



**Testimony of the Adirondack Council at the
Joint Legislative Public Hearing on the Environmental Conservation
Portion of the 2016-2017 Executive Budget Proposal**

January 28, 2016

Good afternoon Chairwoman Young, Chairman Farrell and honored legislators. My name is Kevin Chlad, and I am the Director of Government Relations for 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 envision an Adirondack Park with clean water and air, healthy and abundant wildlife and large wilderness areas, surrounded by working farms and forests and vibrant communities. We do not accept any public funding. We offer the following testimony in response to the Governor's proposed Executive Budget from his 2016 *Built to Lead* Agenda.

Environmental Protection Fund (EPF)

We urge the legislature to approve Governor Cuomo's historic proposal to provide \$300 million for the Environmental Protection Fund (EPF) in the Fiscal Year 2016-17 state budget. As you may know, attaining \$300 million for the EPF has long been a goal of the Friends of NY's Environment, a coalition of over 100 organizations who support the EPF and all that it accomplishes. By further enhancing and restoring the EPF, we will generate economic activity and revenue, protect clean water and wilderness, and support vibrant communities, creating jobs along the way.

Since our state's economic outlook has greatly improved in recent years, we support Governor Cuomo's proposal to recommit to a level of environmental capital funding that was enacted in 2007 legislation, and make New York a national leader once again. This level of commitment will enhance the state's ability to leverage federal, local and private dollars that are now also recovered, and enable communities to seize opportunities to implement programs that will make New York an attractive and healthy place for businesses to locate, and for families to live. A

study by the Trust for Public Land found that for every \$1 invested by New York State in the EPF, \$7 in economic benefits are returned to communities. ⁱ

SPECIFIC EPF CATEGORIES

Open Space Protection

For the Adirondack Park, one of the most important funding sources is the Open Space Protection funding line in the EPF. The acquisition of land to protect clean water and open space is the cornerstone of the EPF and the program most associated with it. **We heartily support the Governor's proposal to grow this funding line from \$26.5 million to \$40 million**, as we eagerly await the acquisition of the treasure known as the Boreas Ponds Tract that is nestled amongst the High Peaks Wilderness in the town of North Hudson. **New York State has an extraordinary opportunity to create an expanded 280,000-acre Adirondack Wilderness that will rival the most famous conservation landmarks in the world in scale and provide long-lasting benefits to clean water, wildlife and communities.** ⁱⁱ

The new Wilderness would contain the state's tallest mountains and protect the headwaters of the mighty Hudson River. It would be equal in size to Rocky Mountain National Park or Mount Rainier National Park, and double the size of Zion National Park. Lands and waters closed to the public for more than 150 years would become open and accessible.

The open space of the Adirondack Park is the finest in the northeast. It attracts visitors from around the globe, who aim to marvel at its beauty and enjoy rest and relaxation. Those who visit the Adirondack Park spend vital tourism dollars on lodging, restaurants, guide services, shopping for local goods, and entertainment. But the publicly-owned Forest Preserve lands of the Adirondacks do not only support tourism, they provide ecosystem goods and services that come in a most fiscally responsible manner. Open space cleans water and air, and protects life and property in the face of more frequent and dangerous storm events. The wildlife that benefit from these lands support important forms of recreation such as birding, hunting, fishing, and wildlife watching. **With all that our open space offers, we urge the legislature to support a robust investment of \$40 million in this category this year.**

State Land Stewardship

The State Land Stewardship (SLS) budget line is an essential funding source which makes it possible for New Yorkers to more fully and safely enjoy our public lands and parks. SLS funding supports professional trail crews, summit stewards, Student Conservation Association work, and the construction and maintenance of the state facilities and recreational infrastructure that act as an economic driver in much of the state. The SLS projects permit the public to enjoy safe use of state parks and other public lands, and supports sanctioned lean-to rehabilitation, parking lots, trail signs, bridges and many other access-related duties that enable the Forest Preserve to

continue to be the economic driver that it is. **We appreciate and support the Executive proposal to increase this line to \$28.5 million this year, and urge the legislature to accept this appropriation.**

Invasive Species

We support the proposed budget increase of \$4.15 million to the Invasive Species funding line, bringing the total appropriation to \$10 million, as has long been recommended by the NYS Invasive Species Council.ⁱⁱⁱ Communities in the Adirondacks and private stakeholders are increasing their commitment to combat invasive species, but require financial support more than anything else. The Adirondack Park Invasive Species Prevention Strategy proved to be a tremendous success in 2015, and would expand under the executive proposal.

The economy of the Adirondacks and outlying regions rely on clean water hosting a vibrant array of fish, invertebrates and aquatic flora. Increased funding will encourage continued efforts to educate visitors who plan to recreate, conduct science-based prevention of the spread of invasive species and fund rapid response teams that control and eradicate infestations.

