



Department of Environmental Conservation

New York State Government Transparency Initiative AS DIRECTED BY GOVERNOR KATHY HOCHUL

Kathy Hochul, Governor | Basil Seggos, Commissioner



Governor Kathy Hochul Secretary Karen Keogh Counsel Elizabeth Fine

October 20, 2021

Thank you for this opportunity to share a report on the New York State Department of Environmental Conservation's (DEC) sustained efforts to improve transparency and accountability.

DEC knows how critical it is to be transparent in our operations and engages in extensive public outreach to provide access to data, information, and reports. Working as regulator, environmental steward, and educator, DEC fulfills its obligations to not only inform New Yorkers about our activities and decision-making, but also to ensure all of the state's communities are engaged in our work.

In this report, DEC shares efforts already underway to enhance communications and outreach, building on an already robust set of tools and resources and a wide range of engaged audiences. We also propose new initiatives and improvements in technology that would benefit the public by increasing our reach. Finally, we offer recommendations for the Executive Branch to improve transparency in New York State government.

DEC is proud of the quality and volume of information we make readily available to the public and our compliance with transparency laws. We are committed to working for the people and strive every day to maintain their trust as we champion an open government and work to protect New York's environment for future generations.

Sincerely,

Basil Seggos Commissioner





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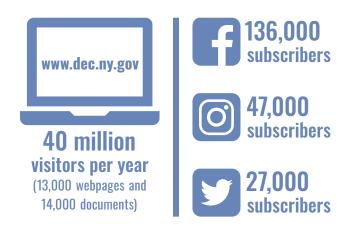
Executive Summary of Review

Since its inception more than 50 years ago, the Department of Environmental Conservation (DEC) has strived for transparency and sought to involve the public in its decision-making. Public involvement and consultation are codified in the laws and regulations that give DEC its authority.

DEC's mission is to protect environmental quality, natural resources, public health, economic prosperity, and social well-being, while pursuing environmental justice and the empowerment of individuals to participate in the environmental decisions that affect their lives. To effectively participate in these processes, the public must be aware of and able to access key information, including publicly available reports.

In response to Governor Hochul's August 24, 2021, directive to review agency policies and practices, and assess ways that agencies can be more transparent, DEC surveyed programs to determine the current policies and practices that require providing public access to agency information. In addition, the agency evaluated plans to increase access to available information and provide even greater access to agency information in the future.

DEC's review confirmed that the agency currently provides information through a variety of outreach means and methods to reach diverse audiences across the state. DEC programs, led by the agency's executive team, fall into one of three categories: Natural Resources (forests, wildlife, fisheries, habitat and land conservation, outdoor recreation); Environmental Quality (air and water quality, landfills, oil and chemical containment, mining, and permitting); and Support Programs (budget, personnel, legal, operations, communications, etc.). This report describes attributes of public access and transparency for these three categories.







Contemporaneous Access to Agency Information

Website and Online Mapping Tools

A vast trove of information about DEC's programs is available on the agency's website. The website is one of the agency's primary communication tools, receiving nearly 40 million visitors annually to 13,000 pages, and an estimated 14,000 electronic documents.

Using GIS technology, the agency provides information using mapping and search tools such as the agency's DECinfo Locator tool, which provides more than 75 data layers ranging from facility permit information and environmental monitoring to potential environmental justice areas and hiking and camping locations.

In addition, the agency provides permit applicants information on wetland boundaries and sensitive habitats through its Environmental Resources Mapper and the Environmental Assessment Form Mapper.

Conventional Media

DEC's Office of Media Relations provides a robust accounting of agency activities to local, state, and national media outlets, via press releases, news conferences, responses to press inquiries, radio and television interviews, and direct telephone responses with reporters.

Social Media

DEC's social media channels on Facebook, Instagram, and Twitter are some the most popular among those offered by state agencies, with nearly a quarter-million followers. The agency provides a myriad of public information through this medium on topics such as trail closures, public meetings, emergency information, public notifications, and hunting and fishing information. The agency also uses a variety of other media, such as YouTube and Flicker, to provide public access to meetings, instructional videos, and information on agency career opportunities.

Please see page 9 for details about the reach of DEC's social media channels:

- Facebook.com/NYSDEC
- Twitter: @NYSDEC
- Instagram.com/nysdec
- YouTube

Print and Digital Subscriptions

DEC's Environmental Quality and Natural Resource programs provide public information on a variety of topics ranging from hunting and fishing information to oil spills and sewage discharges. Information on these programs can be found through agency listservs that the public can subscribe to via DEC Delivers, or through various online newsletters, such as the Environmental Justice Newsletter and Outdoor Discovery Newsletter. DEC also prints the popular and widely distributed *Conservationist* magazine and *Conservationist for Kids* magazine. DEC reaches an estimated 333,000 New Yorkers via these electronic newsletters.

In-Person Events, Public Meetings, and Hearings

DEC also provides information to the public through hundreds of public meetings and hearings, and numerous outreach events, including outdoor recreation events and festivals, State and county fairs, and stewardship events. DEC frequently conducts public information sessions about potentially contaminated sites and gathers public input on proposed regulations. The agency also provides information to the public via dedicated Public Participation Specialists, that work with all agency divisions and programs to support outreach and ensure clear communication with their communities. These positions are unique to DEC and respond to public inquiries in person, via email, and by telephone, fielding more than 20,000 public inquiries annually. Each of DEC's nine regions has a Public Participation Specialist interacting with the media and the public.

Submissions to the State's Open Data Website

The agency currently provides more than 140 datasets to the Open Data website, among the most robust in state government. These datasets are updated on a periodic basis, and DEC reviews agency data regularly to identify additional datasets to provide to the public.

Postal and Online Communications

DEC provides information to the public via direct mailings. Mailings are sent to parties potentially affected by pollutants, to groups such as hunters, anglers, and large forest tract landowners, as well as in response to agency enforcement actions and in response to letters sent directly to the Commissioner and other agency staff. Public notice of proposed regulations, policies, permits, and other significant action is also provided weekly with the online publication of the *Environmental Notice Bulletin*. Individuals can subscribe to receive an e-mail alert of each publication, and DEC also offers a subscription to the ENB in a printed format.



