of \$180 Million. The average time it takes DEC to buy a property is nearly five years.

We are grateful to legislators who have focused attention on this matter and taken action. In 2024, title insurance legislation (S.6606A/A. 7372A) was passed by the full Senate and the Environmental Conservation Committee of the Assembly, but the bill never made it to the Assembly floor for a vote.

We hope that Governor Hochul will implement her State-of-the-State commitment in her 30-day amendments. If not, we respectfully urge the Senate and Assembly to do so in their one-house budget bills.

Environmental Protection Fund: The Executive Budget calls for \$10 billion in increased spending across the board. The Environmental Protection Fund, or EPF should grow as well. Keeping the EPF static at \$400 million, as proposed, will not meet many urgent environmental needs of communities, human and natural, across the state. We encourage the Legislature to add just 1% of the proposed increase in statewide spending, or \$100 million, resulting in a \$500 million EPF this year.

- o **Open Space:** The Executive Budget for the EPF has reduced the open space category by \$2 million from last year. 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 this year. 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. *Therefore, we ask that the legislature add at least an additional \$10 million to the EPF Open Space Account to reach a minimum of \$48 million-\$50 million so that DEC can negotiate protection of significant tracts like Whitney Industry holdings.*
- o **Biodiversity:** The Executive's budget proposes to eliminate even modest EPF funding for two very important Adirondack research and monitoring programs: *The Paul Smith's College Adirondack Watershed Institute, and the SUNY Atmospheric Sciences and Research Center.* Given the vital importance of monitoring Adirondack freshwater and atmospheric resources and measuring trends and change over time, we ask the Legislature to restore funding to FY 2024-25 levels, or \$100,000 to each program.
- o **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 begin with a pilot study and appropriate at least \$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.

We strongly support the ongoing study of 400 lakes in the Adirondacks, known as the Survey of Climate Change and Adirondack Lakes Ecosystems. *We ask the Legislature to support the Executive's EPF appropriation for SCALE.*

- o **Timbuctoo Summer Climate and Careers Institute, and Adirondack Diversity Initiative:** We ask the Legislature to support the Executive's ongoing EPF *investment in the Adirondack Diversity Initiative and Timbuctoo Institute this year.*
- o **Forest Preserve Stewardship:** Thank you for approving \$10 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 50 miles of Forest Preserve trails and 33 campsites, built six miles of new trails, and had 117,000 positive interactions with hikers in 2024, 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. The Executive has reduced this category by \$2 million. *We ask you to restore funding dedicated to Adirondack and Catskill visitor safety & wilderness protection to \$10 million.*

Adirondack Park Agency: The Executive proposes increasing APA's staffing by 5, to 59 FTEs. This is appropriate and we support this increase. 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 and revising Freshwater Wetland regulations.

However, programmatically 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 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.

Included in our recommendations, we ask the Legislature and the Executive to:

- *create a new Local Community Planning Assistance grant fund* that would provide the mostly small, 101 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 2025 with a significant appropriation to the APA to pass through to qualifying Park localities.
- *Require Conservation subdivision design of all significant residential subdivisions.* The APA Act of 1973 is badly outdated. One of the Act's most conspicuous failures to keep up with conservation science is in the design of residential subdivisions. Conservation design should be the site plan standard in the APA law and regulation, not the exception as it is today. Forest fragmentation and loss of climate resiliency are two results of allowing Adirondack sprawl-like subdivisions to resemble "anyplace USA." 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). 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 forests and on lakes in context of fifty years of projects already permitted by the APA and by local governments.

- *Create 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.
- *Draft 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
Sean Mahar, Acting Commissioner
Katie Petronis, Deputy Commissioner for Natural Resources
Ashley Dougherty, Executive Chamber
John Ernst, Chair, APA
Barbara Rice, Executive Director, APA