



January 25, 2020

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Hon. Liz Krueger, Chair  
NYS Senate Finance Committee  
172 State Street, Capitol Building  
Room 416 Capitol  
Albany, NY 12247

Hon. Helene Weinstein, Chair  
NYS Assembly Ways and Means Committee  
Room 923  
Legislative Office Building  
Albany, NY 12248

**RE: Joint Legislative Budget Hearing on Environmental Conservation**

Dear Senator Krueger and Assembly member Weinstein,

Protect the Adirondacks is pleased to provide these comments on environmental funding in Governor Cuomo's draft 2020-2021 budget for the State of New York.

Restore Mother Nature Bond Act

The Governor proposes a new \$3 billion bond act for a broad range of environmental projects. The environmental community has advocated for a new bond act for a number of years and legislative leaders have also proposed environmental bond acts. However, the devil is in the details, and allocations in specific categories will be of significant importance. While we are supportive of this Bond Act, we urge the Legislature to detail the types of eligible projects that will best meet the environmental challenges in the years ahead. The Bond Act should also be expanded to \$5 billion.

The Governor's budget documents states:

The program will reduce flood risk and revitalize critical fish and wildlife habitats by connecting streams and waterways, right-sizing culverts and dams, restoring freshwater and tidal wetlands, reclaiming natural flood plains, preserving open space, conserving more forest areas, replanting more trees, reducing contamination from agricultural and storm water runoff, and expanding renewable energy.

**Protect the Adirondacks**

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Protect the Adirondacks believes that the budget language should carefully detail spending so that the state's voters know exactly what they are supporting.

### The NYS Environmental Protection Fund

**Expand the EPF to \$500 Million:** The EPF has been funded at \$300 million for the last four years. This does not meet the environmental challenges facing New York State. Protect the Adirondacks supports a larger EPF in 2020, where the EPF is approved with a schedule to increase to \$500 million over the next four years, by 2024, with a future goal of \$1 billion. If New York is going to meet the immense environmental challenges ahead it needs greater resources.

**No State Positions in EPF:** We oppose funding of any permanent state positions out of the EPF. These should remain as parts of the budgets of state agencies.

**EPF State Land Stewardship Account:** The State Land Stewardship account funds stewardship and maintenance of state lands, including the 3-million-acre Forest Preserve, state forests, and wildlife refuges, among others. We support the proposed allocation at \$36 million. We support the \$1.2 million for a new pilot project of shuttles in Essex County to help manage overuse of the High Peaks Wilderness Area. We oppose funds for continued "restoration" of Great Camp Santanoni. The facility has been stabilized and we do not believe further work is necessary. The Land Stewardship Account should include two directives to state agencies:

- **High Peaks Wilderness Needs Major Investment to Build Sustainable Trails:** There has been a significant increase in the public's interest in hiking, biking and visiting the Adirondacks, particularly in the High Peaks Wilderness area. Popular mountains, like Cascade Mountain, are seeing over 40,000 hikers a year, while others like Giant Mountain, Mount Marcy, and Algonquin Mountain are seeing over 30,000 hikers a year. The vast majority of trails in the High Peaks Wilderness need upgrades and repairs from damage from erosion, over-use, and a chronic lack of maintenance. The EPF needs to have a special line in the State Lands Stewardship category for the High Peaks Wilderness for at least \$10 million or a \$20 million designation Wilderness Areas on the Adirondack and Catskill Forest Preserve.
- **No Funding for Class II Community Connector Snowmobile Trails:** Protect the Adirondacks opposes EPF funding to continue to build new road-like class II community connector snowmobile trails in the Forest Preserve in the Adirondacks. These so-called "trails" are built with heavy equipment that change the terrain, are 12 feet wide and often wider, require cutting of 1,000 trees per mile, remove all rocks, roots, and all native vegetation is removed. These trails are graded flat and planted with grass seed mixes to make a grassy corridor through what had been a wild forest. Moreover, these trails are not used heavily by snowmobilers, who favor existing trails on roads, which are wider and flatter and allow higher speeds. The Legislature should prohibit funding for class II community connector snowmobile trails in the EPF.

**Land Protection Account:** We support the Land Protection category at \$30 million. This funding is in line with past years and will continue to meet the state's needs to protect important open spaces.