LOVE OUR NEW YORK Lands

Counting Fish A Public Trail across New York fanaging 19 Million Acres of Forest



RED LOOP T

1 mile

LIE RD. PARKING AREA

0.25 mile

Actions to Increase Access and Transparency

In addition to the programs and outreach channels currently in place, DEC has several plans to expand access to agency data for many programs, including:

- Further reducing response time for FOIL requests, while maintaining the quality of document production and review;
- Making additional data layers available on DECinfo Locator, and developing mobile capabilities for this application;
- Rebuilding the agency's website on a modern platform that will include greater search capability and mobile device functionality;
- Increasing the number of data sets available through the State's Open Data website;
- Developing a new permit tracking system (eTrack), improving public access to permitting information;
- Assessing a public-facing document management system for oil and gas facilities that could provide public access to view permits and compliance documents;
- Evaluating a capital project to replace the air emissions permitting system that would provide public to easily access to air permit information;
- Updating outdoor signs, such as signage at trailheads and campgrounds, with multiple languages to increase understanding in a wide range of communities;
- Working to create a language assistance location on the homepage of DEC's website that will have all 10 required languages listed and linked to the language assistance webpage;
- Developing guidance on how to procure and use interpreters for virtual public hearings and meetings;
- Developing new procedures to ensure the public knows they can request interpretation for hearings and meetings;
- Developing instructions for using Microsoft's realtime captions and subtitles in PowerPoint and translation services in Word for non-official documents, and making staff aware of these options to reduce costs; and
- Enhancing notification of public participation plans as provided for in Commissioner Policy 29, *Environmental Justice and Permitting*.

In addition to the planned improvements listed above, DEC is exploring additional means to further expedite and advance efforts to increase overall transparency and provide additional information to the public.

These considerations include:

- Acquisition of a digital asset management system;
- Proactively posting frequently requested information or completed requests online;
- Purchasing software to easily convert responsive emails into a reviewable document (PDF) with optical character recognition;
- Purchasing equipment for bulk scanning of documents;
- Acquiring tools to identify duplicate electronic records to facilitate faster review of potentially responsive documents;
- Expanding the number of legal and support staff who would be dedicated to handling FOIL reviews and converting records to electronic formats; and
- Developing an agency-wide electronic document storage, routing, and retrieval system that would enhance the DEC's ability to respond to records requests.





Prevent & Control Pollution

BIRDIN

View the full calendar to sort by place or type

October 19 - Adaptive & Inclusive Birding Event

ober 20 - Reinstein Woods - Full Moon Wa

October 18 - Five Rivers: Friends of Five Rivers Family Field Trips

October 18 - Five Rivers: Friends of Five Rivers Family Field Trips

Recreation Nature

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Department of



Hunting seasons | DMP | Crossbow | WMU Hunter safety classes | Report your harvest EHD | HIP | Interactive map of hunting areas Buy your hunting or fishing license now

Living the Green Life DECinfo Locator and other maps

• How DEC **Provides Public Access to Agency** Information

Website/Social Media

DEC's public website is the agency's top communication tool, reaching more than 40 million people a year. With more than 13,000 webpages and 14,000 documents, DEC prioritizes easy access to information and its website content covers both environmental guality and natural resource information, including promotion of outdoor recreation. DEC has several social media platforms that engage directly with the public and provide information about DEC and its operations. DEC's Facebook page has 136,000 followers, followed by Instagram with 47,000 followers, and Twitter with 27,000 followers.

Recent success with this form of information sharing is evident in DEC's "Turtles Crossing the Road Campaign" in conjunction with World Turtle Day, which received 193,700 views on Facebook, 27,600 views on Twitter, and 26,200 views on Instagram in May 2021. In addition, DEC posts information to multiple social media accounts to notify the public about air quality alerts when air quality could become dangerous for certain individuals; these tools allow the agency to alert the public to potentially hazardous conditions in real time, by leveraging outreach through multiple, complementary communications challenge to reach the largest possible audience.

DEC's email subscription service delivered 3,420 emails in past year to 333,000 subscribers on more than 100 topics through DEC Delivers. Content varies from legal notices, hunting and fishing information, events, press releases, sewage overflow notifications, air quality alerts, hazardous waste site cleanup status, and permitting updates, to name a few. Subscribers can select emails to receive from dozens of program and geographic options.

DEC's most popular lists include:

- Freshwater Fishing and Boating: 164,551 subscribers •
- Hunting and Trapping: 139,431 subscribers •
- Wildlife, Fish and Marine Life: 114,782 subscribers
- Forests, Plants, and Land Conservation: 100,000 subscribers
- Invasive Species: 92,000 subscribers

- Making Waves (water information): 63,216 subscribers
- Air Mail! (air resources): 44,000 subscribers
- RiverNet: 67,000 subscribers
- Hudson River Almanac: 30,000 subscribers

In the past year, DEC posted more than 60 videos to the YouTube video platform, informing and educating the public on a wide variety of topics in multiple languages, such as changes to big game hunting regulations, use of minimum risk pesticides, Forest Ranger rescues, how to prepare for hikes, bird banding for research, how to set up a tent for camping, and a time lapse video of a timber rattlesnake den, among other topics.

Press Releases and Media Outreach

DEC issues more than 400 press releases and responds to an estimated 1,500 media inquiries each year, announcing enforcement actions, key milestones, educational events, and agency initiatives. Staff develop press releases, opinion pieces, and other communications and outreach products, and host press events to disseminate DEC's messages. Press releases issued in the current year and prior two years are available on DEC's website.

Public Meetings and Hearings

Prior to the COVID-19 pandemic, DEC typically held hundreds of public meetings and hearings each year. In the wake of the pandemic, DEC shifted to holding virtual public meetings and hearings using the WebEx platform. The agency continues to host these virtual meetings as authorized by the amended Open Meetings Law.

To ensure continuation of DEC's capacity to host public meetings, staff quickly became proficient in WebEx, allowing the agency to continue to hold public meetings/ hearings in a completely virtual world, providing internal training and developing best practices to ensure a seamless virtual meeting experience for the public. To date, DEC has administered more than 100 virtual public meetings and hearings in 2021.

Recently, DEC added a specific calendar widget to the agency website listing all upcoming meetings and hearings, which can easily be filtered according to public interest. In addition, DEC's YouTube channel provides live broadcasts of public hearings, which are archived and can be viewed later. To further enhance public involvement, DEC offers guides to Permit Hearings, Enforcement Hearings, and Mediation, all of which are offered in English and Spanish.





