



**Statement to the New York State Legislature
Concerning the Executive Budget for the Environment
January 27, 2021**

**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 for FY 2021-22

Overall: Adirondack Wild applauds Governor Cuomo’s executive budget for not cutting environmental protection, stewardship and related staffing despite steep projected reductions in budget revenues. We applaud the Governor’s and the State Legislature’s ongoing emphasis on climate protection and mitigation. We believe that the following targeted and relatively modest budget increases are needed to respond to climate and resource-based opportunities and urgent needs that should also be confronted during this year of budget challenges.

Environmental Protection Fund: *Adirondack Wild: Friends of the Forest Preserve* enthusiastically supports Governor Cuomo’s proposed maintenance of a \$300 million Environmental Protection Fund. However, the Governor proposes reducing this year’s EPF Open Space account, which requires additional, not fewer, resources this year to permit the DEC to negotiate acquisition in fee and in conservation easement of all or portions of the historic *Whitney Industry* holdings: *36,000 acres in Long Lake* including *incomparable interconnected lakes, streams and forested wetlands, all of which were put up for sale in summer 2020.*

This land protection project in the heart of the Adirondacks has been on the High Priority list of the Statewide Open Space Conservation Plan since 1992. The tract’s protection and the subsequent regrowth of its forests from former logging operations would significantly contribute to achieving the Climate and Community Protection Act’s goals and objectives for forest carbon sequestration and storage. A portion of Whitney Industry lands were added to the Adirondack Forest Preserve (classified as the Whitney Wilderness) in 1997.

- We ask that the legislature and Governor add an additional \$40 million to the EPF Open Space Account so that DEC can negotiate protection of all or

significant portions of the 36,000-acre Whitney tract this year from a willing seller.

Public Lands Stewardship: The Governor's proposed EPF provides \$800,000 for "Essex County overuse" solutions. This EPF line, a decrease of \$400,000 from the previous year, vastly understates the stewardship challenges within the state's magnificent High Peaks and Giant Mountain Wilderness areas, the largest concentration of Wilderness in the northeastern U.S. Before and during the pandemic, portions of these Wilderness areas are being loved to death, as hiker use on certain trail corridors and atop mountain summits has risen at least five-fold since 1990.

In addition, the General Fund currently allows DEC to spend about \$800,000 annually, or just \$3 per acre for interior caretaking, trail stewardship, trail construction and public wilderness education on 275,000-acres of High Peaks Wilderness. There are currently about ten fewer NYS DEC Forest Rangers patrolling the High Peaks region than there were in 1970, when the land base was significantly smaller.

- To continue to allocate our DEC just \$3 per acre to manage our magnificent Forest Preserve wilderness is an insult to this and future generations of wilderness protectors and recreational users. To address historically underfunded stewardship of our Forest Preserve wilderness, primitive and wild forest areas and to meet current challenges of overcrowding, *we ask that the legislature work with the Governor to earmark \$10 million for Adirondack and Catskill Forest Preserve protection and stewardship.* This will substantially help with the DEC's efforts to address overcrowding and substandard trail conditions through comprehensive planning, public education, and a variety of tools of wilderness management.

A portion of these stewardship funds should go to plan and implement a crucial but to date unused management tool, *a pilot permit reservation/limited entry system* for the most overcrowded portions of the High Peaks Wilderness, similar to the system long used to reserve space in our DEC State Campgrounds. 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.

In early November, Commissioner Seggos testified that more than 450 Search and Rescue Operations had been conducted to-date in the 2020 calendar year, a significant increase of one-third over 2019. Our New York State Rangers are front

line workers, conducting patrols, search and rescue, prevention and response to emergencies on our public lands and waters, and communication with the public flocking here in large numbers. Yet, there are approximately the same number of Forest Rangers today than patrolled in 1970 when our public lands and easements were half the acreage that they are today. As mentioned, in the High Peaks there are 10 fewer Rangers than fifty years ago.

- We respectfully ask the legislature to work with the Governor *to add 20 new FTE 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 to bolster public lands stewardship and public safety on our public land trails and waterways.

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 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, 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 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 NY Conservation Officer Association (NYCOA) to encourage a merger of the larger Environmental Conservation Officer division and the smaller Forest Ranger division within the DEC Office of Public Protection. The proposal is ostensibly justified as a cost savings from merging two law enforcement arms within DEC. However, while the two divisions are highly complementary, they are actually very different. As previously explained, Forest Rangers are not primarily law enforcement. They are primarily front-line public protectors, educators and stewardship agents on our public lands and waters. They must remain their own independently led and administered division within DEC. In a January 2021 letter to DEC Commissioner Seggos, Adirondack Wild and five other Adirondack and Catskill organizations wrote that a proposed ECO-Forest Ranger merger would trigger a firestorm of protest and prove a disaster for the State's public lands and the outdoor recreating public. We

feel confident that the commissioner will reject any such proposal, but the state legislature should be aware of it.

Private Forests: Last year the Governor's proposed bond act called 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.

Adirondack Park Agency: We acknowledge and appreciate the Governor's proposed \$1 million increase for the APA. This increase is not explained in the Briefing Book.

- *We ask that the State Legislature work with Governor Cuomo to direct the \$1 million increase to achieve some of the following urgently needed natural resource-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.

Thank you very much.

Respectfully submitted,



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