**New EPF Account for Research:** It's easier for academics and non-profits in New York to secure grants to do work in South America than it is to undertake studies in New York. The EPF needs a new category for research that focuses on the natural resources and the relationship between people and the environment in New York. This fund would need to create some form of review and administration function within the Department of Environmental Conservation and other agencies with Legislative review and approval. Environmental research should be funded at \$5 million annually in the EPF. Good science makes good policy. New York State should invest in environmental research across the state to identify critical problems and to help fund solutions.

**Invasive Species Account:** We need to boost spending in this account, and we need to prioritize education and interdiction programs. At this point, eradication grants help to try and control invasive species, but they do not eradicate. An equally important investment is in educational and intervention programs aimed at stopping the spread of invasive species. We urge the Legislature to reduce the size of the Eradication Grants Line and to create a fund of equal size for Education and Prevention programs designed to protect uninfested areas of the state and to educate the public about how to prevent the spread of invasive species. This would dovetail with efforts to strengthen the state's Invasive Species Transport Law.

**Landfill Closure:** We support the zero line for Essex County and Hamilton County. The state's obligations in the settlement around the Essex County Landfill have been satisfied.

**RGGI Transfer:** We oppose any raid or transfer of proceeds from the Regional Greenhouse Gas Initiative program.

### The Clean Water Fund

**Clean Water Fund:** Protect the Adirondacks supports the \$500 million for the Clean Water Fund, \$250 million for this budget year and an extension of the program. New York still faces an immense backlog of needed upgrades and expansions to public drinking water and sewer systems in the tens of billions. Throughout Upstate New York the water in lakes and rivers underwrites the local economy through tourism and high land values. Clean water also underwrites the quality of life.

### The Department of Environmental Conservation

**Capital Funding:** The Governor proposes an increase of \$6 billion in new capital appropriations for DEC, which he claims is almost entirely attributable to the appropriations needed to implement the Restore Mother Nature Bond Act. Much more information is required regarding the source of the \$6 billion and how it will be dispersed.

**Climate Change Plan:** The Governor proposes to spend \$33 billion over five years for climate change and resilient communities. This includes funding from the \$3 billion Restore Mother Nature Bond Act, supplemented by \$740 million in additional state funding. Through NSYERDA, NY Green Bank, NYPA and RGGI, the Governor proposes to spend \$28 billion

on green energy initiatives, which include vast amounts of new private investments. These are worthy projects, but the budget projections seem like pie-in-the-sky estimates with no definite commitments.

**State Should Increase Forest Ranger Staffing:** Protect the Adirondacks believes it is essential to increase the number of Forest Rangers and other personnel, such as assistant Rangers and backcountry stewards, to respond to these pressures. Ranger staffing for the entire state is currently around 135 positions. This needs to be expanded to 175 with a special focus on the High Peaks in the Adirondacks.

The Forest Rangers have primary responsibility for DEC's care, custody and control of five million acres of State-owned land and conservation easements across New York, the vast majority of which is in the Adirondack Park. Today the average Forest Ranger is responsible for patrolling 53,752 acres. In 1970, it was 28,516 acres. There has been a major increase in public use, and the number of search and rescue missions has increased twofold.

**Legislature Should Stand Up for Ranger Management:** The Forest Rangers should remain an autonomous division within the DEC. They should not be merged with the Environmental Conservation Officers. Forest Rangers are specially trained in Forest Preserve protection, Leave No Trace practices, fire-fighting and search and rescue. They should remain as a separate and distinct force that serves the Forest Preserve.

**DEC Staffing:** For the first time in many years, the Governor proposes to increase staffing for DEC by 47 FTE's, including 16 FTE's for Environmental Enforcement and one for Lands and Forests to work on forest carbon sequestration. There is no explanation about the roles of these new positions. The DEC's plan for a High Peaks Trail Crew of 10 part-time positions will do little to build a sustainable trail system and tackle the 100-year backlog of trail work in the High Peaks Wilderness Area. The DEC needs to make a greater investment in Trail Crews.