Public Comment Periods

As part of statutory requirements for numerous program areas (permitting of air, solid waste, and wastewater facilities; hazardous waste cleanups; draft regulations; unit management plans; etc.), DEC holds hundreds of public comment periods every year, collecting tens of thousands of comments. The public is notified of comment periods via the *Environmental Notice Bulletin*, DEC's calendar of site public meetings and comment periods, agency press releases, social media channels, and *DEC Delivers* email messages.

Databases

DEC maintains a downloadable oil, gas, and other regulated well dataset that is updated nightly, an online oil and gas searchable database, and an online well-mapping application. The searchable databases provide information on well types, locations, and depths, permitting and drilling history, ownership, and annual production, as well as information regarding well operators, drillers, pluggers, and companies that offer financial security services. Open Data provides additional tools to export these datasets in a variety of file formats and allows users to create custom visualizations. Datasets that contain geographic coordinates are also presented as maps. DEC publishes two well datasets annually, one specific to abandoned wells, and the other for current and recent oil and gas production. DEC also publishes two historic oil and gas production datasets.

Additional datasets available through Open Data include:

- Brownfield cleanup program certificates of completion;
- Breeding bird atlas;
- Waste tire storage maps;
- Biosolids storage/processing maps;
- Landfills;
- Transfer stations;
- Wastewater treatment plants;
- Spill incidents;
- Waterbody classifications;
- Issued Air Title V permits;
- Air monitoring stations;
- Active sporting license issuing agents;
- Amphibian and reptile biodiversity by county;

- Private and commercial fish hatcheries;
- Forest Ranger wildland fire reporting incident timeline;
- DEC land acquisition annual reports; and
- Harmful algal bloom (HABs) statewide occurrences also available on the NYHABs tool on DEC's website.

The public can also search detailed information on environmental permit applications processed by DEC under the Uniform Procedures Act through a search tool linked to DEC's Department Application Review Tracking (DART) system. As new information is entered into the DART system, it becomes immediately available. Another dataset offered to the public contains information from the Division of Mineral Resources Mined Lands permit files.

DEC's Division of Environmental Remediation (DER) offers access to its clean-up site and spill data in a searchable format. The following information is available:

- The Spill Incidents Database Search has records dating back to 1978 and is updated nightly. This database contains records of chemical and petro-leum spill incidents.
- The Remedial Site Database Search contains records of the sites being addressed under one of DER's remedial programs—State Superfund, Brownfield Cleanup, Environmental Restoration, and Voluntary Cleanup.
- The Bulk Storage Database Search contains records of facilities that are or have been regulated under one of the Bulk Storage Programs—Petroleum Bulk Storage, Chemical Bulk Storage, and Major Oil Storage Facility.

DEC also recently created a look-up tool on the agency website to help the public locate local wildlife rehabilitators to help care for injured/orphaned wildlife.





Public Events

DEC staff interact with tens of thousands of people each year to promote the work of its programs and educational messages through numerous outreach events.

Sample outreach events include:

- New York State Fair
- New York International Auto Show
- New York Association of Towns Annual Conference
- National Hunting and Fishing Day events
- NYS Association of Conservation Commissions/ County Environmental Management Councils
- Earth Day events/environmental fairs
- Tree plantings
- Career fairs
- Classroom education events
- Envirothons
- Scouting events
- Wildlife festivals
- Fishing clinics
- NYS Trappers Association meetings
- Outdoor Accessibility Day New York Boat Show
- Sportfishing Federation Show
- First-Time Camper program
- I Love My Parks Day
- First-Day Hikes

Laws, Regulations, and Policies that Guide DEC's Transparency

DEC is subject to and complies with the numerous laws and regulations that relate to agency transparency and accountability.

FOIL

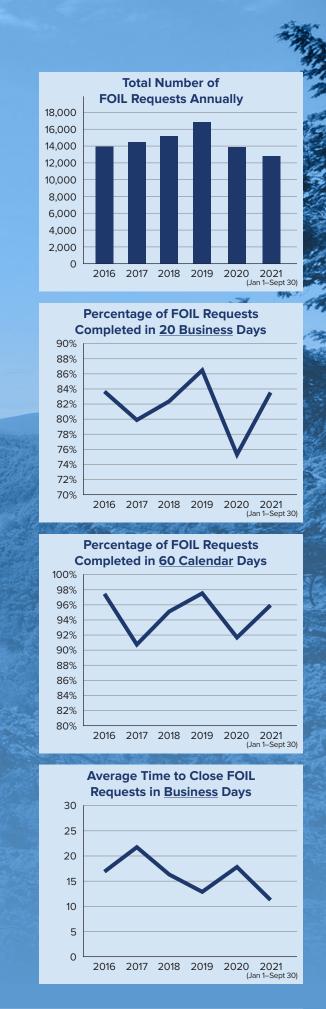
DEC receives thousands of FOIL requests each year. Recognizing the importance of this public-facing program, DEC applied LEAN principles to its internal process five years ago. Through that effort and the use of specialized software, DEC has since improved its internal coordination, and helped cut in half the average time to completion, averaging 17 business days to close requests over the last five years, and 11 business days for the first three quarters of 2021. While the majority of requests are processed within 20 business days, many responses take longer due to the complexity and scope of the records requested and the volume of potentially responsive records requiring review. In such cases, the agency ensures timely updates to requesters to advise them of the status of the process. Of note, less than 1% of the agency's FOIL responses result in an appeal.

DEC also endeavors to make many of its records available online and available without submitting a formal FOIL request. The DEC FOIL Website advises how to locate agency information online, as well as how to submit a FOIL request.

DEC also proactively discloses various background documents, including Environmental Impact Statements, Draft Permits, Responsiveness Summaries, and Final Permits, on a Notable Projects website for select permit applications that are in the public interest. If the sought-after permit application is not listed, the agency provides for a public search of DEC Permit Applications via DART.

DEC also offers public access to documentation for many remedial cleanup projects in the regional remediation project listings, including fact sheets on proposed remedial actions, records of decisions, document repositories, and other useful documents. The public is advised that if the desired site is not listed, a Remedial Site Database Search is available for access to clean-up site and spill data in a searchable format.