As new invasive species enter sensitive areas such as the Forest Preserve and the working forests under easement in the Adirondacks and 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. **A recent economic study on the impacts of invasive species estimates that the potential direct economic impact from only eight invasive species that were evaluated could range from \$468 to \$893 million.^{iv}**

Spending money now will save the state countless millions of dollars in the coming decades. Our abundant water and timber resources paired with high visitor rates put the Adirondacks at the epicenter of the invasive species epidemic.

Waterfront Revitalization- Adirondack Projects

The "Waterfront Revitalization – Adirondack Project" funding category will support Department of State Office of Planning and Development for the towns of Minerva, Indian Lake and Newcomb. These funds can support smart growth planning and post-planning project implementation and is not limited to traditional "waterfronts." Typically this funding helps communities develop updated planning, zoning and economic development and infrastructure project priorities. The Department of State staff are supposed to make sure projects protect sensitive environmental and historic resources. We support the proposed appropriation of \$660,000 in funding that can help Adirondack communities become more vibrant while protecting our Adirondack legacy.

Climate Change Mitigation and Adaptation

The Governor's historic \$300 million EPF proposal includes the addition of a new "Climate Change Mitigation and Adaptation" category, funded at \$32.5 million. This new line will fund new and old initiatives, such as: greenhouse gas management (reducing various emissions not addressed by the Regional Greenhouse Gas Initiative, or RGGI), resiliency planning, smart growth planning, adaptive infrastructure and climate smart communities. We support that **this year, the proposed increase to the EPF is not backed by the use of RGGI auction proceeds**

Community Water Infrastructure Funding

Building upon the tremendous success of last year's creation of the NYS Water Infrastructure Investment Act (NYSWIIA), the Governor has proposed adding another \$100 million to this fund, meaning that \$250 million would be appropriated over the next two years. NYSWIIA has already shown in its 2015 disbursement of \$50 million (plus \$25 million in federal monies), in the form of grants, that this fund will pave the way in helping communities afford loans for water infrastructure projects, long-needed in the Adirondacks and statewide.^v Rural communities in the Adirondacks have small residential populations that provide services to a proportionally larger population of visitors. In order to maintain viable water rates, communities require grants to close the gap between the cost of a water project and the amount they can actually afford. Two Adirondack projects were funded in the first round: Saranac Lake and Willsboro. **We applaud the Governor's proposed increase and urge the legislature to grow this fund to \$800 million dollars this year, to transform the way our state tackles the burden of a backlog in tens of billions of dollars in necessary water infrastructure repairs and upgrades in New York State.**

Adirondack Park Agency (APA)

Seven years ago, the APA had a staff of 72. **This year, the Agency has 54 employees and the Executive Budget does not propose to increase that number.** We have real concerns that the current staff will not be able to carry out the Agency's functions, such as permit site reviews, community and applicant outreach and proactive enforcement of regulations. Without being able to replace critical positions, the APA will continue to face difficulties keeping up with permit timelines and will lack the resources to incentivize compliance with their regulations.

The APA's Planning Division has lost 80 percent of its staff, and while it has a modern GIS system, there are too few people to use it. GIS and planning are also essential to help communities that are facing a variety of challenges. From stream protection, to avoid future flooding like that which followed Hurricane Irene, to planning for the creation and expansion of wastewater infrastructure systems, local governments are in need of more state assistance, especially in light of the property tax cap.

The APA is our smallest state agency, but carries a mission the Legislature established as vital for the entire state – *the protection and preservation of the natural resources and wildness of the Adirondack Park*. It is an exciting time in the Adirondacks, with ongoing discussions about expected land acquisitions, proposed amendments to the State Land Master Plan, Unit Management Plan updates, and silviculture clearcut reviews, all taking place while day-to-day permit reviews continue. **We request that two additional staff be added to the Adirondack Park Agency (APA), to enhance the rate of permit review, improve permit compliance assistance and to ensure that ongoing state land classifications are conducted with adequate resources.**

Department of Environmental Conservation (DEC)

The Executive Budget proposal shows a 5.5-percent increase in appropriations. While the increase largely reflects the proposed increase to the EPF, this increase is offset by \$8 million in savings in operations spending, and decreases in local assistance funds and state and federal capital funds. The DEC faces serious difficulties in their ability to effectively follow their mandates with permitting, enforcement, land management, and air and water quality monitoring. With important new laws and regulations such as the Sewage Pollution Right to Know Act, the Invasive Species Prevention Act and water withdrawal reporting, the DEC's job necessarily grows in its efforts to conserve, improve and protect New York's natural resources, health and environment. Not only is the DEC working hard to promulgate and enforce new regulations, but they are expected to keep timelines with their permitting processes. Cutting regulations that protect public health, recreation and forest products-based economies, will cost exponentially more in the long run, making their duties absolutely essential.

