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January 21, 2019

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Hon. Liz Krueger, Chair  
NYS Senate Finance Committee  
172 State Street, Capitol Building  
Room 416 Capitol  
Albany, NY 12247

Hon. Helene Weinstein  
NYS Assembly Ways and Means Committee  
Room 923  
Legislative Office Building  
Albany, NY 12248

**RE: Joint Legislative Budget Hearing on Environmental Conservation**

Dear Senator Krueger and Assemblymember Weinstein,

Protect the Adirondacks is pleased to provide these comments on environmental funding in Governor Cuomo's draft 2019-2020 budget for the State of New York.

**The NYS Environmental Protection Fund**

**Expand the EPF to \$500 Million:** The EPF has been funded at \$300 million for the last three years. This does not meet the environmental challenges facing New York State. Protect the Adirondacks supports a larger EPF in 2019, where the EPF is approved with a schedule to increase to \$500 million over the next four years, by 2023, with a future goal of \$1 billion. If New York is going to meet the immense environmental challenges ahead it needs greater resources.

**EPF State Land Stewardship Account:** The State Land Stewardship account funds stewardship and maintenance of state lands, including the 3-million acre Forest Preserve, state forests, and wildlife refuges, among others. The State Land Stewardship Account should include two directives to state agencies:

- **High Peaks Wilderness Needs Major Investment to Build Sustainable Trails:** There has been a significant increase in the public's interest in hiking, biking and visiting the Adirondacks, particularly in the High Peaks Wilderness area. Popular mountains, like Cascade Mountain, are seeing over 40,000 hikers a year, while others like Giant Mountain, Mount Marcy, and Algonquin Mountain are seeing over 30,000 hikers a year. The vast majority of trails in the High Peaks Wilderness need upgrades and repairs from damage from erosion, over-use, and a chronic lack of maintenance. The EPF needs to have a special line in the State Lands Stewardship account that designates the High Peaks Wilderness for \$5 million in trail upgrades.
- **No Funding for Class II Community Connector Snowmobile Trails:** Protect the Adirondacks opposes EPF funding to continue to build new road-like class II community connector snowmobile trails in the Forest Preserve in the Adirondacks. These so-called "trails" are built with heavy equipment that change the terrain, are 12 feet wide and often wider, require cutting of 1,000 trees per mile, remove all rocks, roots, and all native vegetation is removed. These trails are graded flat and planted with grass seed mixes to make a grassy corridor through what had been an intact wild forest. Moreover, these new trails are not used heavily by snowmobilers, who favor existing trails on roads, which are wider and flatter and allow higher speeds. These trails violate existing state laws, regulations and policies for trail construction. The Legislature should prohibit funding to build new class II community connector snowmobile trails in the EPF.

**Land Protection Account:** The Land Protection category needs to be increased to meet the challenges of protecting important natural resources areas across New York. This fund should be at least \$50 million.

**New EPF Account for Research:** It's easier for academics and non-profits in New York to secure grants to do research in South America than it is to undertake studies in New York. Good science makes good public policy. New York State should invest in environmental research across the state to identify critical problems and to help find solutions. The EPF needs a new category to support research that focuses on the natural resources and the relationship between people and the environment in New York. This new account in the EPF would need to be administered by the Department of Environmental Conservation, and other agencies, along with Legislative review. The EPF should include a new \$5 million account to fund environmental research by academics and non-profits in New York.

**Fees on Outdoor Recreational Equipment to help fund EPF:** While Governor Cuomo has taken new fees off the table, the Legislature should look at dedicated funding options like taxes on outdoor recreational equipment, which is dedicated to maintenance of state parks and the Forest Preserve. Protect the Adirondacks urges the Legislature investigate new funding sources to maintain and make accessible the state's wildlands.

**Green New Deal Needs Plan:** The Legislature should approve a plan in the budget for how a Green New Deal will be implemented in New York. The Governor appears to have cherry-picked from the national Green New Deal campaign the goal of transitioning New York to 100% renewable fuels by 2040 while ignoring goals of social and economic justice. Nationally, the Green New Deal proposal talks about the importance of a national plan that would be implemented to accomplish its goals. The Governor's budget sets out a goal of converting New York's energy system to 100% renewable energy by 2040. Where's the plan that says how he's going to do that? Where's the schedule? What are the costs? Where in the Governor's budget is the part about making homes and buildings energy efficient and 100% greenhouse gas neutral? Where is the part about de-carbonizing New York's economy? The Legislature should insist that the Governor and state agencies develop plans, subject to public hearing and Legislative approval, for how New York will implement its version of the Green New Deal.

### The Clean Water Fund

**Clean Water Fund:** Protect the Adirondacks supports the increase, roughly a doubling, of the NYS Clean Water Fund. This is the Governor's largest environmental policy change in the state budget. While state spending would be increased it's not enough as the backlog and the need for upgrades to public drinking water and sewer systems across New York State is in the tens of billions. Small communities, like the Village of Lake George, need \$22 million alone in upgrades to make its system functional. Throughout Upstate New York the water in lakes and rivers underwrites the local economy through tourism and high land values. Clean water also underwrites the quality of life.