To submit a FOIL request, visit dec.ny.gov/public/373.html.





Language Access Executive Order 26

Executive Order (EO) 26 established New York's "Statewide Language Access Policy." DEC began implementing this policy by providing oral interpretation (over the phone and in person) and written translation to ensure individuals with limited English proficiency (LEP) can access important information about programs and services in a cost-effective and efficient manner. To date, DEC has undertaken several steps to comply with EO 26:

- DEC ensures that LEP individuals have access to interpretation services when interacting with agency staff and translation services when reviewing agency documents.
- Interpretation services are available through a third-party vendor for phone calls, face-to-face interactions, and on-site interpretation.
- DEC works continuously to review and identify important information to ensure vital documents are translated into the ten most common non-English languages spoken in the state.
- Language access training is mandated for all DEC employees.
- Additionally, DEC's policy goes beyond EO 26 in that any document, be it a pamphlet, poster, or sign, will be translated upon request.

Open Data Executive Order 95

EO 95, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement," created New York State Open Data. The order directed all covered state entities to identify and catalog their data and make publishable state data available on the New York State Open Data website.

Since the creation of Open Data, DEC has contributed datasets on topics ranging from accessible outdoor recreation destinations to watchable wildlife sites. Currently, more than 70 DEC topics can be viewed on Open Data, including tables (datasets), maps, charts, data lenses, and links—a total of 149 items that are easily accessible and updated regularly. DEC also has historical datasets that do not require updating.

Three of DEC's datasets—Fish Stocking Lists Data Lens, Composting/Solid Waste Management Facilities Map, and Current Season Spring Trout Stocking Data Lens—are some of the most popular datasets on Open Data in the state. The only New York State dataset with more views is the New York State Lottery winning numbers.

To help facilitate the identification of potential data for inclusion, DEC's Open Data staff review new webpages posted each month to proactively identify possible dataset-related updates.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Administrative Procedures Act

The State Administrative Procedures Act (SAPA) governs the process for the adoption of rules and regulations. DEC keeps the public informed of rulemaking activity in a variety of ways. Each year, pursuant to SAPA, DEC publishes a Regulatory Agenda in the State Register and on its website. This is a listing of the regulations that may be proposed for adoption or amendment within that calendar year. Then, throughout the year, the agency presents proposed regulations for public comment, a process that may include public hearings. DEC provides informational material associated with subject of the rulemaking to ensure the public understands the topic and what action DEC is considering.

Open Meetings Law

In addition to the many public meetings that DEC hosts or attends for a variety of environmental issues, the agency also complies with the State's Open Meetings Law when hosting meetings of a public body involving a quorum, such as the Invasive Species Council. The agency provides information on its website and conducts outreach via the *Environmental Notice Bulletin* and DEC public meeting calendar. To further facilitate transparency and access, DEC posts announcements of advisory group meetings it participates in, as well as resulting minutes or reports, on its website, for the Conservation Fund Advisory Board, High Peaks Strategic Planning Advisory Group, and the Catskill Advisory Group.

State Environmental Quality Review

New York's State Environmental Quality Review Act (SEQR) requires state and local government agencies to consider environmental impacts of their actions except where an action is specifically excluded or exempted from review. In many instances, other state or local laws require that such actions be noticed to the public for review and comment. When an Environmental Impact Statement is required under SEQR, the lead agency (the agency or board principally responsible for undertaking, approving, or funding the action) must solicit public comment for at least 30 days on the draft Environmental Impact Statement. In addition to being subject to and complying with SEQR, DEC educates and informs the public about the purpose of SEQR, and provides on-line references to assist project sponsors, agencies, and the public. These include the SEQR Handbook, which addresses topics, issues, and concerns about SEQR in a "frequently asked questions" format; the SEQR Cookbook, which is an illustrated procedural guide through the SEQR process; and SEQR workbooks that are intended to guide project sponsors, agencies, boards, and the public through conducting environmental analyses. These documents are both available on the DEC website.





Sewage Pollution Right to Know Law

DEC provides the public with information about the Sewage Pollution Right to Know Law, what the reported data contains, and how to access data and receive alerts via the NY Alert system. In addition, DEC provides the public with access to the U.S. Environmental Protection Agency's ECHO (Enforcement and Compliance History Online) system, where they can view discharge monitoring reports issued by the regulated community, as directed in their permits.

Records Retention Policy

The scope of DEC's mission, the sheer volume of documentation associated with regulatory activities, and legal obligations necessitate a robust records management program. DEC's Bureau of Records Management, overseen by the Records Management Officer, ensures DEC records are kept in accordance with the appropriate records retention program, State law, and U.S. EPA requirements. DEC coordinates closely with State Archives to ensure the timely transfer of records.

In addition, DEC has designated Records Management Coordinators in each division, program, and region to facilitate proper records management. The agency's comprehensive Records Management Procedures Manual, first issued in 2010, and updated in May 2021, is available to all personnel though the agency's intranet, and explains records management, specific responsibilities, records life cycles, retention periods, storage, disaster preparedness, and disposition. There are currently more than 100 agency records series accessioned by the NYS Archive, and over 20,000 boxes of records stored in the State's Record Center pursuant to various retention schedules. DEC provides the public with the list of various types of records maintained to help facilitate requests for information.

Legally Mandated Reporting

New York's Environmental Conservation Law includes reporting requirements through which DEC informs the Governor and the State Legislature about a variety of environmental matters. Recent reports include the Clean Vehicle Project, the State Land Acquisition Report, and the Hazardous Waste Facility Siting Plan Review. In addition, DEC issues an annual report that provides an overview of activities and operations.

DEC is currently finalizing additional reports for release as required by law, including the plan for mitigation and remediation of drinking water impairment caused by solid waste sites, the water pollution control program report, a revised solid waste management plan, and a review of state agency environmental audits. As part of this review, DEC noted additional reports that have not yet been submitted for a variety of reasons, including outdated utility and lack of data and information provided by third parties. To ensure better oversight, and the expeditious completion of reports, the agency plans to develop a report tracking team that will support programs and divisions in achieving compliance. Ensuring a centralized approach for the development of reports will improve performance in this area.