Forest Rangers and Environmental Conservation Officers (ECOs) are just some of the professionals who are the face of the Department, enforcing our regulations and educating the public. The Forest Ranger force is responsible for managing roughly 5-million acres of state land in New York. They have jurisdiction over incredibly large swaths of territory, requiring highly specialized equipment and training. Considering this, their impact is unparalleled when it comes to educating, protecting and, more often than most realize, rescuing those who enjoy state land and the Forest Preserve. **Nearly half of the NYS Rangers are scheduled to retire in the next six years**, creating a frightening situation that involves a tremendous loss of institutional knowledge and a potential reduction in public safety and environmental protection. **We call upon the Legislature to find ways to fund recurring Ranger Academies and succession planning for Rangers, ECOs and the rest of the department.**

The Executive Budget proposal holds staffing at DEC at 2,946 full-time equivalents. **We propose an increase in state operations funding for the DEC Division of Lands and Forests to support 18 additional staff, upgrade and replace equipment and reduce the tight fiscal pressure they face in implementing state land projects.**

Continue to Promote Adirondack Tourism through the “I Love NY” Campaign

The Governor has proposed \$50 million for NYS Tourism promotion, an increase of \$5 million over last year’s budget. Half of this fund would support the widely known I LOVE NY campaign, while \$13 million would be used for a MARKET NY program that will promote hotels, convention centers and other attractions. The remainder will continue to support the continuation of the summer and winter Adirondack Challenges, fishing tournaments and wine cups.

With the continuation of the Governor’s Adirondack Whitewater and Winter Challenges, promotion of the Adirondack Region on television commercials, and the New York City-based “Get Outta Town” campaign, the state has helped to renew interest in and raise awareness about visiting the Adirondack Park. The Adirondack Park has tremendous potential to capture an even greater share of the national tourism economy than it already does. We hope that the legislature will work with the Governor to continue to drive this effort and capitalize on the momentum you have all created. **The Governor proposes more Adirondack Challenges and we support that.**

Article VII Legislation

All-Terrain Vehicles (ATVs)

The Adirondack Council is proud to note a continued stakeholder dialogue concerning broad reforms to all-terrain vehicle riding in New York State. There are countless environmental and public safety impacts tied to recreational ATV use on public and private lands across New York. Inappropriate ATV operation degrades water quality, damages vegetation, and threatens wildlife, negatively impacting both the ecological integrity and wild character of the Park in the long term. Inappropriate ATV riding can also create conflicts with other users. Trails become difficult to hike or ride a mountain bike on when they are damaged with mud pits and ruts caused by ATV use. The operation of ATVs on Forest Preserve lands must be generally prohibited by legislation, with narrow, limited exceptions for disabled access (pursuant to DEC Commissioner’s Policy 3), search and rescue, administrative purposes, and other limited instances. **It is our hope that an agreement can be reached among stakeholders, the Governor and the Legislature that protects state lands, ensures safe and sustainable riding, and promotes responsible riding opportunities where appropriate. Since that agreement has not yet been made, we are pleased to see that a change in the Vehicle and Traffic Law’s definition of an “all-terrain vehicle” has not been proposed.**

Biomass and 480-a Reform

We applaud Governor Cuomo for his support of the Adirondack Park and sustainable, smart Adirondack biomass. Biomass, with wood coming from sustainably managed private forests, managed to be carbon neutral or better, is good for the Adirondack Park, its wild forest character and vibrant communities. We look forward to working with a broad array of stakeholders as we work towards long-overdue reforms of section 480-a of the Real Property Tax law, as recommended in the Governor's 2015 Opportunity Agenda.

With our economy on the rise, our investment in the environment should follow its trajectory. Our organization urges the legislature to propose a budget that protects and enhances our environment, thereby improving the quality of life for all New Yorkers. Remember, it's not THE Adirondack Park, it's YOUR Adirondack Park.

ⁱ The Trust for Public Land. "The Economic Benefits of New York's Environmental Protection Fund." <https://www.tpl.org/economic-benefits-new-yorks-environmental-protection-fund>. 2012.

ⁱⁱ Please visit www.BeWildNY.org for more information.

ⁱⁱⁱ New York State Department of Environmental Conservation, Department of Agriculture and Markets. "Final Report of the New York State Invasive Species Task Force." <http://www.dec.ny.gov/animals/6989.html>. 2005.

^{iv} Prepared by Yellow Wood Associates, Inc., Adirondack Park Invasive Plant Program. "The Actual and Potential Economic Impact of Invasive Species on the Adirondack Park: A Preliminary Assessment." <http://adkinvasives.com/brochures-and-more/>. 2014.

^v Governor Cuomo's press release, announcing the disbursement of \$75 million in clean water grant funding: <https://www.governor.ny.gov/news/governor-cuomo-announces-75-million-grants-local-governments-water-infrastructure-improvements>

