



January 28, 2022

Board of Directors

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

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

**RE: Joint Legislative Budget Hearing on Environmental Conservation NYS
FY 2022-23**

Dear Assemblymember Weinstein and Senator Krueger:

Protect the Adirondacks is pleased to provide these comments on environmental funding in Governor Cuomo's draft FY 2022-2023 budget for the State of New York. Thank you very much for this opportunity.

The Indispensable Forest Preserve, the People's Land in New York

In the time of Covid pandemic, the public Forest Preserve has been indispensable. New Yorkers from far and wide flocked to the public Forest Preserve for safe, socially-distant, outdoor activities throughout 2020 and 2021. The dramatic increase in public use of the High Peaks Wilderness, and other places in the Adirondacks, mirrors trends across the country as wild and beautiful places were overwhelmed. The rise in public use of the Forest Preserve, most keenly seen in the High Peaks Wilderness and hiking trails around Lake George, is also clearly evident in any trip to Rondaxe Mountain in Old Forge in the western Adirondacks or Kane Mountain in Caroga in the southern Adirondacks, among many other popular trails. The boom in public use has revealed longstanding weaknesses in the management of the Forest Preserve.

It was mystifying to us that year after year former Governor Andrew Cuomo refused to adequately invest in our public Forest Preserve -- the People's Lands in New York State. The Forest Preserve needs massive investment as our hiking trails and facilities for public parking and trailheads are poorly designed and constructed and have not been maintained. The Forest Preserve in the

Nancy Bernstein
Richard Booth
John Caffry
Andy Coney
Dean Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Sidney Haring
Peter Hornbeck
Mark Lawton
Peter O'Shea
Philip Terrie
Chris Walsh

Peter Bauer
Executive Director

Adirondacks needs massive investments in public education both at the trailhead and online, in a real National Parks-quality High Peaks Wilderness Visitor's Center in Keene Valley, in scientific research to assess natural resource impacts from public use so that science, not politics or personal whims, drives decision making, and in personnel so that we have more Forest Rangers in the field and professional Wilderness Managers overseeing our public lands. The People's Land merits greater investment by the State of New York.

\$400 Million NYS Environmental Protection Fund

We Support Historic Increase to \$400 Million Funding: The EPF has been funded at \$300 million for the last six years. For the fiscal year 2022-23, we support the Governor's proposal of \$400 million, but the reality is that in New York State the EPF should be funded at \$1 billion annually.

Land Protection Account: We support the proposed allocation of \$40 million. This year we face great opportunities with the protection of Whitney Park and Three Rivers tracts. In the Adirondack Park we are at a point in our history where lands will either be protected or developed.

EPF State Land Stewardship Account: We support the State Land Stewardship account at \$50.089 million. As mentioned above, we need to make a serious investment in the public Forest Preserve. Currently, the State Land Stewardship Account is split between the Office of Parks, Recreation, and Historic Preservation (OPRHP) and the Department of Environmental Conservation (DEC) for support of state lands.

We support the New York Natural Heritage Protected Areas database. We oppose State Land Stewardship Funds being used for the Olympic Regional Development Authority.

DEC/OPRHP Not Spending Stewardship Funds: We call upon the Legislature to hold oversight hearings on how "State Lands Stewardship" funds are used. In the past five EPFs over \$120 million in funding has been allocated for State Lands Stewardship. These funds cannot be used to fund state personnel. Through Freedom of Information Requests to DEC and the OPRHP for all contracts funded from the State Lands Stewardship Account, we have only been able to discern less than 25% of the spending in contracts information supplied through information requests. We have great concerns, given the tremendous needs for improved maintenance of our Forest Preserve and other state lands, about how these funds are used, or, more importantly not being used. The Legislature should demand an accounting of State Stewardship spending by the DEC and OPRHP.

Forest Preserve Protection and Stewardship: We need a \$20 million line to address overcrowding and substandard trail conditions through comprehensive planning, trail building and maintenance, public education, and Wilderness management in the Adirondack High Peaks Wilderness area. Last year, funding was dedicated to Essex County for the purchase of shuttles. Now that those funds have been disbursed, the funding line should be repurposed to improve visitor education, services and infrastructure, expanded trail construction and maintenance, and to facilitate equitable forest preserve access.