DEC is also obligated to provide notices or reports to the public for various matters, such as:

- Notification about timber sales on state forests;
- The compendium of laws, rules, and regulations associated with the management and conservation of freshwater fisheries and freshwater fish resources;
- The white-tailed deer and the black bear management plans; and
- The Strategic Plan for Forest Management on Wildlife Management Areas.

DEC makes these reports available to the public on the agency's website.

Project Sunlight (Public Integrity Reform Act of 2011)

The Public Integrity Reform Act of 2011 required the development of a public database, hosted by the Office of General Services (OGS), known as "Project Sunlight," in which state agencies report certain appearances of certain individuals and entities before the agency to provide the public with an opportunity to see who is interacting with government decision-makers in certain subject areas (procurement of real property, goods, and services; rate making; regulatory matters; agency-based judicial or quasi-judicial proceedings; or the adoption/ repealing of a rule or regulation).

DEC complies with Project Sunlight and reports applicable in-person meetings or video conferences. The agency has designated a Project Sunlight Liaison who maintains a list of individuals required to report such meetings, coordinates their addition to the Project Sunlight application with OGS for data entry, and ensures enrollment in training. In addition, DEC has an internal agency policy addressing Project Sunlight requirements. For 2021, 15 meetings were recorded for the first three-quarters of the year.





Lobbying Act (Executive Law Section 166)

As a regulatory authority, DEC is required by Section 166 of the Executive Law, also known as the Lobbying Act, to maintain a record of who appears before it, for a fee as a third party on behalf of a person or organization subject to the regulatory jurisdiction of the agency. DEC fulfills its obligations under the Lobbying Act and provides its completed forms to JCOPE as required each quarter.

Public Officers Law 73-a (Financial Disclosure)

DEC has identified personnel subject to the financial disclosure reporting requirements of Public Officers Law 73-a due to either status as a policymaker, or because of the statutory salary threshold. DEC's Ethics Officer coordinates with the Director of Personnel to ensure JCOPE notifies individuals of their legal obligation to file a financial disclosure statement and to complete required ethics training. There are no delinquencies among DEC personnel for either financial disclosure filing or training.

Environmental Notice Bulletin

The *Environmental Notice Bulletin (ENB)* is an official DEC publication, produced since 1976 as required by the Environmental Conservation Law. It is published weekly and includes notices related to:

- Complete applications for environmental permits administered under the Uniform Procedures Act (UPA);
- State Environmental Quality Review (SEQR) for activities that are being reviewed by state and local agencies;
- DEC hearings;
- Proposed and adopted changes to DEC policy;
- Technical guidance and regulations; and
- An assortment of other environmental notices.

DEC posts approximately 2,500 notices in the *ENB* per year, with more than 1,000 pertaining to DEC permit actions.

Public Involvement and Transparency Guidance/Information

DEC staff adhere to the agency's Citizen Participation Handbook for remedial programs, which sets forth guidelines for complying with regulations that require meaningful public consultation before and during site classification and cleanup. In addition, Commissioner Policy 29, *Environmental Justice and Permitting*, requires applicants for permits covered by the policy to actively seek public participation throughout the permit review process and include a written public participation plan as part of its complete application.

The DEC addresses outreach and intergovernmental collaboration with Indian Nations through Commissioner Policy 49, *Contact, Cooperation, and Consultation with Indian Nations*. Close consultation ensures that the DEC and Indian Nations are better able to adopt and implement environmental and cultural resource protection policies and programs in a manner that is cognizant of shared concerns and interests.

Providing Clear and Concise Written Information

While many New Yorkers now get their information about DEC from digital sources, DEC produces hundreds of printed public documents, signs, reports, displays, and publications designed to inform and enlighten the public about the many aspects of DEC programs that touch the lives of every New Yorker.

This year, DEC's flagship publication, *Conservationist* magazine, celebrated its 75th year of continuous publication. The magazine is packed with informative and entertaining articles, first-rate photography, and stunning artwork. Articles cover a broad range of environmental and natural history topics, including fishing, hiking, recreation, travel, hunting, and nature studies. It has more than 43,000 paid subscribers. Its complement, *Conservationist for Kids*, has been published since 2007, and is written to fourth-grade curriculum standards. Published bimonthly, each issue is included as an insert in *Conservationist* magazine, in addition to being mailed free of charge to every public fourth grade class in New York State.

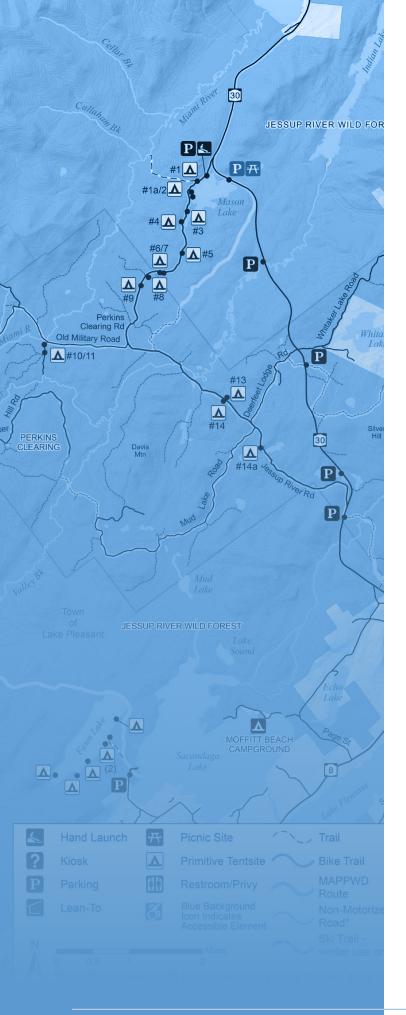
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Advancing and Enhancing DEC's Transparency

DEC is committed to implementing several measures that would improve the agency's transparency and accountability. The measures listed below are currently under development or recently implemented.

