



**Statement to the New York State Legislature
Concerning the Executive Budget
January 27, 2020**

To Senator Krueger, Assemblywoman Weinstein and all Members of the Joint Senate Finance and Assembly Ways and Means Committee Public Hearing

Re. Executive Budget for the Environment

Overview: *Adirondack Wild: Friends of the Forest Preserve* enthusiastically supports Governor Cuomo's proposed \$3 Billion *Restore Mother Nature* bond act and asks for the NYS Legislature's support for its passage this fall.

The bond act's proposed habitat restoration projects will have very significant and positive effects for fish, wildlife, flood abatement and climate adaptation and mitigation statewide.

We support the 47 new DEC staff positions sought by the Governor, but ask that the State Legislature work with the Governor to both increase the total number and to diversify the DEC staff positions and needed skill sets to include climate change avoidance and mitigation, natural resource management, state land stewardship, biodiversity conservation and ecological resiliency. All of these staff positions and skill sets are needed, interrelated and highly interdependent.

While the Governor's bond act will help environments across the state, in the headwaters of the Adirondacks and Catskills there are huge efficiencies. A relatively small dollar investment in stewardship in these two park and mountain regions will yield large positive impacts for public wilderness in the NYS Forest Preserve, private forests, rivers and streams.

To take just one example, by investing in stream restoration efforts in the Adirondacks and Catskills and by restoring connectivity between headwater streams and their floodplains damaged by Hurricanes Irene and Lee, that very modest investment will have significant and positive downstream effects for the entire Hudson River watershed and its 12 million inhabitants.

We stress, however, that the Governor's budget proposal for more durable trails, controls on overuse and education to improve stewardship of the Adirondack High Peaks Wilderness Area and the Catskill peaks as well will fall short if the budget fails to:

- Include more staffing of the understaffed and overworked DEC Forest Rangers
- Include more trail crews
- Incorporate a permit reservation system similar to the system long used to reserve space in our DEC State Campgrounds.

Forest Rangers: We ask the State Legislature to work with Governor Cuomo to add 20 additional DEC Forest Rangers to the current force of 134 FTE positions. The real need is to double the Ranger force, so 20 new rangers in the DEC General Fund operating budget would represent a very modest but vitally important beginning. On the front lines of Governor Cuomo's public land stewardship program are the DEC Forest Rangers. They are communicating stewardship to the public and responding to public safety in the Forest Preserve, yet their numbers – just 106 field rangers statewide - are stuck where they were 50 years ago.

In fact, within the 275,000-acre High Peaks Wilderness region of the Adirondacks, where so many public land emergencies occur, there are actually 10 fewer Forest Rangers working today than were working the same area in 1970. With less than half the public land acreage to protect, Yellowstone National Park employs almost three times the number of Rangers than we do for all of our public lands across the State of New York.

Every member of the State Legislature knows a family member, friend or colleague who relies upon the skills, knowledge, enforcement and educational abilities of the DEC Forest Rangers during a summer or fall hike, snowshoe, ski, snowmobile or paddling trip on these magnificent public lands. Public lands and easements have grown by 2 million acres since 1970.

With the number of field rangers stuck at 1970 levels each ranger is responsible for an additional 20,000 acres on average, on top of their areas of responsibility 50 years ago. Meanwhile, search and rescue emergencies led by the Forest Rangers on our public lands and waters have increased by 33% just over the past decade.

Without more Forest Rangers, none of what the Governor seeks in the High Peaks Wilderness, and in the Catskills and on a million acres of additional public lands is sustainable. DEC Forest Rangers must be increased by a modest 20 FTE positions this year if Governor Cuomo's stewardship goals in the Executive Budget are to be accomplished.

On a related matter, we have learned of a proposal by the DEC Environmental Conservation Officers, or ECOs, to encourage a merger of the larger ECO division and the smaller Forest Ranger division within the DEC Office of Public Protection. We strongly oppose such a proposed merger. While the two divisions are highly complementary, their public duties, training and cultures are very distinct and very different.

Forest Rangers must remain their own independently led and administered division within DEC. As explained in a December 2019 letter to DEC Commissioner Basil Seggos, Adirondack Wild, joined by five other Adirondack and Catskill organizations, believes that such a merger would trigger a firestorm of protest and prove a disaster for the State's public lands and the outdoor recreating public. We urge the State Legislature and, of course, DEC to reject it.

Trail Crews: While we appreciate the \$3 million of additional proposed spending on State Land stewardship in the Governor's EPF proposal, it is far less than the \$10 million of immediate need for stewardship work in our Adirondack and Catskill Forest Preserve.

The governor's allocated capital spending of \$14 million simply to pay for one new mid-mountain lodge at Whiteface Mountain represents bloated overspending on a single-use structure on one ski center. At least \$7 million of that amount should be redirected to DEC Forest Rangers and to stewardship of the public's Forest Preserve, including the High Peaks Wilderness Area.

\$1.2 million of the Governor's \$3 million addition to the State Lands Stewardship line is dedicated strictly to a Shuttle Bus system to move hikers between trailheads. DEC has just issued a job search for the same 10-person trail crew that it hired in 2019, while the tasks of completing much-needed trail work is not even half done. We see no evidence that the trail work will accelerate under this proposed budget.

We therefore ask the State Legislature to add at least \$2.5 million to the Stewardship account of the EPF and to dedicate that amount to High Peaks and Catskill trail crews to complete the necessary trail work during the summer and fall of 2020.

