



Board of Directors

March 8, 2024

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Division of Lands and Forests
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

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**Re: Comments on DEC Proposed Eligibility Requirements for
Projects to Expand the Existing Tree Canopy and Bolster
Community Health**

David Quinn
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Dear Ms. Randall:

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Protect the Adirondacks! Inc. ("PROTECT") is pleased to submit these comments on the Department of Environmental Conservation ("DEC") Proposed Eligibility Requirements for Projects to Expand the Existing Tree Canopy and Bolster Community Health.

PROTECT urges DEC to withdraw the proposed eligibility criteria because, as discussed below, they fail to implement Governor Hochul's stated goal for this funding to be used to plant 25 million trees in New York State by 2033 and fail to ensure that any portion of the funding will go to disadvantaged communities as required by the Bond Act.

Staff

Peter Bauer
Executive Director

At the outset, it must be noted that despite its title, the eligibility criteria do not include projects to plant trees to expand the existing tree canopy and do not include projects that bolster community health. Instead, the criteria authorize only two types of expenditures: (1) to subsidize tree and seedling nurseries; and (2) to pay for the creation of a new DEC database. Neither of these will directly result in the planting of trees to expand the existing tree canopy, nor will they bolster community health.

Claudia K. Braymer, Esq.
Deputy Director

Moreover, as discussed below, the proposed eligibility requirements fail to align with the goals for these Bond Act funds as publicly promised by Governor Hochul; exclude projects that would actually result in the planting of trees and bolster community health; and fail to provide the benefits to disadvantaged communities mandated by the Bond Act.

Christopher Amato, Esq.
**Conservation Director
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Subsidizing Tree Nurseries Does Not Translate to Planting More Trees

The first category of eligible projects is described as “[p]rojects to repair and/or update New York State’s capacity to produce seedlings and bare root trees through the upgrade and modernization of the New York State’s tree nursery and seed production facilities.” The criteria go on to elaborate that the funding will be used to develop and modernize greenhouses; improve seedling nurseries; and develop a Forest and Ecosystem Health Lab. DEC fails to explain how these types of projects will directly result in the planting of more trees, the bolstering of community health or assistance to disadvantaged communities. Indeed, it is clear they do not.

DEC provided no information or data suggesting that the State’s tree and seed nurseries are outdated or need repair, or that existing nurseries are insufficient or unable to meet the existing or expected demand for trees and seedlings. Thus, there is no justification for spending millions of dollars of Bond Act funds to fix a problem that may not exist—especially when that means diverting money that would be more usefully employed to directly achieve the Governor’s goal of planting 25 million trees by 2033. Nor is there any explanation of how creating a new Forest and Ecosystem Health Lab will achieve the stated objective of these Bond Act funds. In any event, DEC already operates a Forest Health Diagnostic Laboratory, and there appears to be no justification for another duplicative forest health laboratory at DEC.

The Proposed New Database Will Not Result in More Trees Being Planted

The second eligibility criterion is described by DEC as follows:

Capital investment in a database to track forest stand asset creation, tree planting, inventory, assessment, management and monitoring, and data dashboards reporting on acreage and type of land conserved. The database will help meet New York State’s 30 x 30 goal to conserve 30 percent of the state’s land and water by 2030 and mandates for modelling forest carbon sequestration and storage that contribute to achieving New York State’s climate goals.

DEC does not explain how creating a new database will result in the planting of 25 million trees by 2033, bolstering community health or assisting disadvantaged communities, nor is there any explanation of how the database will assist the State in meeting the 30 by 30 land conservation goal.

The Eligibility Criteria Are Inconsistent With the Governor’s Announcement

On January 9, 2024, Governor Hochul announced the State’s goal of planting 25 million trees by 2033. The announcement was part of the Governor’s State of the State address. *See* <https://www.governor.ny.gov/news/governor-hochul-announces-actions-plant-25-million-trees-safeguard-clean-water-and-protect-our>.

The Governor’s announcement included a commitment to “prioritize tree planting in urban areas to mitigate extreme heat” and promised that “these efforts will also engage youth across the state through education and planting programs.” *Id.* Finally, the Governor specified that “the State will

provide annual grants to municipalities over three years to plant trees to support resilient reforestation and urban forests.” *Id.*

The proposed eligibility requirements fail to “prioritize tree planting in urban areas;” fail to include “efforts [to] engage youth across the state through education and planting programs;” and fail to include “annual grants to municipalities over three years to plant trees to support resilient reforestation and urban forests.” The proposed criteria therefore fail to implement the promises made by Governor Hochul regarding the use of these Bond Act funds.

The Proposed Criteria Ignore Disadvantaged Communities

The Bond Act requires that disadvantaged communities receive no less than 35 percent of the benefit of total Bond Act funds (\$4.2 billion) and establishes a goal of ensuring that 40 percent of Bond Act funds benefit disadvantaged communities. The proposed eligibility criteria fail to include any provisions for disadvantaged communities to receive any portion of the funds.

Conclusion

As currently proposed, the eligibility criteria will create a funding windfall for nurseries and for DEC while failing to implement the Governor’s goal of planting 25 million trees by 2033. Unfortunately, the proposed criteria will not ensure that funding is directly used for foster the planting of trees or bolstering community health. Indeed, communities are not even eligible for funding under the proposed criteria.

Moreover, as noted above, the criteria are inconsistent with the promises made by Governor Hochul regarding what these Bond Act funds will be used for and fail to address funding for disadvantaged communities—in fact, disadvantaged communities are not even eligible for funding under the proposed criteria.

Consequently, we urge DEC to withdraw the proposed criteria and prepare new criteria that will directly fund tree planting efforts, bolster community health and assist disadvantaged communities.

Sincerely,



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cc: Fiona Watt, Director, DEC Division of Lands and Forests
Ashley Dougherty, Assistant Secretary for the Environment