



**Testimony of the Adirondack Council at the
Joint Legislative Public Hearing on the Environmental Conservation
Portion of the 2015-2016 Executive Budget Proposal**

January 28, 2015

Good afternoon Chairman DeFrancisco, Chairman Farrell and honored legislators. My name is Kevin Chlad, and I am the Legislative Director 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 2015 Opportunity Agenda.

Capital for Infrastructure and the Upstate Revitalization Fund

The Governor's proposed \$1.5 billion Upstate Revitalization Fund provides a unique opportunity for upstate communities to fund catalytic infrastructure projects and advance quality-of-life initiatives they would not otherwise have the means to accomplish. Communities in the Park are so heavily burdened by aging bridges, broken water lines and potholes that they continue to miss out on the opportunity to plan for their futures. Most Adirondack communities currently rely on aging septic systems to treat their water and, by effect, are unprepared for new economic opportunities. **The economic future of the Adirondacks depends on clean water, diverse and resilient energy systems, safe and environmentally friendly roadways and bridges, high-tech communications capacities, and enhanced protections for the wild lands and waters of the Park.**

According to the NYS Comptroller, the combined annual investment required to support the projected infrastructure needs for local roads, bridges and water and sewer systems in our state is \$3.9 billion. In 2012, New York local governments capital spending totaled \$1.2 billion for these systems.¹ The Adirondack Park, with its large wild landscapes and 130 towns and villages, holds the potential to offer a high quality of living

that should attract business readily, but communities are still lacking, when it comes to this necessary facet of sustainable growth. While we applaud the opportunity created by the Upstate Revitalization Fund, we believe that funding for clean water that allows the communities of upstate New York to foster economic growth and spur development should be dedicated to this specific purpose. Clean water is too high of a priority to have to compete. **Adirondack communities and waterways are in need of state assistance, in the form of matching loan funds, more zero-interest loans and loan forgiveness, determined by their levels of financial and environmental need.** Regional Economic Development Council (REDC) project grants for tourism infrastructure, smart biomass, and renewable energy have proven effective and should continue. **Dedicating \$200 million of the settlement funds in the Governor's special infrastructure account to the Adirondack Park for clean water infrastructure projects would transform the Park's hamlets into highly sought-after locations for starting businesses while better protecting the waterfronts and wild places that make the region so attractive.**

The Governor's \$500 million Broadband Bank, intends to leverage 1:1 public/private matching that could lead to as many as 6,000 new miles of broadband cable. This effort should help in addressing the issue known as "the last mile," when internet companies choose not to fund internet expansion into areas with too few residents to offset the cost of construction. This problem prevents many residents of New York's most rural locations from obtaining broadband access that is now all-but-requisite for communication, education, small business and emergency response. This will be a very important effort in the Adirondack Park, which still faces great challenges in providing broadband access to communities. **We support the concept of public/private matching, so long as the state's funding incentivizes more co-location of substantially invisible cell towers and is done with respect for the Adirondack Park Agency Act and the legacy of the Forever Wild lands of the Adirondack Forest Preserve.**

Environmental Protection Fund (EPF)

Since its creation, more than \$2.8 billion has been appropriated to support EPF programs, which are proven job creators. **The Environmental Protection Fund supports more than 350,000 jobs in New York State across a broad spectrum of industries, including outdoor tourism and agriculture while protecting priceless drinking water for millions of New Yorkers.** EPF supported industries generate approximately \$40 billion for the state's economy every year. 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.ⁱⁱ

We strongly support increasing the EPF to \$172 million, as proposed in the Executive Budget. After steep cuts and significant sweeps of EPF funding during the economic crisis, the continued restoration of the EPF is critical to support programs that create jobs, protect clean water and improve communities in every county of New York State. **This \$10 million increase is progress towards our shared goal of reaching a \$200 million EPF in the near future, and a fully-funded \$300 million EPF in the long-term.**

The EPF has long-been funded by the state's Real Estate Transfer Tax, which has significantly rebounded, as well as other, smaller revenue sources. However, rather than relying on these available funding sources, the Governor has proposed using off-budget proceeds from the Regional Greenhouse Gas Initiative (RGGI) carbon

pollution auctions to increase the EPF. As a direct participant in the RGGI auctions since its inception, we recognize that these funds were already dedicated to climate change mitigation activities. By transferring these funds into the General Fund, there is no net-gain in funding for climate change mitigation measures. In addition, such a transfer would establish a dangerous precedent for future legislatures and for other states that participate in the RGGI program. **As budget negotiations continue, the Legislature should ensure the enacted \$172 million EPF is funded in such a way that it does not reduce funding from other environmental programs.**

SPECIFIC EPF CATEGORIES

Open Space Protection

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. **We heartily support the Governor's proposal to grow this funding line from \$21.65 to \$25.5 million**, as we eagerly await the acquisition of the absolute treasure known as the Boreas tract that is nestled amongst the High Peaks Wilderness in the town of North Hudson. With a queue of open space protection priorities found across the state, this budget category deserves a solid fiscal platform to stand on.

