



**Testimony of the Adirondack Council at the
Joint Legislative Public Hearing on the Environmental Conservation
Portion of the 2013-2014 Executive Budget Proposal**

February 4, 2013

Good afternoon Chairman DeFranciso and Chairman Farrell. My name is Scott Lorey. I am the Legislative Director of the Adirondack Council. The Adirondack Council is a 501 (c) 3 not-for-profit organization dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. We do not accept any public funding.

Environmental Protection Fund (EPF)

As we celebrate the 20th anniversary of the Environmental Protection Fund, we are grateful that Governor Andrew Cuomo's budget proposal calls for the first increase in the Environmental Protection Fund (EPF) in five years. The \$19 million increase is a good sign of progress but we believe that more can and should be done this year to enhance the EPF as the last four years have seen a cut by nearly 50 percent and then a steady state for the last three years. Much more needs to be done to correct the previous damage done by raids and decreases to the EPF in the last decade. Environmental programs are still underfunded across the board, and the signs become more obvious every day. We cannot forget the \$500 million that has been swept from the Fund since 2002. As a member of the *Friends of New York's Environment*, we have called for an EPF of \$164 million this year to begin the process of catching up with some of the backlog of projects in need of EPF funding.

In addition, we urge you to examine strategies for long-term growth to the EPF to at least \$300 million. Whether it is additional allocations from the Real Estate Transfer Tax, more of the unclaimed nickel deposits or something else, the EPF cannot function for much longer at its current funding level. Many groups here supported Senator Grisanti and Assemblyman Sweeney's legislations to increase the EPF over the next six years with a portion of the

unclaimed deposits. We asked that you work with Governor Cuomo to find a way to take a similar action this year during the budget process.

During better economic times, many new categories were added to the EPF, which was fine when the funding was being increased. Now, with less funding to go around, more categories means that everyone's slice of the pie is much smaller today than a few years ago.

SPECIFIC EPF CATEGORIES—

Open Space Protection

For the Adirondack Council, one of the most important lines is Open Space Protection. This is the cornerstone of the EPF and the program most associated with it. In 2008, the EPF contained \$66.5 million for open space protection. This year's proposal is for \$20 million or about 15 percent more than last year. A serious problem with the previous cuts to Open Space Protection is the serious backlog of projects that has been created and only continues to be exacerbated.

In fact, just last week, DEC informed its advisory panel on Forest Legacy funding that it would be returning a \$2.5 million federal matching grant because the land protection project that the money is intended for is still years out, even though the grant was received in 2010 (see attached). The Follensby Pond tract in Tupper Lake has been one of the state's top priorities for protection for over 20 years. When the property was acquired by the Nature Conservancy in 2008, it was expected that the state would acquire the tract within three to four years. But the slashing of the Open Space Protection by 60 percent has stopped this and other vital project from being finalized. It is now estimated that Follensby Pond will not be acquired by the State until 2017 or 2018. We are grateful to the Department of Environmental Conservation officials who worked hard for several years to be awarded the federal grant of \$2.5 million. They attempted to keep and spend the funding and even secured an extension of the grant, in hopes that the Legislature and Governor would provide the matching funds. Sadly, the extension ran out at the end of January.

In order to quickly reverse the trend of the massive project backlog that has been created, **we believe the Open Space line should be funded at \$30 million this year.**

Invasive Species

The invasive species category is proposed to be increased slightly from \$3.4 million last year to \$3.6 million. In 2008, invasive species was funded at \$5 million. We believe this category should ultimately be funded at \$10 million. As new invasive species come into New York and enter sensitive areas such as the Forest Preserve in the Adirondacks or Catskills, more funding will be required to manage these pests and plants that can cause serious harm to the state's

economy, affecting the timber and tourism industries. Invasive species can cost hundreds of millions of dollars in lost economic activity such as decreased tourism, as well as decline in forest productivity. As the old saying goes, “an ounce of prevention is worth a pound of cure.” New York is truly at the epicenter for invasive species, due to our water resources as well as the number of visitors coming to the state each year.

We would like to see the invasive species program funded at \$4.6 million this year.

Waterfront Revitalization

The Waterfront Revitalization program has been used effectively in the past two years as part of the Governor’s Regional Economic Development Councils to help spur communities that want to use their natural resources as a way to expand economic opportunities and still protect the resources. We support the proposed \$1 million increase in the Waterfront Revitalization line in this year’s EPF. Many Adirondack towns have been able to take advantage of this funding to help grow their economies.