Municipal Parks Account: We support the funding for Paul Smith's College and SUNY ESF for \$180,000 and \$120,000 respectively for the Visitor Interpretive Centers in Paul Smith's

and Newcomb. Long-term these accounts should be boosted to \$250,000 for each facility, which provide excellent ecological interpretation, recreation, and education to the public.

“Forest Preserve Restoration” Funding Needed After Court of Appeals Rules that DEC and APA Violated Forever Wild Clause of NYS Constitution: We urge the Senate and Assembly to add a \$500,000 line for “Forest Preserve Restoration.” These funds would require the DEC to fully comply with a lawsuit where in May 2021 the NYS Court of Appeals ruled, in a 4-2 decision, that the Department of Environmental Conservation and Adirondack Park Agency had violated the NYS Constitution Article 14, Section 1, the forever wild clause by building 27 miles of new wide, road-like snowmobile trails. These trails were unlike anything the state had built before in the Forest Preserve and required cutting of around 1,000 trees per mile and extensive grading with heavy equipment. These trails were nothing like hiking trails. The lawsuit focused on the first 27 miles of trails that were built or partially built. With the judgement against the state these wide hammered trails were illegal we now face the situation where these damaged lands on the Forest Preserve need to be restored. To date, neither the DEC or APA has done anything to restore these illegal trail and damaged areas.

This was the first time in the 50-year history of the DEC and APA that these agencies were found guilty of violating the State Constitution. This is a sad state of affairs for the DEC and APA. The Forest Preserve must be restored and these agencies must be held accountable for this illegal trail building.

Invasive Species Account: We support the \$17.025 million allocated in this account, but add that 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 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 in the strengthened “Invasive Species Transport Law” for the Adirondack Park.

Environmental Justice: We support this account. We support the ANCA Adirondack Diversity Initiative funding of \$250,000.

\$4 Billion Clean Air, Clean Water, Green Jobs Bond Act

The Governor proposes a new \$4 billion “Clean Air, Clean Water, Green Jobs Bond Act” to make critical investments in a variety of environmental projects in New York State. From our reading of the Governor’s proposal there is \$400 million in the Bond Act that is currently unspecified. While we are supportive of this Bond Act, we urge the Legislature to amend the legislation to support the following goals:

- Increase the “Open Space Land Conservation and Recreation” section to \$750 million.
- Increase the “Open Space Land Conservation” line in the “Open Space Land Conservation and Recreation” section to \$400 million.

- We support “Farmland Preservation” in the “Open Space Land Conservation and Recreation” section at \$100 million and “Fish Hatchery Creation and Upgrades” at \$75 million.
- We believe that the remaining \$175 million in “Open Space Land Conservation and Recreation” should be designated to build or improve the recreational infrastructure in the Forest Preserve, Wildlife Refuges, State Forests and State Parks including trails, parking areas, restrooms, trailheads, and public education.

Clean Water Fund

Protect the Adirondacks supports the Clean Water Fund. 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.

Department of Environmental Conservation

The budget proposes an increase in State Operations funding of \$481.4 million for the DEC, an increase of \$18.1 million (3.9% increase) from SFY 2021-22. The Executive further proposes 94 new FTEs; 48 are staffing restoration for existing programs; 27 FTEs are related to the proposed expansion of the Brownfield Cleanup Program and 19 FTEs for other specified programs. Protect the Adirondacks has the following comments and recommendations the DEC Budget.

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 high public recreational use and natural resource protection pressures. Ranger staffing for the entire state is currently below 130 positions and stands at 124 with recent retirements. This is unacceptable. The Forest Rangers need to be expanded to 175 FTEs with a special focus on the High Peaks in the Adirondacks. The proposed budget calls for the status quo. We believe that some of the new FTEs in the DEC budget should be for new Forest Ranger positions.

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.

Currently, there are 124 Rangers, including: Director, 1; Captains, 14; Lieutenants, 19; Rangers, 90. Among these positions there are 17 vacancies. Additionally, 11 Rangers are currently eligible for retirement and another 11 will be eligible for retirement in the next year. That means that within one year the Rangers could be down 39 positions.

