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**Testimony of the Adirondack Council at the  
Joint Legislative Public Hearing on the Environmental Conservation  
Portion of the 2014-2015 Executive Budget Proposal**

January 29, 2014

Good afternoon Chairman DeFrancisco, Chairman Farrell and honored legislators. My name is Rocci Aguirre. I am the Conservation 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 envision an Adirondack Park with clean air and water and large wilderness areas, surrounded by working farms and forests and vibrant communities. We do not accept any public funding.

**Environmental Protection Fund (EPF)**

The Environmental Protection Fund (EPF) is now 20 years old. Through its short life, the EPF has provided funding for countless environmental projects that have benefited a broad spectrum of New Yorkers.

With a \$2 billion surplus this coming fiscal year, the Governor has supported a package of tax cuts that would leave \$500 million to invest. We applaud the Governor's plan to disburse more EPF money than ever before, but in our positive economic times, we expected a more prudent investment in the environment. Investing in the environment is a fiscally conservative measure. A recent study published by the Trust for Public Land found that for every dollar New York State has invested in the Environmental Protection Fund, it has received seven dollars, returned in the form of clean water and air that is filtered by our protected open space, and tourism dollars that are stimulated by EPF funded trails and parks.

**We appreciate and are pleased to see the implementation of last year's approved modest EPF restoration of \$4 million bringing the appropriation to \$157 million. We are**

**disappointed that, in a time of budget surplus, there appears to be a decrease in total environmental funding. There is an opportunity to invest in and restore the EPF to \$200 million and that is what we support.**

We see the decreasing Real Estate Transfer Tax (or RETT) payments on the 1996 Clean Water Clean Air Bond Act as an opportunity to invest in the future of the EPF. Since the 2011-2012 fiscal year, Clean Water Clean Air Bond Act payments have decreased by approximately \$33 million, with payments projected to continue in their decline. The revenue from the Real Estate Transfer Tax fund is a strong sign that our economy is faring well, as it has been projected to exceed \$1 billion. The last time the RETT exceeded \$1 billion, the EPF exceeded the \$200 million we request this year. **The Adirondack Council proposes that the RETT payments to the Environmental Protection Fund be increased from \$119 million to \$152 million this year, and more in out years, to account for the strength of the RETT and the decline in payments on the Clean Water Clean Air Bond Act.**

## **SPECIFIC EPF CATEGORIES**

### **Open Space Protection & Land Acquisition**

For the Adirondack Park, one of the most important funding sources is the Open Space Protection funding line. The acquisition of land to protect clean water and open space is the cornerstone of the EPF and the program most associated with it. In 2008, the EPF contained \$53.5 million for open space land acquisition. This year's proposal is for \$20.15 million dollars for "Open Space / Land Conservation" including \$16.9 million for land acquisition after accounting for subcategories. We applaud the expansion of the Conservation Partnership (LTA) program. We are disappointed that in a year with a surplus, the dollars for land acquisition appear to drop by over \$1 million from last year. In the end, this places undue stress on this important source of funding.

With a queue of open space protection priorities, this budget category deserves a solid fiscal platform to stand on. Governor Cuomo's commitment to protect the Finch Pruyn lands held by the Nature Conservancy is historic, but will consume this budget line for the next three or four years. Beyond the acquisition of the Finch lands, other Adirondack priorities have awaited protection for over 20 years. The cutting of Open Space Protection and land acquisition funding by over 60 percent has negatively impacted the pace of land protection not just in the Adirondacks, but across the state.

