

**Testimony of the Adirondack Mountain Club
at the Joint Legislative Public Hearing on the Environmental
Conservation Portion of the 2015-16 Executive Budget Proposal
28 January 2015**

Good afternoon Chairman De Francisco, Chairman Farrell, and honored legislators. My name is Neil Woodworth. I am the Executive Director of the Adirondack Mountain Club. Thank you for the opportunity to testify today on the Governor's Executive Budget proposal.

The Adirondack Mountain Club (ADK) is dedicated to the conservation, preservation, and responsible recreational use of the New York State Forest Preserve and other parks, wild lands, and waters vital to our members and chapters. ADK represents over 28,000 members who enjoy hiking, canoeing, kayaking, cross-country skiing, camping, backpacking, biking, mountaineering, snowshoeing, and other "muscle-powered" outdoor activities in New York. We sponsor programs that range from teaching people to hike and paddle safely to repairing our state's peerless hiking trail network. We are advocates for responsible recreation and protection of the Forest Preserve, state parks and other wild lands. Our priorities today are state budget funding for open space protection and for stewardship of our Adirondack and Catskill Forest Preserve and our incomparable state parks system.

Focus on the ADK Tourism Economy (OA 41, p.95)

ADK applauds the Governor's focus on the ADK Tourism Economy and supports the efforts outlined to build the reputation of the Adirondack Park as a premier tourist destination. We would like to emphasize that in addition to investing in "bike lanes, crosswalks, snowmobile trails and cross-country skiing access" it is vital to recognize and invest in hiking, snowshoeing, paddling, and other "muscle-powered" recreation opportunities which are a powerhouse for tourism dollars.

Environmental Protection Fund (OA 45 p.101-102)

On January 21, when Governor Cuomo presented his SFY 2015-2016 proposed budget for New York State, we were happy to see the Governor's and the Legislature's good work in savings invested in essential environmental conservation projects and in a much needed increase to the Environmental Protection Fund (EPF). We know that the Governor and the Legislature have recognized the urgent need to increase funding for open space protection projects, combating invasive species, and building resiliency in upstate communities (among other important clean water and clean air programs).

We strongly **support increasing the EPF to \$172 million**, as proposed in the Executive Budget. After steep cuts and significant sweeps of EPF funding during the economic crisis, the continued restoration of the EPF is critical to support programs that create jobs, protect clean water and improve communities in every county of New York State. **This \$10 million increase is progress** towards our shared goal of reaching a \$200M EPF in the near future, and a fully-funded \$300M EPF in the long-term.

The EPF has had a long-standing relationship to the state's Real Estate Transfer Tax (RETT), which has significantly rebounded, as well as other, smaller revenue sources. Rather than relying on these available revenue sources, the Governor has proposed using Regional Green House Gas Initiative (RGGI) proceeds to increase the EPF. As budget negotiations continue **the Legislature should ensure the \$172 million EPF is funded in such a way that it does not reduce funding from other environmental programs**. RGGI funds should not be tapped for the EPF, but should be used for the important clean energy programs funded by RGGI, including energy efficiency, carbon abatement, and renewable energy.

When the RETT fell during the financial crisis, EPF appropriations were also reduced. Now that the RETT has recovered to a projected collection of nearly \$1 billion, ADK along with other conservation groups urge the Governor and the Legislature to use the rebounded RETT to continue to fund the EPF. The EPF should now see the benefits of the RETT recovery.

We look forward to working with the Legislature and Governor throughout the remainder of the budget process to **ensure the enacted budget includes at least \$172 million for the EPF**, so that our communities can reap the economic and environmental benefits that the Fund provides.

There are a number of funding categories within the EPF that are crucial to realizing a state with clean water, abundant wildlife, and vibrant communities. Some of the traditional categories that

should be increased over last year's levels include: land acquisition, invasive species control, smart growth, and community revitalization.

EPF Aquatic Invasive Species Funding for invasive species management **should be increased to \$10 million**. ADK hopes to see the increase in funding be used for effective AIS prevention and management strategies such as boat washing and inspection stations. Invasive species are spreading at rapid rate, reducing water quality, property values, and recreational opportunities along the way. New York State has enacted numerous regulations and laws that will prove vital to stopping the spread of aquatic and terrestrial invasive species, but there is still a missing link. Robust investments in public education, spread prevention, and mitigation are needed before the impacts become insurmountable. Lake associations, non-profits, and municipalities are desperate to act in the best interests of the water they protect, but lack the necessary funding to do the job. Rapid state-wide investments in boat washing stations, staffing, and training would protect native aquatic fish and plants, saving the state countless millions in lost economic sporting and recreation activity.