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 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 work towards a robust investment of \$30 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 (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. The SLS projects permit the public to enjoy safe use of state parks and other public lands, and supports 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 by \$1 million this year and believe that the State Land Stewardship line should be increased further to \$25 million dollars.**

Invasive Species

We support the proposed budget increase of the Invasive Species funding line of the EPF from \$4.7 million to \$5.7 million, and the proposal to develop and initiate an Adirondack Park regional invasive species strategy, as

we work to achieve the \$10 million 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 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 economy of the Adirondacks and outlying regions rely on clean water hosting a vibrant array of fish, invertebrates and aquatic flora. A commitment must be made to preserve the integrity of the Parks water by funding a robust Park-wide invasive species spread prevention plan that includes education of visitors who plan to recreate, science-based prevention of the spread of invasive species and a well-funded rapid response team for 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 new 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.

Smart Growth

The Smart Growth funding line has long served as an important source of money for innovative approaches to land use planning in the Adirondack Park that promote hamlet development while better protecting private backcountry lands. Investments in planning help to direct growth appropriately, thus alleviating the need for major infrastructure expansions, which are often paid for in part by the state. This program has produced forward-thinking reports such as Hamlets 1, 2 and 3,^v and will continue to provide resources to local governments that aim to capitalize on the increased eco-tourism opportunities of Forest Preserve lands using science-based wild lands complex planning. The Executive Budget proposes to increase this appropriation from \$400,000 to \$600,000, recognizing its tremendous the potential. **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.**

Department of Environmental Conservation (DEC)

The Executive budget proposal shows an approximate 13-percent increase in appropriations. While the increase largely reflects the intent to pay for superfund sites, there are many other areas affecting day-to-day operations that also require funding. The DEC faces serious difficulties their ability to effectively pursue their mandates with permitting, enforcement, land management, and air and water quality monitoring. 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 Prevention Act and water withdrawal reporting, the DEC'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. 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 are the face of the Agency, 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. **It is our understanding that the DEC will find a way to host a 2015 NYS Ranger Academy, and we are grateful for that, but call upon the Legislature to find ways to fund recurring Ranger Academies and succession planning.**

The **Assistant Forest Ranger (AFR) Program** is a highly successful program that effectively increases the eyes and ears on our state lands to keep resources and visitors safe at a very affordable rate. However, current funding practices for this program decrease the available funding for full-time Forest Rangers for Emergency Response and other necessary overtime. **We ask that the DEC include a specific budget line item, which is not part of the Forest Ranger OPS budget line, to support not less than 20 AFRs.**

We applaud the continued capital investments outside of the Environmental Protection Fund that support our crucial, yet crippled air monitoring network, new access opportunities, Information Technology upgrades, and the enhancements to the Oil Spill Preparedness Program. The proposal increases the tax on oil that passes by small vulnerable communities and precious water resources on trains and barges, expands the cap on the Oil Spill Fund from \$25 million to \$40 million, and provides up to 18 new staff to administer this program. Should a disaster occur in our state, we are currently underprepared for the environmental and public safety catastrophe that will ensue, and support the Governor's intent on dealing with this issue.

Adirondack Park Agency (APA)

Six years ago, the APA had a staff of 72. **This year, the Agency has only 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. **We applaud the increase in Personal Service and Non-Personal appropriations of \$177,600, an increase of 3.5%, and support continued efforts to restore the APA budget.**

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. 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 hiring "circuit riders" to assist municipalities and project sponsors proactively with environmentally smart project compliance.

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

Article VII Legislation

All-Terrain Vehicles (ATVs)

We are pleased that the Executive budget does not propose to amend the definition of an All-Terrain Vehicle (ATV). **We cannot support such a change until reforms are made to off-road and ATV riding policies.** There are still 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.^{vi} 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 should be prohibited by legislation.

The controversy surrounding ATV riding merits a transparent discussion involving all points of view before reaching a solution. We are willing to be a participant in that dialog.

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, and with emission controls to enhance protection of public health, is good for the Adirondack Park, its

wild forest character and healthy 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 Opportunity Agenda.

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

With last summer's Adirondack Whitewater and Winter Challenges, 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. The Governor proposes more Adirondack Challenges and we support that.

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

ⁱOffice of the NYS Comptroller. “Growing Cracks in the Foundation: Local Governments Still Challenged to Keep Up with Vital Infrastructure Needs - Follow-Up Report” <http://www.osc.state.ny.us/localgov/researchpubs/index.htm>. September 2014.

ⁱⁱThe 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.

ⁱⁱⁱNew 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.

^vHamlets 1,2 and 3 can be found at <http://www.apa.ny.gov/Documents/Reports/Hamlets/index.html>

^{vi}Karasin, Leslie. “All-Terrain Vehicles in the Adirnodacks: Issues and Options.” <http://www.wcs.org/search-results.aspx?searchTerm=ATVs%20in%20adironodacks>. 2003.