**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 dollars this year, including \$26.75 million for land acquisition.**

### **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 (SCA) work, and the construction and maintenance of the state facilities and recreational infrastructure that act as an economic driver in much of the state. There is currently a backlog of trail work and maintenance, much of which is a result of the recent superstorms and hurricanes, including impacts from Irene, Lee and Sandy on the Adirondack and Catskill Parks. The SLS projects permit the public to resume safe use of state parks and other public lands, as well as routine maintenance and enhancements such as lean-to rehabilitation, and the construction of parking areas at trailheads, campgrounds and overlooks. **We appreciate and support the Executive proposal to increase this line by \$1 million this year and believe that the State Land Stewardship line should be increased further to \$25 million dollars.**

### **Invasive Species**

The proposed budget leaves the Invasive Species funding line of the EPF as it was last year at 4.6 million, which was a much celebrated \$1.2 million increase over the year before. In 2008, before the public had fully realized the scope of our problems in New York State, the invasive species budget line was funded at \$5 million. Communities in the Adirondacks and private stakeholders are increasing their commitment to combat invasive species, but require monetary support. The state should be a full partner in this effort and fund this category at \$10 million, as the EPF is restored to \$200 million.

The tourism economy of the Adirondacks relies on clean water hosting a vibrant array of fish, invertebrates and aquatic flora. A commitment should be made to preserve the integrity of the Parks water by funding a robust Park-wide invasive species prevention plan that includes education of visitors who plan to recreate, prevention of the spread of invasive species between bodies of water and a mitigation plan for infestations, aiming to minimize the use of chemicals.

As new invasive species 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 are leading to hundreds of millions of dollars in lost economic activity in the form of inhibited aquatic recreation, affected fisheries and declining forest productivity. 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 New York at the epicenter of the invasive species epidemic.

**We would like to see the invasive species program should funded at \$10 million.**

### **Smart Growth**

The Smart Growth line in the EPF was once funded at the \$2 million level, but currently sits at \$400,000. This program has been used effectively in the Adirondack Park in the past. Supporting communities in developing plans for smart growth within their borders allows them to direct growth appropriately, thus alleviating the need for major infrastructure expansions, which are often paid for in part by the state. This program will be further relied upon in the next few years, providing another tool for local governments that aim to capitalize on the increased eco-tourism opportunities of Forest Preserve land. **The Adirondack Council calls for an allocation of \$2 million with a subcategory designating \$1 million dollars annually to assist communities with land use planning in the Adirondack Park, as this line was historically set in 2007.**

### **Waterfront Revitalization**

The Waterfront Revitalization program has been used effectively in the past three years as part of the Governor's Regional Economic Development Councils to help spur communities that want to use their natural resources to their economic advantage, while doing so in a way that ensures their continued use for years to come. Of the 103 municipalities in the Adirondack Park, 81 are eligible to participate and over 60 are currently participating in the program. Since 1994, over 130 grants totaling over \$16.4 million have been awarded to communities in the Adirondack Park through this program. Currently, the program is funded at \$12 million, however \$48 million in requests are received each year.

We encourage you to increase this program to help support our local Adirondack communities. The Park represents 20 percent of the state's land mass with many financially stressed communities looking to plan for their future. This is especially true as many communities look to capitalize on the five year acquisition of the former Finch-Pruyn lands and increase their tourism potential. These programs have proven critical in assisting these communities in providing the services and infrastructure necessary to make the Adirondack Park a great destination for tourists from New York and beyond. **This program has been and continues to be a great quiet success, and we should invest more where we are seeing success.**

## **Department of Environmental Conservation (DEC)**

The executive budget proposal shows an approximate 10 percent increase in appropriations. While the increase reflects the intent to pay for superfund sites, there are many other areas affecting day to day operations that also require funding. This agency still suffers from drastic cuts in staffing. In fact, environmental agencies on the whole have persevered through disproportionate cuts, losing approximately 30 percent of their staff while most other agencies have seen only 10 percent reductions. With important new laws and regulations such as the Sewage Pollution Right to Know Act, the invasive species prohibition law and water withdrawal reporting, the Department's job only 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. With an expanding mission, they already lack the staffing and resources required to attain their goals and the requirements of law. This is no time to slash regulation. Rather, we should use this surplus year to provide the basic funding this agency requires to do its job as well as it has in the past.

We believe additional resources need to be given specifically to the Lands & Forests Division, including Foresters and Real Property staff in Albany and Regions 5 and 6, to cover this growing responsibility before it becomes a greater problem. Over the last decade, the state has protected hundreds of thousands of acres of fee title and conservation easement land, while at the same time, the division's resources have been diminished. The DEC currently has one contractor to work on easements for the entire state. In the Adirondacks alone, there are roughly 800,000 acres of conservation easements.