#### Olympic Regional Development Authority

Protect the Adirondack opposes all funding for non-winter activities at Gore Mountain, Whiteface Mountain and Belleayre Ski Areas. These facilities were approved through Article XIV Constitutional Amendments for locations to build alpine ski areas. The NYS Constitution was not amended to provide carte blanche authority to create year-round summer tourism facilities. The Legislature should reject funding for new zip lines, mountain coasters, ATV rides, and all other non-winter activities at these facilities. All ORDA funding should be scrutinized by the Legislature to ensure that it is consistent with the constitutional amendments. There needs to be a legislative study about whether there are real economic benefits to the hundreds of millions of ORDA funding in the last three years.

#### Adirondack Park Agency (APA)

Once again, the Governor has chosen to freeze staffing levels at the APA. However, the Governor has proposed a funding increase of \$1.3 million, with \$1 million assigned for capital improvements to the APA building. Upgrading this structure is apparently more important than providing the agency with the staff necessary to carry out its responsibility. The APA FTE's has not changed in many years, despite the significant work required by the agency to

administer the Adirondack Park Private Land Use and Development Plan, the Wild, Scenic and Recreational Rivers Act, and the Freshwater Wetlands Act; as well as collaborating with DEC and OPRHP to administer the State Land Master Plan, developing Unit Management Plans, working with local governments to develop and implement land use plans, and perhaps most importantly to ensure that the Agency's decisions are fully implemented.

#### Empire State Development Corporation

**Regional Economic Development Councils:** The Governor continues to propose \$150 million annually for “competitive economic development projects.” PROTECT has consistently called for detailed oversight of the projects that have funded under this program. We urge the Legislature to conduct oversight hearings into the projects and expenditures authorized under this program. PROTECT agrees that the funding can provide real incentives for local governments that have lasting value as economic drivers, but in the North Country and Adirondacks these funds go overwhelmingly to culvert upgrades, salt sheds for municipalities, and clean water municipal infrastructure with a fraction going to actual job-creating businesses. Moreover, more than half the funding from Regional Economic Development Councils goes to tax credit programs and IDA incentives that are not utilized or applicable, in the Adirondacks.

#### Article VII Budget Bill for Transportation, Economic Development, and Environmental Conservation

**Part TT: Freshwater and Tidal Wetlands and Coastal Erosion Hazard Areas:** The Governor proposes to make numerous changes to the Freshwater Wetlands Act (Article 24, ECL), as well as to Coastal Erosion Hazard Areas (Article 34, ECL) and the Tidal Wetlands Act (Article 25, ECL). We recommend that this part be removed from the Article VII bill and introduced as a separate (non-budget) bill. There are a number of issues that deserve further consideration, particularly the proposed change to redirect all fees from these programs into the Conservation Fund, rather than the Environmental Protection Fund, as is currently the case.

**Part PP Polystyrene Containers and Packaging:** PROTECT supports the ban on styrofoam products.

**Part SS Product Stewardship:** PROTECT supports measures to require extended producer responsibility for carpet/mattress makers and to provide DEC with the authority to additional products in the future.

**XX Ebikes:** These proposals have significant impacts statewide and deserve separate consideration from the budget process.

**Part WW Fracking Ban:** The Governor proposes to permanently ban hydraulic fracturing in New York State. PROTECT supports this proposal to permanently prohibit hydraulic fracturing and drilling for shale oil in NYS.

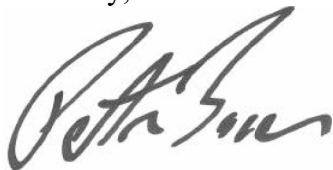
**Alfred Center for Glass Reuse:** PROTECT supports this proposal, which is designed to kick-start a glass recycling industry in New York.

Protect the Adirondacks

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park's wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, education, and legal action. Protect the Adirondacks was formed in 2009 as a result of a merger between two long-standing environmental conservation groups in the Park, The Resident's Committee to Protect the Adirondacks and the Association for the Protection of the Adirondacks. Protect the Adirondacks is managed by a 21-member Board of Directors of Adirondack leaders in state agency management, environmental law, local government, Adirondack environmental and cultural history, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar- and wind-powered office in Johnsbury in the central Adirondacks.

On behalf of the Board of Directors of Protect the Adirondacks, please accept my gratitude for the opportunity to present our concerns about environmental spending in the 2020-2021 state budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer,  
Executive Director