Improvements to DEC's Digital Communications

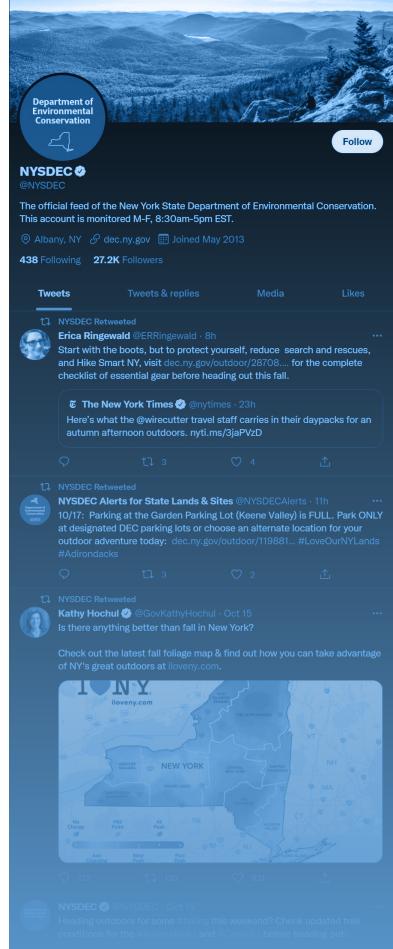
DEC Website (dec.ny.gov)

- DEC's current web content system is outdated and unstable, and both the operating system and server are in critical need of replacement. Planning is underway with the Office of Information Technology Services to move DEC's web content system to a new platform in 2022 that will utilize ITS's recommended cloud hosting solution for website stability. The new platform will increase optimization for mobile users, which comprise more than 60% of DEC's website traffic. It will also allow for greater functionality and engagement on the website, improving access to online information. As part of this enhancement effort, DEC conducted a web content review to identify redundant and outdated content, as well as review compliance with web standards. For example, DEC's Division of Fish & Wildlife Bureau of Wildlife reviewed over 600 pages, identifying more than 150 as obsolete or superseded by other sites.
- Staff are gathering public feedback on DECinfo Locator through user surveys to identify usability enhancements and are working with the ITS to implement improvements, with the targeted completion in June 2022.
- As part of the web content system revision, staff are working to improve the searchability of reports on DEC's website through search engine optimization methods and better search index settings and anticipate public access to this feature in 2022.
- State land PDF maps on DEC's website are being georeferenced as they are updated; this is an ongoing activity which should be completed in the next two years.

- DEC is planning to include certain work plans in the *Environmental Notice Bulletin* for new construction and expansion of facilities on state lands in 2022.
- Additional website public outreach is planned to improve the transparency of new land acquisitions, including the posting of new deeds on DEC's website in 2022.
- Plans are underway to include land acquisition data and potentially timber sale notifications through DEC's listserv in 2022.
- DEC is planning to simplify and reorganize the website for publicly released Hudson River Natural Resource Trustee documents in the Spring of 2022 to make it more user friendly.
- DEC is exploring ways to share trailhead registry data, including total number of visitors per trailhead. The agency plans to assess the feasibility of this data gathering effort in the coming months.

Social Media Channels

- DEC is greatly expanding the use of live broadcasts using Facebook and Instagram.
- DEC is planning to provide annual training to staff to improve its live broadcasts. Materials are in development, with training anticipated in Fall of 2022.
- Staff have added planned live broadcasts to DEC's online public events calendar to help reach a wider audience.
- DEC is developing case studies on the effectiveness of various digital media platforms and will use the data collected to better target different audiences with specific messaging.
- Staff are planning to increase the number and frequency of climate change social media posts and listserv emails in 2022.
- Air Resources' social media posts were recently increased from one every few months to two to five per month to grow public understanding of air regulations and increase subscribership to the Division's e-newsletter.
- Staff are working to post real-time spill information to social media to enhance public awareness.



bit.lv/ADKtraile



Timely Preparation of Legally Mandated Reporting and Ways to Make Useful Information Available to the Public

- DEC is pursuing a capital project to replace its Air Facility System permitting structure, which would allow the uploading of permit applications and supporting documentation to DEC's website and enable the public to more easily access and review permitting materials. This improvement is expected to reduce the number of related FOIL requests.
- DEC is working with New York SeaGrant to publish a story map in the Fall of 2022 to explain the regulatory process.
- DEC is currently evaluating reporting requirements and allocating staffing resources to help ensure necessary reports are completed in a timely manner. The agency will also determine whether proposals for statutory revisions may be necessary.

Improvements to DEC Databases

- DEC recently established an Open Data email drop-box to request information and submit datasets (Open.Data@dec.ny.gov).
- DEC is working on a procedural manual for its Open Data process, which will be completed by the end of the year.
- DEC is adding commercial fishing annual quotas, limits, and fishing records to Open Data, with publication targeted for the end of the year.

Improvements to **DEC's FOIL program**

- DEC plans for future phases of the eTrack system to improve public accessibility for all aspects of permit applications, as it will include the ability to view final issued permits and application materials, which will reduce need for formal FOIL requests. This technology development is underway with enhancements targeted in phases from 2022-2025.
- DEC plans to begin on-line reporting for organics facilities in 2022 or 2023, which will ensure the reporting data is readily available, reducing the resources needed for FOIL requests.
- Spills has undertaken an ongoing project to improve and enhance information sharing by implementing an effort to store all Spills files electronically, which will help with coordinating responses to FOIL requests.

Improvements to DEC's **Compliance with EO 95**

The New York State Comptroller's Office (OSC) commenced an audit of DEC's compliance with EO95 in March 2020, at the very beginning of the State's response to COVID-19. OSC issued a final audit report in May 2021, noting that DEC had taken steps to comply with the order, and concluding that the data DEC posts to Open Data is generally up-to-date and easily accessible. The auditors had only two recommendations: create a catalog of publishable data; and develop additional procedures to ensure data is reliable and usable. Since receiving the audit report, DEC has taken additional steps by better incorporating Open Data in DEC core business practices.

DEC is taking the following steps to further improve compliance with EO 95 over the next year:

- Developing a catalog of publishable data;
- Working to identify datasets when new information is published on DEC's website, including the addition of prohibited and regulated invasive species list, as well as adding data on forest conservation easements for land trusts:
- Working to automatically update data sets in real time;
- Creating a training seminar to educate DEC staff on the Open Data process; and
- Publicizing new Open Data datasets in DEC's online newsletters.





Transfer of Pertinent Records to the State Archives

• The further development of eTrack in 2022 includes a Document Management Service, which will help manage and automate some aspects of records retention.