Smart Growth

The Smart Growth line in the EPF was once funded at the \$2 million level, but has been reduced to \$300,000. This program has been used effectively in the Adirondack Park in the past. It has helped communities grow sensibly and execute plans for how to effectively use the asset of having state-owned Forest Preserve within their boundaries as an economic engine. This will be needed more in the next few years as localities look at increased eco-tourism as a result of the purchase of the former Finch Pruyn lands. This line needs to be increased as the EPF grows in future years.

Water Quality Improvement Program

The Adirondack Council also strongly supports the Water Quality Improvement Program (WQIP). Funds from this program can be used for such important community enhancement efforts such as establishing and expanding wastewater treatment facilities and upgrading outdated road salt storage facilities, which cause localized water contamination issues.

Department of Environmental Conservation (DEC)

DEC’s proposed budget is virtually the same as last year’s. This level represents a decrease of about 800 staff in the last seven years. DEC’s job keeps getting larger with new laws such as the sewage pollution right to know act, invasive species prohibition law and water withdrawal permitting to name a few. However, they have no additional funds or staff to carry out their expanded mission.

We believe additional resources need to be given to the Lands & Forests Division, including Foresters and Real Property staff. Over the last decade, the state has protected hundreds of thousands of acres of fee title or conservation easement land, while at the same time, its resources have been diminished. DEC currently has only two contract staff to work on easements for the entire state. In the Adirondacks alone, there are roughly 800,000 acres of easements.

Those who enforce the laws and are often the face of DEC, Environmental Conservation Officers (ECOs) and Forest Rangers, also need additional support. DEC's Office of Invasive Species also needs much more resources than it is currently being allocated.

Adirondack Park Agency (APA)

Five years ago, the APA had a staff of 72. This year, the Agency has only 54 employees. We have real concerns that the current staff will not be able to carry out the Agency's functions, such as permit review and enforcement of its regulations. Without being able to replace critical positions, the APA will no doubt further slow down its operations.

As an example, in 2012 the APA closed the last 67 enforcement cases dealing with pre-2000 subdivision violations. These cases were closed under dubious circumstances and demonstrate the need for additional staff for enforcement. In fact, they currently have 150 open enforcement cases and 50 outstanding voluntary settlement agreements that were sent out in 2012 but never returned.

We request that six positions in regulatory affairs, planning and enforcement be reinstated and filled immediately.

Aftermath of Storms Irene and Lee

Finally, we greatly appreciate the Governor recognizing in his budget proposal that many areas of the state are still recovering from Hurricane Irene and Tropical Storm Lee. While many associate the damage from these storms with the Southern Tier and Catskill regions, several towns in the Adirondacks were also severely damaged. Communities in Essex, Clinton and Franklin Counties are eligible for "Community Reconstruction and Mitigation" funding(see attached). We urge you to support this funding for the North Country as well.

Thank you for the opportunity to testify here today.

New York State Department of Environmental Conservation

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Joe Martens
Commissioner

January 24, 2013

Mr. Scott Lorey
Director of Government Relations
Adirondack Council
342 Hamilton Street
Albany, New York 12210

Dear Mr. Lorey:

The Department of Environmental Conservation (Department) was awarded a \$2.5 million Forest Legacy grant which was to fund a portion of the cost of the Follensby Pond land acquisition by the State. Forest Legacy grants are issued for two years. In the case of this grant, the grant duration was August 1, 2010 through July 31, 2012. In June 2012, the Department requested a 1 year extension through July 31, 2013. In November 2012, only a 6 month extension was awarded resulting in a January 31, 2013 end date for the grant.

Due to competing priorities for land acquisition projects, the Department will not have the State share of the funds for the purchase of the Follensby Pond property in the near future. The estimated cost for the Follensby Pond property is \$16 million. The proposed split was a State share of \$13.5 million and the grant of \$2.5 million.

The Department currently has two other Forest Legacy grant applications pending. The Mount Lebanon grant application is for a conservation easement project in partnership with the Columbia Land Conservancy. Funding was included in the Senate and Administration's version of the Legacy appropriations for Federal Fiscal Year (FFY) 2013 for a federal grant of \$1,865,000. The other is a FFY 2014 grant application for a \$990,000 federal grant with the Rensselaer Plateau Alliance for a working forest conservation easement project on the Plateau, an exciting conservation area in the 5th largest contiguous forest in New York.

The Department was concerned that the lack of progress, which is a critical performance measure, on the Follensby Pond project would negatively affect New York's ability to obtain grants for the other two projects. Therefore, the Department decided to not request an extension on the Follensby Pond grant but instead will reapply for the funds when the State has its portion of the purchase price available.

Sincerely,

McCrea Burnham
Forest Legacy Coordinator

**Eligible Community
Reconstruction Zones
Lee/Irene**