If the EPF invasive species line is not grown to adequately address this threat, we would equally support a similar investment of recurring *NY Works* funding to provide for a statewide boat washing program. **Specifically, the state should invest in AIS spread prevention, watercraft decontamination, management and control activities across the Adirondack Park.** This region is the last area in New York where major water bodies remain un-infested and free of invasive species.

The Adirondack Park's economy is particularly vulnerable to invasive species. A recent study commission by Adirondack Park Invasive Plant Program conservatively estimated the potential impact from just 8 invasive species to be between \$468 to \$893 million loss to the Adirondack's economy. Prevention efforts are of paramount importance and are critical to the economy, ecology and quality of life in the Adirondack Park.

Since 2000, AIS spread prevention, watercraft inspection, and education efforts have been successfully implemented by Paul Smith's College, the Lake Champlain Basin Program, and active lake associations at many, but not all, critical boat launches across the Adirondack Park. While these programs are effective at detecting and removing the majority of visible plant fragments, they cannot provide adequate decontamination of small-bodied organisms such as zebra mussels, Asian clam or spiny waterflea. Compared with spread prevention, the costs of directly managing infestations are high and often exceed the capacities of state action, local

governments, and non-profits. **Across the Adirondacks we need to build an effective AIS spread prevention and decontamination network comprised of coordinated inspection locations and strategically located decontamination facilities.**

EPF Land Protection Funding should be increased from \$25.5 million to **\$30 million**. Such an increase is crucial in the coming year with many large-scale projects in the Adirondack Park still not finished. The Governor has reaffirmed the state's commitment and moving forward with the fee purchase portion of the former Finch Pruyn/Nature Conservancy lands. This remarkable and historic land protection program has been a focal point of the Open Space/ Land Conservation budget for the last few years, with good reason, and an increase will be needed to complete this effort while supporting other important land protection efforts across the state.

EPF State Land Stewardship Funding should be increased from \$18.5 million to **\$25 million**. This is an essential funding source that makes it possible for New Yorkers to more fully and safely enjoy our public lands and parks. Stewardship funds support professional trail crews, summit stewards, and Student Conservation Association (SCA) work. This network of caretakers is responsible for routine maintenance and enhancements such as lean-to rehabilitation, alpine summit restoration, and the construction of parking areas at trailheads, campgrounds, and overlooks. Also, there is still a significant backlog of Unit Management Plan-mandated projects, trail work and maintenance in the Adirondack and Catskill Parks. **Recreational infrastructure is central to the Adirondack economy, and a strong investment would ensure that the Adirondack Park sustains itself as a national treasure.**

EPF Smart Growth Funding should be restored in the EPF to **\$2 million**. The ability to support communities to develop plans that appropriately direct growth within their borders can alleviate the need for more costly infrastructure expansions, which are often paid for in part by the state. Although this category received a \$200,000 increase from last year, it has been dramatically cut from \$2 million. In 2007, half of the \$2 million smart growth line went to the Adirondack Park and the program received much more than \$1 million in applications. We request that **\$1 million** of the \$2 million be allocated annually for communities within the **Adirondack Park**. As the state reinvigorates its efforts to invest in clean water infrastructure, the smart growth line will prepare hamlets for longer-term goals.

Protect New York from the Boom in Crude Oil Transportation (OA 49, p 106-110)

ADK is supportive of the Governor's 2015-16 Executive Budget proposal to increase the state's preparedness and response capabilities by increasing the Oil Spill Fund cap from \$25 million to

\$40 million. We are also supportive of the significant increase in fees for oil trans-shipped through the state, from 1.5 cents to 13.5 cents per barrel, and of the increase in fees for oil imported for use in the state from 12.5 to 13.5 cents per barrel.

However, we are concerned that expanding the range of activities that can be covered by the Oil Spill Fund will deplete the Fund and not provide sufficient resources for spill clean-up, especially a spill of heavy crude into a water body, such as a spill of Canadian tar sands crude into Lake Champlain. A spill of more than a million gallons of heavy crude from the Enbridge Pipeline in Michigan into the Kalamazoo River in 2010 cost more than \$1 billion¹ (figure from a 2013 report with clean-up ongoing and 180,000 gallons of the heavy crude still in the sediments of the Kalamazoo River).² It is important to note that a train of 100 rail cars³ could transport 3 million gallons of crude (each car carrying 30,000 gallons⁴).