High Peaks Wilderness Reservation System: Trail reconstruction, public education and shuttle buses to move the public between hiking trailheads are all important but completely insufficient to properly protect and steward the High Peaks and other Wilderness areas. This work leaves out a very critical tool used in other popular, overused Wilderness areas elsewhere in the U.S. – a Reservation or Limited Entry system. DEC would set limits on the number of people hiking off the most heavily impacted trails to the High peaks. They would issue online reservation permits up to those limits - just as DEC has done for years at our State Campgrounds, holding back some permits for same-day use. DEC would monitor and evaluate its benefits which may include less damage to trails and natural

resources and greater opportunities for hikers and campers to have a true Wilderness experience free from over congestion. Permit fees could be dedicated to wilderness trail maintenance and DEC Forest Rangers.

Adirondack Wild asks that the Legislature work with Governor Cuomo to earmark a very modest amount of \$750,000 in the EPF in order to pilot test such a system in 2020.

Private Forests: The governor's bond act calls for conserving more private forests. Current tax incentives under Forest Tax Law 480a are long outdated because they are exclusively focused on forest cutting and extraction. Small private landowners today want tax incentives to conserve their forests for carbon benefits, climate mitigation and wildlife conservation but current law makes these owners ineligible. We ask the State Legislature to work with Governor Cuomo this year to expand Forest Tax Law tax incentives to keep private land in forest cover specifically for carbon benefits, climate mitigation and wildlife habitat conservation. At the same time, such a proposal would help to avoid more forest habitat fragmentation occurring through new subdivision and development.

Reducing Flood Risk: The governor's proposal seeks to reduce flood risk and reclaim natural floodplains. In the Ausable and Sacandaga River watersheds alone, there are dozens of damaged river sections dating to Hurricane Irene and a similar number of old, undersized culverts which pose future downstream flood risks and block movements of fish and other aquatic life. A relatively small investment in stream restoration could really help a large portion of the Adirondacks to reduce future flooding and restore trout and other aquatic life. Thanks to the Ausable River Association, there is a management plan and blueprint to efficiently target investments in the health of the Ausable River watershed which, as stated earlier, will magnify positive results downstream, including throughout the entire Hudson River drainage area.

Environmental Protection Fund: While we strongly support the overall \$300 million EPF proposed, we ask that DEC staff additions in the executive budget should be funded through the state's General Fund, not through appropriations from the Environmental Protection Fund. The EPF should remain as intended by the State Legislature from the beginning, a source of badly needed capital funds for New York's environment, not a source for DEC staff salaries as proposed in the executive budget.

As stated, we also strongly support an increase in the EPF to the State Land Stewardship account to strengthen Adirondack and Catskill High Peaks trail restoration and other stewardship activity.

We also register concern about the reduction of \$3 million from the EPF Open Space account line. What generates this concern is the future of 30,000-acres of private forest, lake and wetlands once owned by Mary Lou Whitney and still owned by Whitney Industries in the central Adirondack Park. In the 1990s, 15,000 acres of Whitney Industry lands were suddenly proposed for new subdivision and development including the ringing an entire Adirondack lake with new residences. Ultimately, New York State negotiated the protective conservation and sale of the land in 1997 and it has been a part of the Adirondack Forest Preserve ever since. The price tag for 15,000-acres then was \$21 million. Today's price tag for the remaining 30,000-acres will be, of course, be much higher. The EPF Open Space account must be sufficient to be used in case those inheriting Mrs. Whitney's estate decides to place the remainder of Whitney Industries Adirondack holdings up for sale.

Adirondack Park Agency: We acknowledge the Governor's proposed \$1 million increase for the APA earmarked to build a new agency headquarters in Ray Brook. However, while the current APA HQ is quite adequate (and has just had a major investment in renewable energy systems), a great many APA programs focused on the health of natural resources in our globally significant Adirondack Park are suffering from a severe lack of program focus, priority and dollar investment.

We ask that the State Legislature work with Governor Cuomo to redirect the \$1 million for APA away from a new HQ and toward the following urgently needed, natural resource-program based objectives for the agency:

- **Conservation subdivision design of all significant residential subdivisions should be** the site plan standard in the APA law and regulation, not the exception as it is today. State legislation is pending in the State Senate and Assembly to do just that. Resources are needed at the APA to implement it.
- **Analyze Park trends:** Particularly during our era of climate change, with severe weather events affecting the Adirondack Park, the State must be able to establish and track critical environmental thresholds, trends and indicators of change. The Governor and State Legislature should require and provide funds for the APA to do this in order to know what Parkwide trends are occurring, at what rate.
- **Measure Cumulative Impacts:** Regulations are needed to specify the standard by which APA reviews proposed development in context of forty-five years of projects already permitted by the APA and by local governments.
- **Performance Standards:** APA should create performance standards for the lengthy "secondary uses" list in the APA Act to assure that each allowed use is consistent with the purposes, policies and objectives of each land use area. By doing these things, the APA's review of projects would gain more predictable, scientifically based standards.

- **Create regulations for the SLMP** - The Adirondack Park State Land Master Plan, or SLMP should be given “teeth” by placing its definitions, procedures and guidelines for public use of the Forest Preserve into enforceable regulations. These have been needed since 1972.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Gibson".

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