The FY 2021-22 budget funded a new Ranger Academy for 40 slots. This academy is expected to start in May 2022 and run for seven months until November. There are currently 43 candidates on the list, but a number of these are “dual” candidates who will have to choose either Environmental Conservation Officer or Forest Ranger. It is unclear at this point if this

academy will be meet its maximum limit of 40. The state Civil Service Exam for Rangers has not been given for three years. Even with the 40 new positions, given that there are 39 vacancies/retirements in the immediate future, the new academy is expected to simply maintain current levels, with no increase. The FY 2022-23 budget needs to fund a new Rangers Academy for another 40 positions.

Forest Preserve Trail Crews: DEC needs to make sure that there are 12 positions for Trail Crews/Trail Technicians in the budget. The hiking trails in the Forest Preserve are in dismal shape.

48 New FTEs for “Staffing Restorations of Existing Programs”: The proposed budget suggests that 48 new FTEs are for staffing restorations of existing programs. The DEC has not explained what programs they are for and why they are needed. Protect the Adirondacks strongly recommends that the Legislature require the DEC to provide additional information regarding the programs affected, the nature of the restorations, and why are they needed.

DEC Capital Projects: The DEC Capital Budget proposes \$90 million for “New York Works” projects, which include the “demolition of unsafe structures on state-owned land.” Unfortunately, the language does not appear to include “illegal” structures on state-owned land. Protect the Adirondacks recommends that the New York Works program include projects needed to remove illegal structures from state-owned lands in the Adirondack Park. The budget should also include a list of eligible projects that the Legislature and public can scrutinize. In the past, this fund has been used by the Executive as a slush fund of sorts to support politically driven spending that makes little long-term sense.

Adirondack Park Agency

The APA State Operations Budget proposes an increase of 4 FTEs at the Adirondack Park Agency (APA) for restoration of positions to pre-pandemic levels. It is unclear what this means, and which positions are being restored.

Protect the Adirondacks recommends that at least 2 of these positions be assigned to permit enforcement. If the Agency issues permits with conditions intended to be protective of the lands of the Adirondack Park, it is imperative that these conditions be monitored to ensure compliance. It is meaningless to institute permit conditions if the agency is not following up with applicants are meeting the requirements of their permit.

In “Capital Projects” the budget proposes a \$29 million appropriation for the design and construction of a new APA headquarters in Ray Brook. This is unnecessary. We’re concerned that this project would also include a new Visitor Interpretive Center for the Adirondacks. If that’s the case the Ray Brook location makes no sense.

Protect the Adirondacks questions the need for a new headquarters for the APA at this time. Given that there has been virtually no change in staffing levels at the agency for many years, there appears to be little justification for such an expenditure.

Olympic Regional Development Authority

In “Capital Projects” the budget proposes \$92 million for projects by the Olympic Regional Development Authority (ORDA) in preparation of hosting the 2023 World University Games. This follows spending of over \$600 million by the State of New York for ORDA in the last

decade. Protect the Adirondacks questions the need for the continuing expenditures for the World Games. Given the experience of other large-scale athletic events in this COVID environment, it would seem to be prudent to limit the financial strain on New York State.

Article VII Budget Bill for Transportation, Environment, Agriculture and Energy:

Part PP: This bill authorizes an increase in the amount of Real Estate Transfer Tax which supports the Environmental Protection Fund from \$119.1 million to \$257.4 million.

Protect the Adirondacks strongly supports this proposed funding increase for this critically important environmental program.

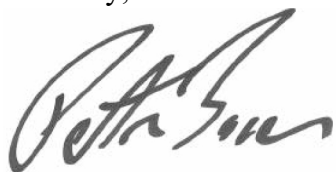
Part QQ: This bill proposes changes to the New York State Freshwater Wetlands Act, including changes in mailing notification requirements and making “outdated” maps educational rather and jurisdictional. Protect the Adirondacks strongly recommends that the Legislature reject this proposal and require the Department to conduct public rulemaking and public hearings. Freshwater wetlands are critically important resources that deserve strong protections and any changes to the law should be publicly reviewed.

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 22-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 2022-2023 state budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer,
Executive Director