While we do agree that including planning, exercises, and response equipment are important elements of preparedness and response capabilities, there must be significantly more funding secured for the Oil Spill Fund just for clean-up activities, without even considering expanding the range of activities for which the Fund can be used.

Create the Excelsior Conservation Corps (OA 54, p 117-120)

ADK supports the Excelsior Conservation Corps Program proposed in the Governor's 2015-16 Executive Budget proposal. ADK's professional trails crews already work for the Department of Environmental Conservation (DEC) in the Adirondacks, Catskills, and other regions of the state. We would be willing to train ECCP participants and supervise the trail and backcountry stewardship work of the ECCP. We also have a very successful school outreach program, which could also help train, mentor, and supervise the educational work of the ECCP. We have existing contracts for our trail work and a partnership with the state. To assist the ECCP would be easily provided for.

Expand "NY Open for Fishing and Hunting" Initiative Infrastructure and Capital Funding (OA 55, p 120-121)

ADK applauds Governor's 2015-16 Executive Budget proposal for designating 8 million for access projects, however there needs to be a commitment to *responsible access* in these projects. For example, funding in this initiative should be used for boat washing and inspection stations. The administration should also acknowledge that access projects can, of course, serve multiple recreational uses including hunting, fishing, paddling, hiking, snowshoeing, backpacking, and skiing. Many ADK members also hunt and fish and appreciate enjoying all of their sports and

recreation in a wilderness setting where responsible practices, such as boat washing and inspection stations to stop the spread of invasive species, are available to protect the resource and the recreational experience. Educational resources about issues and responsible practices affecting our state lands should be connected to access projects through the use of kiosks or on websites describing the access areas.

Facilitate Infrastructure Repair and Improvements in the Adirondack (OA57, p 124)

Revitalize and Redevelop Communities in the Adirondacks and Catskills (OA 60, p 127)

ADK is pleased to see the commitment in Governor's 2015-16 Executive Budget proposal to support smart growth, sustainable communities, cellular, and broadband, including the award of \$5 million in December 2014 to the North Country REDC to create a North Country redevelopment fund for "transformational redevelopment,...and infrastructure projects" in the Adirondack Park. The economic future of the Adirondacks depends on clean water, clean/green and resilient energy systems, local food, safe and environmentally friendly roadways and bridges, high-tech communications capacities, and enhanced protections for the wild lands of the Park. ADK strongly urges that grants be incentivized grants, perhaps using a scoring criteria, to encourage using the funding for wastewater, stormwater, and drinking water projects. ADK also strongly supports "connecting Adirondack residents and visitors to wireless and wired broadband service through the \$1 billion New NY Broadband Program."

Communities in the Adirondack Park are so burdened by broken water lines and potholes that they continue to miss out on the opportunity to plan for their futures. Most Adirondack communities currently rely on aging wastewater treatment and septic systems to treat their water. Many still lack the broadband internet capabilities that are now requisite in daily life, and some communities still lack cellular service. The Adirondack Park, with its large wild landscapes and 103 towns and villages, holds the potential to offer a high quality of living that should attract business readily, but communities still lack these necessary facets of sustainable growth.

Prevent the Spread of Invasive Species in the Adirondacks (OA 58, p 124-125)

ADK is encouraged to see the commitment in the Governor's 2015-16 Executive Budget proposal to preventing the spread of invasive species in the Adirondacks, and an acknowledgement of how important this issue is to the economic future of the Adirondacks. ADK also appreciates the acknowledgement that the 1 million bump in the EPF invasive species line should be directed toward combating invasive species in the Adirondack Park, specifically for developing a regional strategy. ADK is extremely supportive of this concept and would urge DEC to develop a regional AIS spread prevention program that involves the strategic, regional

siting of boat washing and inspection stations, a decontamination network comprised of coordinated inspection locations and strategically located decontamination facilities, along roads and at “gateways” into and out of the park, which serve as corridors to popular fishing and boating locations.⁵

However, the funding proposed in the Governor’s 2015-16 Executive Budget simply does not match the need that is described under OA 58 which describes an at least \$900 million loss to the region if the issue is not addressed. While we greatly appreciate the funding increase, the invasive species line in the EPF is inadequate to address this issue. As we indicated above, funding to combat invasive species in the EPF should be increased to \$10 million (and even this level of funding is insufficient, but is a reasonable increase request for this year).