### The Department of Environmental Conservation

**State Should Increase Forest Ranger Staffing:** Protect the Adirondacks believes it is essential to increase the number of Forest Rangers and other personnel, such as assistant Rangers and backcountry stewards, to protect natural resources, fight fires, and protect public safety. Ranger staffing for the entire state is currently around 135 positions. This needs to be expanded to 175 with a special focus on the High Peaks in the Adirondacks.

The Forest Rangers have primary responsibility for DEC'S care, custody and control of five million acres of State-owned land and conservation easements across New York, the vast majority of which is in the Adirondack Park. Today the average Forest Ranger is responsible for patrolling 53,752 acres. In 1970, it was 28,516 acres. There has been a major increase in public use, and the number of search and rescue missions has increased twofold, yet Ranger levels have been held flat.

**DEC Increase of Staff by 5 Positions for Frontier Town Should be Rejected:** The singular change in FTE's for the DEC is 5 new Operations positions, which it is our understanding are assigned to the Governor's Frontier Town extravaganza. This is a new campground/day use area was constructed in 2018. Frontier Town cost over \$9 million to build and is in close proximity to two private campgrounds and four state campgrounds nearby Sharp Bridge, Paradox Lake, and two on Schroon Lake. There was

no state plan that justified its construction. It was pure politics for the Governor. We call on the Legislature to reject this proposal and instead direct additional funding and staff for the Forest Rangers. This funding would have been a much wiser investment if it allocated for rebuilding trails throughout the heavily used High Peaks area.

#### Olympic Regional Development Authority

Protect the Adirondack opposes all funding for non-winter activities at Gore Mountain, Whiteface Mountain and Belleayre Ski Areas. These facilities were approved through Article XIV Constitutional Amendments for locations to build alpine ski areas. The NYS Constitution was not amended to provide carte blanche authority to create year-round summer tourism facilities. The Legislature should reject funding for new zip lines, mountain coasters, ATV rides, and similar non-winter activities at these facilities. All ORDA funding should be scrutinized by the Legislature to ensure that it is consistent with the constitutional amendments. Scrutiny of ORDA was never allowed while the Republicans controlled the State Senate.

#### Article VII Budget Bill for Transportation, Economic Development, and Environmental Conservation

**Part F:** We strongly support expansion of the "Bottle Bill" to include wine and other drinks as defined in the legislation. The positive impacts of expanding this law will reduce litter in the Adirondack Park and across New York.

**Part G:** We are highly skeptical of allowing DEC to accept gifts, grants, etc. We understand the potential benefits of additional funding, but the potential conflicts will be difficult to control under the proposed language. For these reasons we suggest taking this proposal out of the budget and suggest this proposal be scrutinized as a separate stand-alone bill where it can be fully vetted.

We also oppose the third element of this proposal, i.e., allowing DEC to "enter into agreements with persons and entities to promote outdoor recreation activities and to provide equipment for such outdoor recreational activities." This creates all sorts of questions around the types of activities, nature or these agreements, compliance with existing laws and regulations, among other things. We believe that this proposal should be included in separate legislation where it can be fully vetted.

**Part J:** The bill would eliminate "certified " mail notification to owners of lands proposed to be designated or modified as freshwater or tidal wetlands. We oppose this change and urge the Legislature to retain the certified mail provision to ensure that all such landowners receive certified mail notice of any proposed changes to wetlands delineation.

**Part X:** The Budget proposes to create the Climate Action Council. We recommend that the Adirondack Park Agency be added to this Council, given the high potential for long-term climate change damage to the lands of the Adirondack Park.

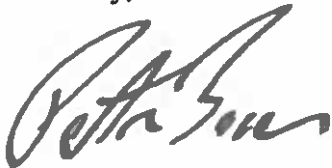
**Part NN:** The Budget authorizes ORDA to spend \$16 million for the 2023 World University Games. The Legislature should assure itself that these funds are necessary and the purpose for which they will be spent.

Protect the Adirondacks

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park's wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, education, and legal action. Protect the Adirondacks was formed in 2009 as a result of a merger between two long-standing environmental conservation groups in the Park, The Resident's Committee to Protect the Adirondacks and the Association for the Protection of the Adirondacks. Protect the Adirondacks is managed by a 21-member Board of Directors of Adirondack leaders in state agency management, environmental law, local government, Adirondack environmental and cultural history, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar- and wind-powered office in Johnsburg in the central Adirondacks.

On behalf of the Board of Directors of Protect the Adirondacks, please accept my gratitude for the opportunity to present our concerns about environmental spending in the 2019-2020 state budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer,  
Executive Director

