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February 8, 2023

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**RE: Joint Legislative Budget Hearing on Environmental Conservation
NYS FY 2023-24**

Dear Senator Krueger and Assemblymember Weinstein

Protect the Adirondacks is pleased to provide these comments on environmental funding in Governor Hochul's draft FY 2023-2024 budget for the State of New York. Thank you very much for this opportunity.

Staff

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

Peter Bauer
Executive Director

Claudia Braymer
Deputy Director

Christopher Amato
**Conservation Director
and Counsel**

The 3-million-acre public Forest Preserve in the Adirondack and Catskill Parks is indispensable in the lives of New Yorkers, for protection of wildlife and biological diversity, and for long-term carbon storage. It is mystifying to us that year after year our Governors have refused to adequately invest in our public Forest Preserve -- the People's Lands in New York State. The Forest Preserve needs additional investment because hiking trails and facilities for public parking and trailheads are poorly designed and constructed and have not been maintained. The Forest Preserve in the Adirondacks needs investments in public

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

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education both at the trailhead and online, 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.

The Forest Preserve also faces a critical challenge because the key state agencies that are responsible for its management – the Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) – were found by the state's highest court to have violated Article 14, Section 1, of the State Constitution, the famed Forever Wild clause. In a 10-year-long lawsuit by Protect the Adirondacks that challenged the construction of a network of super-wide snowmobile trails in the Forest Preserve, both the Appellate Division and the Court of Appeals found that the state's plans violated the Forever Wild clause. These trails saw the cutting of 1,000 trees per mile to build trails that were excavated flat and to excessive widths by heavy machinery. The courts reaffirmed that only the People of the State of New York can make such a massive change through a constitutional amendment, not state agencies through administrative actions. These agencies had planned to build hundreds of miles of these trails, but the lawsuit by Protect the Adirondacks successfully challenged the construction of the first 34 miles of trails.

Unfortunately, after the decisions by the courts, DEC and APA failed to close these unconstitutional trails and undertake necessary reforestation and restoration activities. We therefore request that the Legislature allocate \$500,000 as a separate line in the State Lands Stewardship account in the Environmental Protection Fund for Forest Preserve Restoration to repair the damage caused by the unconstitutional actions of these agencies.

Below, please see details for the budget priorities of Protect the Adirondacks.

\$400 Million NYS Environmental Protection Fund

Open Space/Land Conservation: We support the proposed allocation of \$37 million and urge that the allocation be increased to \$50 million to allow for important new land acquisitions. This year offers unique opportunities for the State to purchase two outstanding remote and wild parcels of land in the Adirondack Park: the 36,000-acre Whitney estate in the central Adirondacks and the 51,000-acre Three Rivers tract in the northwestern part of the Park. If these lands are not purchased by the State, they will be developed. The Whitney parcel has already been offered for sale for private development.

Commissions: We support the inclusion of the Lake George Park Commission with an allocation of \$900,000. The Park Commission has built a model mandatory boat inspection

and control program for Lake George, which is very expensive to administer, along with a new septic inspection program that will be administered by the Commission.

Invasive Species Account: We support the \$19.5 million allocated in this account but add that we need to prioritize education and interdiction programs. At this point, eradication grants help to control the spread of invasive species that are already present, but they do not eradicate them. An equally important investment is in educational and intervention programs aimed at stopping the introduction of invasive species into currently uninfested waterbodies.

Water Quality Improvement Program: We support these programs and urge that the Legislature add a new account line for the Adirondack Watershed Institute (AWI) at Paul Smith's College. AWI operates the only state-certified laboratory in the Adirondack Park, which provides a great service to communities across the Adirondacks and North Country. AWI collaborates and leads environmental and biological research in the Adirondacks with many organizations and institutions. AWI research has documented road salt pollution, climate change impacts, invasive species infestations, and other long-term water quality threats. Rising costs and an expanding mission makes further sustained support necessary. We recommend a new AWI account line of \$250,000.

State Lands Stewardship: We support the State Lands Stewardship account at \$48.7 million. This fund supports state land management through the Office of Parks, Recreation, and Historic Preservation (OPRHP) and the Department of Environmental Conservation (DEC).

In the past five EPFs over \$120 million in funding has been allocated for State Lands Stewardship, but documents obtained through Freedom of Information requests to DEC and OPRHP indicate that less than 25% of the \$120 million in Stewardship funds have been spent. Given the tremendous needs for improved stewardship of Forest Preserve and other state lands, we believe the Legislature should demand an accounting of the lack of 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. We need to improve visitor education, expand trail construction and maintenance, and facilitate equitable Forest Preserve access. In the 2022-23 state budget there was line in the State Lands Stewardship account for "Adirondack and Catskill Visitor Safety & Wilderness Protection" to spotlight the focus on the Forest Preserve. In 2023-24, this line should be included to \$20 million or more.

