



**THE ADIRONDACK COUNCIL**  
*Defending the East's Last Great Wilderness*

**Testimony of the Adirondack Council at the  
Legislative Public Hearing on the Environmental Conservation  
Portion of the 2010-11 Executive Budget Proposal**

*January 26, 2010*

Good afternoon. My name is Scott Lorey. I am the Legislative Director of the Adirondack Council. The Adirondack Council is a member-based, not-for-profit organization, founded in 1975, and is dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. The Adirondack Council does not receive any government funding and does not make political contributions or endorsements.

**Environmental Protection Fund (EPF)**

The Environmental Protection Fund (EPF) was created in 1993 specifically to fund initiatives included in the New York State Open Space Conservation Plan. This dedicated fund provides a permanent funding source for a variety of open space, recreational and natural resource protection purposes.

In the Adirondack Park, the Environmental Protection Fund has already preserved thousands of acres of pristine wilderness and recreational rivers through fee purchase. Even more acreage has been protected from fragmentation and maintained as productive, privately owned working forests thanks to conservation easements. Communities throughout the Park have also received assistance in closing landfills, creating parks, protecting drinking water quality, and saving farmlands. From our perspective, the Environmental Protection Fund is one of the most useful and successful programs ever created by the State Legislature. New York has been a national leader in environmental protection and quality of life, and should remain so.

Last year, the Legislature defended the integrity of the EPF by eliminating a \$45 million sweep, increasing funding to the EPF by \$17 million and maintaining the Real Estate Transfer Tax revenue (RETT) as the EPF's main funding source. Unfortunately, we must call upon you again this year to repeat this Herculean effort. The Governor's Executive Budget proposal to reduce the EPF by 33 percent is not only disproportionate, it is bad public policy. Governor Paterson himself said in his State of the State Address that, "no one person or group is above any others or more deserving of any hardship and pain." We do not know why the Governor would then heap extra hardship and pain on the environment, an area that is critical to every citizen of this state, especially during difficult economic times. This is exactly the time when the tiny fraction of the state budget dedicated to environmental protection is most critically needed. The EPF was created to be a dedicated fund, used to protect the environment in good economic times and bad. It was not supposed to be subject to the ups and downs of general fund revenue.

**We request that the EPF be restored to the 2009-10 funding level of \$222 million, \$10 million in “offloads” of non-traditional EPF items being paid for with EPF funds be removed and that a plan be developed for the previous sweeps to be repaid in the future.** As you know, the EPF has already been the victim of past sweeps to the tune of nearly \$500 million over the past eight years, or one-third of all the money dedicated to the Fund during that time period. As the Fund represents only about 1/10 of 1 percent of the budget, we do not believe that the EPF should be reduced at all in this year’s budget. The corrections to the EPF that you make will help to maintain the integrity of the fund and ensure the programs funded by the EPF will be able to continue at a minimal level.

## **SPECIFIC EPF CATEGORIES—**

### **Land Acquisition**

The Governor’s proposal to zero-out the land acquisition line from the EPF is **unconscionable**. The EPF was created as a capital project fund for land protection and other worthy programs. “Open Space Protection Projects” was one of the original dozen areas to be funded by the EPF. In fact, the need to protect open spaces in the Adirondack Park was the driving force behind the creation of the EPF in 1993. Public support for it has been a sustaining force behind the Fund since then.

It is now up to you to keep the cornerstone of the EPF, land acquisition, intact and fund it at last year’s level of \$60 million. The Governor’s proposed moratorium on land protection, often stated as lasting for at least two years, would affect **all** non-agriculture land protection, both easements and fee purchase across that state, from the Adirondacks to Long Island and Buffalo to Binghamton.

There are many good reasons for protecting open space, some of which you have already heard about today. First, local governments receive a financial boost by the payment of taxes by the state on Forest Preserve lands. In November of 2008, the Harrietstown Assessor estimated that local governments would receive an infusion of tax revenue of an additional \$124,000 annually if the state were to purchase the Follensby Pond tract, which would remove the nearly 80 percent tax exemption currently enjoyed by private landowners. Similar tax revenue increases were experienced when the state purchased the Whitney Estate, Domtar Industries, International Paper Corp., Champion International and other large tracts of commercial timber property.