Addressing Climate Change through Sustainable Forestry:

Grow New York’s Forest Products Industry (OA 61, p 128-131)

Improve New York’s Resiliency in the Face of Climate Change (OA 50, p 110-112)

Launch the Climate Smart NY Initiative (OA 51, p 112-114)

ADK is very pleased with the emphasis in the Governor’s 2015-16 Executive Budget on addressing global climate change. It is important to protect our coastlines, riparian corridors and wetlands; to maintain an interconnected network of protected lands and waters enabling flora and fauna to adapt to climate change; and to maintain and grow our state’s forests. Forests play a large role in mitigating the effects of climate change. Forests naturally store carbon. Trees are typically about 50% carbon. More than 63% of New York State is forest land, amounting to 19 million acres of land covered by trees. Approximately 14.4 million acres are privately owned. How these forests are managed can play an important role in carbon sequestration and moderation of the heat and dryness impacts of climate change. Trees are unique in their ability to store large amounts of carbon in their wood and studies show that trees continue to add carbon as they grow. A study published in *Nature* this year shows that the “*Rate of tree carbon accumulation increases continuously with tree size.*”⁶ Alternatively, some studies on managed forests have shown that younger and faster growing forests have higher sequestration rates. New York’s 19 million acres of trees hold a lot of carbon as do forest soils. Use of forests for lumber and furniture sequesters more carbon than use of forests for space heating and co-generation of energy, especially when natural tree regeneration has high sequestration rates. ADK urges that as NYS proposes to grow its Forest Products Industry (OA 61, p 128-131), to improve its resiliency in the face of climate change (OA 50, p 110-112), and launches the *Climate Smart NY Initiative* (OA 51, p 112-114) that combating climate change is the primary goal as we manage our forests.

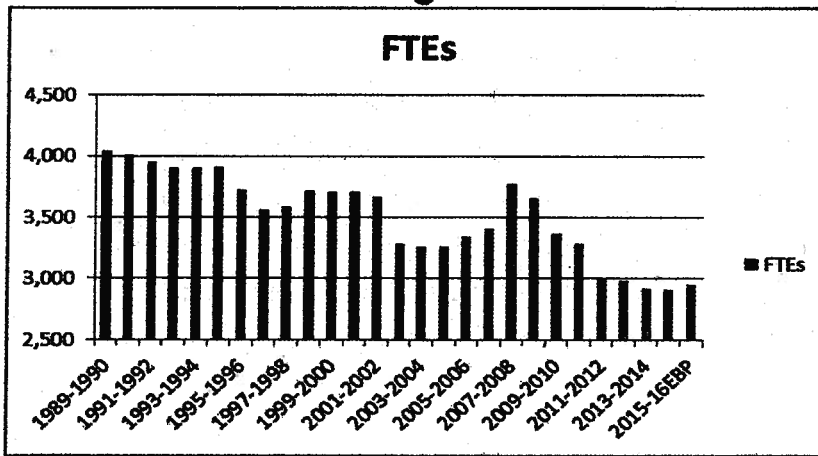
ADK urges DEC to end timber sales on state forests where the trees and woody stocks will be used for space heating and co-generation of energy for heat and power. Limit hardwood timber sales to lumber, furniture and other uses of wood that will continue the sequestration of carbon in the final products. DEC should also consider management of some state forest areas to promote stands of old growth mature trees to increase forest carbon stocks, help clean our air and water, preserve wildlife habitat, and provide a setting for outdoor recreation.

ADK also urges that the Forest Tax Law be to encourage forest owners to retain their forests as mature forest floodplains, habitat areas, and undeveloped open space. This expansion of the Forest Tax Law (480-a) would be an inexpensive means of increasing carbon sequestration and protection of our vast hardwood forests for the multiple benefits of trees for habitat, shade, soil water retention, and drought moderation.

Department of Environmental Conservation (DEC)

A well-funded and well-staffed DEC will be crucial in administering permits and environmental reviews that ensure the Adirondack Park remains a national treasure with clean water, abundant wildlife and vibrant local communities. Environmental agencies have been disproportionately affected by cuts, losing approximately 30 percent of their staff over the last eight budget cycles (see image below by *Environmental Advocates of NY*), while most other agencies have seen only 10 percent reductions. In the Governor's 2015-16 Executive Budget proposal there appears to be 13.1% or \$119,916,000 increase over last year's DEC appropriation, however this increase reflects a \$100,000,000 superfund allocation. Without this superfund allocation the proposed appropriation for DEC is \$937,968,000, an increase of only \$19,916,000 or 2.2%. Now that the economy has recovered, DEC staffing numbers must be increased. A few areas of great need are listed below.