Participation of Agency Personnel in Community Events and Town Meetings, and Providing New Avenues for Public Participation in Government Decision-Making

- DEC is hiring regional contract staff to improve the agency's ability to hold climate change meetings with local governments, and current staff are being trained in the skills necessary to conduct more effective public meetings.
- DEC is planning to employ a new approach to its fisheries public meetings in 2022 that would entail posting prerecorded YouTube presentations in advance of an open virtual public meeting. This will allow interested parties to view the information in advance, affording more meaningful dialog and allowing the public to revisit the material if necessary.

Improvements to Implementation of Executive Order 26

- DEC is working on ways to provide messages on outdoor signs, such as at trailheads and campgrounds, in multiple languages so they can be more universally understood.
- DEC is developing instructions for using Microsoft's real-time captions and subtitles in PowerPoint and translation services in Word for non-official documents and make staff aware of these options to reduce costs.
- DEC will develop a supplemental list of vendors outside of the OGS language vendors that can be used when requested languages are not available under the contracted vendors.

- Staff created a language assistance location on DEC's homepage in August 2021 with all ten required languages listed and linked to the language assistance webpage.
- DEC developed guidance for procuring and using interpreters for virtual public hearings and meetings.
- Staff are developing new procedures to ensure that the public knows they can request interpretation for hearings and meetings.
- Staff are updating internal guidelines for scheduling and conducting virtual meetings and hearings.
- Regional staff are planning role-play training sessions to act out various scenarios that could be encountered with individuals with limited English proficiency.
- DEC is providing access to interpreters for projects that fall outside of the purview of Language Line.

Providing Clear and Concise Written Information

- DEC is currently in the process of posting all publicly accessible trout streams in the state with signs that clearly explain the management category and fishing regulations associated with a particular stream reach. The enhancement measure will provide anglers with a clearer understanding of the regulations, reduce unintentional violations, and make fishing more accessible.
- DEC is seeking to develop a *Saltwater Fishing Guide*, similar to a new *Freshwater Guide* developed in 2021.
- DEC is in the process of developing a fisheries handbook that will contain a set of guiding principles for fisheries management so the public can better understand how DEC manages the fisheries resource.
- DEC is developing plans to update informational kiosks at priority sites to better welcome and educate the public.





To further improve DEC's transparency and accountability, particularly its capacity to post reports, updates, and information on the agency's website, resources to support the website conversion are the agency's most pressing need. In the event the agency receives additional funding and personnel, the following initiatives will be considered for further action.

Improvements to DEC's Digital Communications

- DEC is exploring ways to expand the datasets available on DECinfo Locator and is investigating the development of a mobile application to reach the majority of users who access DEC's digital information via a mobile device, including:
 - Petroleum spills files;
 - Remediation correspondence and memos (which are normally subject to FOIL); and
 - Composting facilities, combustion facilities, recycling handling and recovery facilities, household hazardous waste facilities, construction and demolition debris facilities, vehicle dismantler facilities, scrap metal processors, and waste tire handling and recovery facilities.
- When the DEC website transition to the new Drupal platform is complete, DEC can identify opportunities to post and share real-time data collected by monitors in various locations. To bolster communications to a wider range of audiences statewide, DEC could boost its social media channels with targeted investment of resources.
- Rulemakings are significant undertakings. Current practices remove all supporting documentation from DEC's website after one year. Supporting documents could be retained on the website in an electronic repository.

Look Out for the Spotted concerns. Protty? Yes. Destructive? Double yes! Spotted Lantemity posa significant threat to New York's agricultural and forest health and you have been apply and to help slow the spread.

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- Many programs' document retention schedules are out-of-date and do not incorporate electronic filing. Programs should review existing retention schedules, delete duplicate or obsolete records, and incorporate electronic filing practices to the maximum extent possible.
- To improve outreach and communications at DEC lands and sites, propose to improve internet access and undertake efforts to increase signal strength at remote locations.
- To better communicate with visitors, DEC could take a complete inventory of signage, prioritize updating signage in high traffic locations and additional languages as needed, and add QR codes to signage so the public can easily find more information about the notice or other relevant information.

Improvements in Legally Mandated Reporting and Ways to Make Useful Information Available to the Public

- Review current reporting requirements to eliminate redundancy and assess their necessity considering subsequent environmental laws and policies.
- Currently, DEC does not have a means to publicly share hearings records and documents other than scanning paper records and posting them to the agency's website. DEC could use a publicly accessible electronic document management system, similar to one the Department of Public Service uses, to eliminate paper records and make public access to hearing documents more accessible.
- The purchase of high-volume scanners would facilitate the conversion of paper files to electronic.

Improvements to DEC Databases

 DEC is evaluating a public-facing document management system for oil and gas facilities that would allow the public to download permits and compliance documents. This could be combined with DECinfo Locator so the public could find oil and gas documents geospatially. Additional resources would be needed for such an initiative.



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| dead or down wood collected on-site, heat-treated wood, or | Velcro [™] , |
| NY-grown wood sourced within a 50-mile radius of this location. | Inspect |
| Never release plants, fish, bait, or any animals into a waterway unless they came from that waterway. | Carry a |

- DEC's Title V air facility emissions database could be updated to provide emissions data annually to EPA's National Emissions Inventory for point sources and could be enhanced through a capital project to replace the state air facilities database. A replacement system would make the public reporting of data much more efficient and timelier. The investment in a replacement of the state database would also improve FOIL processing, as it could include public facing reports and query tools, which could work more seamlessly with DECinfo Locator and Open Data.

Proposals to Improve DEC's FOIL Program

- An agency-wide conversion to electronic records would improve the agency's ability to respond to FOIL requests, improve file searchability, and allow for many documents to be uploaded directly to DEC's website, significantly reducing the quantity of FOIL requests.
- To improve efficiencies and expedite requests, DEC could purchase software that could easily convert responsive email into a reviewable document (PDF) with optical character recognition, purchase equipment for bulk scanning of documents; and purchase a tool to de-duplicate non-email electronic records to facilitate faster review of potentially responsive documents.

Participation of Agency Personnel in Community Events and Town Meetings, and Providing New Avenues for Public Participation in **Government Decision-Making**

- To make virtual meetings and hearings more accessible to people of all abilities, DEC could assess additional outreach including YouTube broadcasts of live events and distribution of outreach materials via USPS Every Door Direct Mail service.
- To streamline DEC's communication process, the agency is investigating development of an electronic comment software system to collect public input during open public comment periods. This public comment system would unify the way DEC accepts comments by using one online comment form and would greatly reduce the public's need to search for the appropriate email or address to send comments.