Municipal Parks Account: We support the funding for Paul Smith’s College and SUNY ESF for \$225,000 and \$150,000 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.

Environmental Justice: We support funding for the Environmental Justice account.

Climate Change Mitigation and Adaptation: Through a variety of programs, \$44.675 million is allocated to this account. A number of important projects are funded, including Smart Growth Grants, Climate Smart Communities programs, and the Timbuctoo Pipeline Summer Climate and Careers Institute between CUNY/Medgar Evers College and SUNY-ESF.

“Forest Preserve Restoration” Funds Needed in EPF State Lands Stewardship

As noted above, in 2021, the NYS Court of Appeals ruled that NYSDEC and the NYSAPA violated the “Forever Wild” clause of the NYS Constitution by constructing extra-wide snowmobile trails in the Adirondack Park that required the cutting of thousands of trees and extensive terrain alteration. We urge the Legislature to add a \$500,000 line for “Forest Preserve Restoration” in the State Lands Stewardship Account to fund restoration of Forest Preserve lands damaged by the State’s unconstitutional destruction by DEC and APA of large swaths of the Adirondack Forest Preserve.

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 of dollars. 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 Funding

The DEC’s projected staffing level in the Executive Budget increases by 231 to 3,331 FTEs. Most of the new positions are dedicated to implementation of the new Bond Act, the Climate Action Plan, and to help administer new federal funding. This includes 9 positions for the Lake George Park Commission. The Division of Lands and Forests will see a gain of only two positions. We support adding these new positions to the DEC’s Lands and Forest for profession Wilderness management of the Forest Preserve.

Forest Preserve Trail Crews: We need to reconstitute trail building capacity within the DEC. Today, the DEC uses seasonal, low paid, lightly staffed trails crews. We need to rebuild DEC Trail Crews/Trail Technicians for the Adirondacks and Catskills in the budget to fund professional, seasonal positions. The hiking trails in the Forest Preserve are in dismal shape and one effort, among many, is to rebuild the state's trail building capacity.

Double and Diversify Forest Ranger Staffing: Protect the Adirondacks believes it is essential to increase the number and diversify the Forest Rangers and other personnel, such as assistant Rangers and backcountry stewards, to respond to high public recreational use and natural resource protection pressures. For years, the Forest Rangers have operated with inadequate staffing levels, relative to the increasing acreage of state ownership and the spike in search and rescue operations. DEC Forest Rangers provide an essential education and enforcement role, not only protecting those who visit our Adirondack Park, but protecting the Adirondack Park from those who visit. The graduating class of the new Forest Ranger academy will simply maintain current fill levels given current vacancies and retirements, but the current level is wholly insufficient.

The recent academy increased Ranger ranks to 159, but 10 Rangers are eligible to retire in 2022 and 15 more in 2023. Ranger numbers are expected to decrease to 124 in the next 18 months. We need a Ranger Corp of over 150 active Rangers in the field at a minimum in the short run, and much bigger in the future. We call on the DEC and Department of Civil Service to coordinate with the ultimate objective of doubling and diversifying the Forest Ranger Force.

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.

Over the next few years, 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.

DEC Capital Projects: The DEC Capital Budget calls for "\$90 million for DEC to address a variety of capital needs to facilitate access to state lands, ensure the safety and durability of our state's dams, rehabilitate campgrounds, and upgrade a variety of widely used

recreational facilities. This funding will also provide critical repairs to other public property, including wetlands, trails, waterfronts, and fish hatcheries.” Protect the Adirondacks recommends that the budget include a list of eligible projects that the Legislature and public can scrutinize. In the past, this fund has been used by the Executive to support politically driven spending that makes little long-term sense, such as the construction of the Frontier Town Campground, which was never listed in any kind of park-wide planning document or strategy. This facility has been lightly used. More than \$20 million was spent to build it, funds that would have been better used to rebuild popular hiking trails in the Forest Preserve.

Adirondack Park Agency Funding

The APA needs funding to improve the quality, openness and transparency of its regulatory program. Currently, the APA does not post its permits online for easy public access, even though it issues 250 to 350 permits annually. The APA needs additional funding to add qualified staff to administer its regulatory program and to improve its management of its records so that they are easily accessible to the general public.

Article VII Bills

We support the proposed Article VII legislation for Environmental Conservation, particularly the cap and invest program that will help the State meet the goals of the Climate Leadership and Community Protection Act. We believe that climate change is the greatest threat to the future of the Adirondacks and that the State should use the cap and invest program as another tool to reducing greenhouse gas emissions. To that end, we support the other Article VII legislation designed to make buildings more sustainable, and to give NYPA and NYSERDA additional authority and resources to develop renewable energy projects.

We support the Article VII legislation to make municipalities eligible for funding to clean up “forever chemicals” that pollute our lands and waters.

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 2023-2024 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