Forest Rangers and Environmental Conservation officers (ECO's) are often the face of the Agency, enforcing our regulations and educating the public. The current statewide force is 134 full time equivalents (FTEs), meaning that the state currently employs 10 fewer Forest Ranger positions than it did in 1985, with a half million more acres to manage. Forest Rangers 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.

We applaud the \$5 million in bonded NY Works money that will be spent on equipment and vehicle replacements, and the \$21 million to be spent on repairs to DEC facilities, including \$2 million to be spent on our crippled air monitoring network. This is a positive first step towards what should be a longer plan to revive the DEC fleet and facilities to levels that no longer prevent staff from doing their job as well as we know they can do when they're funded.

The Adirondack Council is especially concerned with the unaddressed issue of accounting for staff salary increases and pensions with an Agency budget that remains flat area. The agreed upon salary increases are well deserved by the staff of this important agency, but without increasing the salary line in the financial plan to account for this, programs will suffer. On top of salary increases, the cost of state pensions will continue to rise, exacerbating this trend.

The Office of Invasive Species deserves of a tripling of their staff and budget numbers, as they handle one of the most pressing environmental threats of our time. Funding shortages for invasive species remediation drive private lake associations and municipalities to search for the least expensive method of management, which more often than not leads them to rely on chemical applications. More adequate funding would protect the opportunity for water body managers to use mechanical barriers and hand harvesting when removing invasive species, which have proven to be more selective than chemical applications. It should be the state's policy to use chemical invasive species mitigation techniques only as a last resort. Only the best science can support the use of chemical applications, and the state cannot currently afford that, as more and more water quality monitoring has been placed in the hands of private lake associations that operate with the best of intentions, but with even more limited budgets.

## **Adirondack Park Agency (APA)**

Six 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 community and applicant outreach, permit review and proactive enforcement of regulations. Without being able to replace critical positions, the APA could begin to face difficulties keeping up with permit timelines and will lack the resources to pursue enforcement actions.

The 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. 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 or at least zoning and subdivision regulations.

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 sewage 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. **We request that six positions in regulatory affairs, planning and enforcement be reinstated and filled immediately to expand and improve community outreach and proactive education to prevent compliance issues.**

## **Forest Preserve Capital Fund**

The Adirondack Council applauds the multi-year funding of capital improvements in State Parks. While we have funded the Park system, let us not forget that the Adirondack and Catskill Parks are Parks too. They are the largest Parks in our state, but they have not been part of this funding initiative. The proposed budget provides for \$6 million in bonded statewide funding for 50 new recreational access opportunities. While we support the idea of new state land access opportunities, there are projects that have already received a commitment to be completed. Forest Preserve lands also deserve a five-year capital investment, as they are in dire need of routine upgrades and maintenance. There are \$5.1 million in unfunded Unit Management Plan-mandated projects in DEC Regions 5 and 6 that would lend themselves well to New York's increased efforts to bring tourism upstate. We applaud the Governor's agreement to acquire the lands formerly owned by Finch-Prunyn, but these lands will now require trails, parking lots and fisheries management to provide the local towns and villages with what they need to capitalize economically. **The Adirondack Council proposes a \$25 million capital fund to clear up the backlog of UMP-mandated projects and to support upstate tourism in a region the greatly depends upon it.**

## **Adirondack Biomass**

Adirondack 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 applaud Governor Cuomo for his support of the Adirondack Park and sustainable, smart Adirondack biomass.

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

With last summer’s Adirondack Whitewater Challenge, promotion of the Adirondack Region on television commercials, and 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. Whether we see a second annual Adirondack Whitewater Challenge, a fishing tournament or a bicycle tour, we would like for the state to host an annual event in the Adirondacks spotlighting some of the diverse recreational opportunities that are available.

With our economy on the rise, so to should our investment in the environment. Our organization challenges 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.