Land protection has a whole host of other values, including water quality. It is always a better investment to buy watershed lands than to wait until those waters are polluted by surrounding development and attempt to fix that problem with an expensive water treatment and filtration system. Drinking water, whether it is surface or subsurface, is always in need of protection. More than half of Adirondack residents rely on surface waters for drinking supplies. Climate change mitigation is also an important component of open space protection. While it is a commonly held belief that managed forests sequester more carbon than unmanaged forests, new research shows that this assumption may not be true and forests in a natural state absorb just as much or more carbon than a managed forest. Clearly, intact forests absorb infinitely more carbon than housing subdivisions and commercial development.

Of course, protection of habitat for rare, threatened, and endangered species is always a factor to consider when open space is being purchased. One example of this is the first ever EPF land acquisition project, the Heurich Estate, which is the northernmost habitat of the endangered timber rattlesnake. The property acquired by the state includes a significant breeding den. Another example is the Whitney purchase, which protected a rare heritage strain of brook trout known only to be found in that location, along with habitat for the endangered spruce grouse.

Tourism remains vital to the economy of the Adirondack Park. It is estimated that between 8 and 10 million visitors come to the Park annually. These people come to enjoy winter sports, hiking, fishing, wildlife observing and canoeing. These activities would not attract nearly as many visitors without the readily available public land on which to recreate. When the state buys Follensby Pond, Tupper Lake can become a “gateway community” and see increased tourism from the additional Forest Preserve in its back yard.

There is no reason to discontinue the state’s long held practice of protecting open space. Critics will say “how can the state afford to buy land right now?” I would ask, “how can the state afford **not** to buy land right now?” Many parcels are currently available at low prices. When the economy recovers and development increases again, this will no longer be the case. New York should not be “penny wise and pound foolish” when it comes to land acquisition.

Also, some naysayers will argue that the state does not have any plan for what land to purchase. This is simply not the case. With the creation of the EPF, the state initiated an Open Space Plan to prioritize the most important open space parcels the state would want to acquire. The plan has been part of a very public process with stakeholder input and hearings from every region of the state, including the Adirondacks. It has been updated five times, including last year, to make sure the right properties are on the list.

While some parcels may not be under contract, the state has made a commitment to purchase some Adirondack tracts that are of critical importance to the economy and ecology of the area. If the state backs away from these deals, it will cost additional money in the future to purchase the properties, if they are still available. In addition, the land saving organizations that are currently holding onto parcels will not be able to take advantage of future purchase opportunities if the state backs out of the deals and leaves them holding the bag on these past commitments.

### **Waterfront Revitalization**

Another line in the EPF which we believe was unfairly reduced is the Waterfront Revitalization. This line is proposed to be reduced by 1/2, from \$24 million to \$12 million. This funding helps many communities, including those in the Adirondacks who qualify and apply for state assistance.

### **Water Quality Improvement Program**

The Adirondack Council believes this line is one that could be used as a partial match for federal economic stimulus funding. We believe this important program should be funded with at least \$15 million.

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

DEC continues to be hamstrung by a lack of staffing resources. By eliminating another 83 positions, it will make the Department’s job nearly impossible to do. One case in point is in the Division of Lands and Forests. With implemented reductions, each Forester is now responsible for about 300,000 acres. That is roughly the size of Westchester County or half the size of Suffolk County. DEC has become the poster child for attempting to “do more with less.”

However, it is also true that at some point, the Department will hit a breaking point and will be doing less with less. Forest Rangers and Environmental Conservation officers face similar plights to that of Foresters. If new hires are not made and retirements continue, these desperately needed enforcement staff will be gone and will not be replenished if new recruits are not trained and educated in a timely manner. Without these critical staff, violations across the state and particularly on the Forest Preserve will go unchecked.

**We hope the Legislature would consider additional funding for critical Lands & Forests and enforcement staff.**

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

The smallest state agency, the Adirondack Park Agency, is also slated for drastic staff reductions. The Governor is suggesting that the staff be reduced from last year's level of 72 down to 59, nearly a 20 percent cut. This proposal would also shutter both of the Visitor Interpretive Centers (VICs) that are operated by the APA.

These centers serve both as attractions for tourists and educational facilities for local school children and residents. By closing the VICs, the state would be eliminating eight full-time positions. It would also be turning its back on the tourist economy that is vitally important to the Adirondacks and also preventing local people from learning about the environment around them.

Cutting five critical positions from an already small and overworked staff could prove troubling for both projects and applicants coming before the APA. Less staff means less detailed reviews of complex projects and longer delays for anyone seeking a permit.

**We urge the Legislature to restore the APA staff back to last year's level of 72.**

Thank you again for the opportunity to testify on these important matters that affect the Adirondack Park.