DEC Staffing Since 1990



Forest Rangers: New York State's Forest Rangers are critical to the safe use of the NYS Forest Preserve, state forests, and other lands administered by the DEC. The ranger force is currently stretched very thin for the over 5-million acres of DEC managed lands. In fact, in 1970, DEC managed 3-million acres of state public land with 118 Forest Rangers, but today, with 5-million acres of state managed lands, the force is down to 106 Rangers. During the next six years, 48 rangers will be eligible for retirement. To ensure a steady level of service and to replenish the ranks, the DEC must immediately establish a *2015 Academy for Forest Rangers and Environmental Conservation Officers (ECO)* with at least 20 Forest Ranger recruits in 2015. The DEC must also implement succession planning by scheduling regular, biennial Academies. Further, DEC's Forest Rangers are in serious need of a robust investment to update an aging fleet of vehicles, upgrade or replace other non-vehicle equipment such as ATVs, boats and trailers, and to replace an outdated radio system. The *Assistant Forest Ranger (AFR) Program* is a highly successful program that effectively increases the eyes and ears on our state lands to keep resources and visitors safe. However, current funding practices for this program decrease the available funding for full-time Forest Rangers for Emergency Response and other necessary overtime. We strongly suggest that a specific budget line item to support no less than 20 AFRs, should be included in the final budget (the budget line item should not be part of the Forest Ranger OPS budget line).

Division of Lands and Forests: Perhaps the biggest need at the DEC is additional staffing in the Division of Lands and Forests to manage the ever increasing acreage of conservation easement lands. *Foresters* are needed in Albany, as well as in Regions 5 and 6 to cover this growing area

before it becomes any more of a problem. In addition, *Real Property staff* are desperately needed in Lands and Forests to help move forward the state's land acquisition priorities, and to deal more effectively with issues such as timber theft.

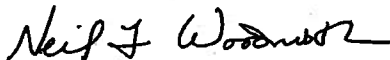
Office of Invasive Species: New York needs to invest more heavily in the DEC's *Office of Invasive Species* as well. Created a few years ago, the small staff of three employees requires additional resources to carry out their vital mission. Being the first line of defense against hundreds, possibly thousands, of invaders that could wreak havoc on New York's waterway commerce, agriculture, forests, and tourism is a very large task. *The size of the office should be tripled* to more adequately reflect the priority New York is giving to the very real threat of invasive species.

Adirondack Park Agency (APA)

The APA is the smallest state agency, but with a mission the Legislature established as vital for the entire state – the protection and preservation of wildlife, open space, historic, and natural resources of the Adirondack Park. *Six positions in regulatory affairs, planning and compliance (including enforcement) should be reinstated and filled immediately.* However, in the Governor's 2015-16 Executive Budget proposal there is no funding for a staff increase. The Planning Division has lost 80 percent of its staff. In addition, the two staff members left can barely keep up with the 18 Park communities that have APA-approved land use plans, let alone work with the 90 communities that may want to create new plans. Part of this work could also include bringing back the "circuit rider" program to assist municipalities with developing local plans, zoning and subdivision regulations, and proactive small business and municipal compliance.

Thank you for your consideration of these comments.

Sincerely,



Neil F. Woodworth
Executive Director and Counsel
Adirondack Mountain Club, Inc.

¹ <http://insideclimatenews.org/news/20131223/enbridge-dilbit-spill-still-not-cleaned-2013-closes-irritating-epa>

² <http://insideclimatenews.org/news/20131223/enbridge-dilbit-spill-still-not-cleaned-2013-closes-irritating-epa>

³ <http://www.bloomberg.com/news/2014-07-24/albany-nears-oil-hub-status-as-100-car-trains-jam-port.html>

⁴ <http://insideenergy.org/2014/06/16/30000-gallons-of-crude-by-rail-every-77-seconds/>

⁵ <http://www.dailygazette.com/news/2015/jan/24/cuomo-budgets-fight-invasives/?free>

⁶ <http://www.usgs.gov/newsroom/article.asp?ID=3781#.VJBM0Hti-T8>