V. Measures of Success and Longterm Monitoring

As evidenced in this report, DEC is committed to public access and information sharing, and has concrete plans to further enhance its performance, as well as proposals that may be feasible with additional resources. The agency will gauge its success with continued use of website analytics tools to assess number of visitors, duration of visit, unique users, and repeat visits. DEC will also measure access to the various database tools offered on the website to gauge public use. This will drive our awareness of public interest and help determine additional information or outreach that may be needed. DEC will monitor the activity of followers on social media channels, and their references to the agency or distribution of agency resources. DEC will also track public comments for references to the usability of the agency's website, as well as conduct usability testing after the new website implementation. In addition, the agency will measure attendance at public meetings and hearings.

DEC also plans to continue to track FOIL request volume, to see if the anticipated increase in available public information impacts the number of requests; a measure of success will be a decrease in FOIL requests because of additional information posted online.





VI Additional Recommendations to Improve Government Transparency and Accountability in New York State

Drawing from DEC's experience, the following actions could improve transparency and accountability, including but not limited to:

- A. Developing and requiring a mandatory, statewide training for relevant personnel on records creation, records management, compliance with records retention requirements, and Freedom of Information Law.
- B. Amend New York Executive Law, Sec. 166, Record of Appearances, and Legislative Law Article 1-A, § 1-q, to create an automated reporting process, instead of filing forms with JCOPE. As some meetings may also qualify for reporting under Project Sunlight, a consolidated platform would ease the administrative burden associated with data entry. Automation would also provide greater public access to the information through a searchable database, as currently submitted documents are "open to public inspection" at JCOPE's office.
- C. Amend Public Officers Law 73-a (3) to create a financial disclosure questionnaire that has plain language and is designed for ease of use as well as ease of review.
- D. Update Executive Order 26, Statewide Language Access Policy to include sign language, as nearly 2 million New Yorkers are deaf. By including American Sign Language among the current top languages in New York State, the State would recognize the need for this population to have full access to resources presented to other New Yorkers. Region 8 recognized this translation need, as there is a high population of those with hearing challenges due to RIT's National Technical Institute for the Deaf.
- E. In litigation, courts permit technology assisted review to cull through enormous volumes of records. Such software could help agencies target documents for review and expedite FOIL processing. Amending the FOIL statute to permit the use of such technology, and providing agencies with such a tool, would greatly lessen the review period of voluminous records.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

VII. Conclusion

This report evidences the many ways that DEC provides insight into agency operations and involves the public in its decision-making, and illustrates how DEC offers a diverse body of information related to environmental conservation and enforcement. From Natural Resources to Environmental Quality to Support Programs, DEC provides a variety of resources for New Yorkers to understand, view, and participate in the work of the agency. We will build on the current success and look forward to greater engagement.



VIII. Referenced Resources

Bulk Storage Database Search http://www.dec.ny.gov/cfmx/extapps/derexternal/index. cfm?pageid=4

Catskill Advisory Group https://www.dec.ny.gov/lands/122227.html

Citizen Participation Handbook https://www.dec.ny.gov/docs/remediation_hudson_pdf/ der23.pdf

Clean Vehicle Report (2021) https://www.dec.ny.gov/docs/administration_ pdf/21zevlegrep.pdf

Conservation Fund Advisory Board https://www.dec.ny.gov/outdoor/566.html

DEC Annual Report (2020) https://www.dec.ny.gov/docs/administration_pdf/ decaccomplish2020.pdf

DEC Contact Us Webpage https://www.dec.ny.gov/about/259.html

DEC Delivers https://www.dec.ny.gov/public/65855.html

DEC FOIL Website https://www.dec.ny.gov/public/373.html

DEC Press Releases https://www.dec.ny.gov/press/press.html

DEC Records List https://www.dec.ny.gov/public/50177.html

DEC Remediation Site Boundaries https://www.dec.ny.gov/chemical/102009.html

DECinfo Locator https://www.dec.ny.gov/pubs/109457.html

Department Application Review Tracking (DART) System http://www.dec.ny.gov/cfmx/extapps/envapps/

Environmental Justice https://www.dec.ny.gov/public/333.html

Environmental Notice Bulletin https://www.dec.ny.gov/enb/33200.html

Environmental Permit Applications Search Tool https://www.dec.ny.gov/cfmx/extapps/envapps/ Environmental Remediation Database Search

http://www.dec.ny.gov/cfmx/extapps/derexternal/index. cfm?pageid=1

Environmental Site Remediation Database Search http://www.dec.ny.gov/cfmx/extapps/derexternal/index. cfm?pageid=3

EPA's Enforcement and Compliance History Online System https://www.dec.ny.gov/chemical/62557.html

Facebook https://www.facebook.com/NYSDEC

Flickr https://www.flickr.com/photos/nysdec/

Hazardous Waste Siting Plan Review (2020) https://www.dec.ny.gov/docs/materials_minerals_pdf/ hwsitepInrev2020.pdf

Hearing Decisions https://www.dec.ny.gov/hearings/395.html

High Peaks Strategic Advisory Group https://www.dec.ny.gov/lands/119187.html

Instagram https://www.instagram.com/nysdec/

Invasive Species Council https://www.dec.ny.gov/animals/6989.html

Local Wildlife Rehabilitator Search https://www.dec.ny.gov/animals/83977.html

Mined Lands Permit Files Dataset https://www.dec.ny.gov/lands/5374.html

New York State Environmental Zone Boundary Files https://www.dec.ny.gov/chemical/102075.html

Notable Project Website https://www.dec.ny.gov/permits/6061.html

NY Alert System https://alert.ny.gov/

NYHABs Tool https://nysdec.maps.arcgis.com/apps/webappviewer/ index.html?id=ae91142c812a4ab997ba739ed9723e6e

Office of Hearings and Mediation Services Docket Management System https://www.dec.ny.gov/cfmx/extapps/docket/

Oil and Gas Searchable Database

https://www.dec.ny.gov/energy/1603.html

Open Data NY

https://data.ny.gov/browse?Dataset-Information_ Agency=Environmental+Conservation%2C+ Department+of

Proposed Regulations Available for Public Comment

https://www.dec.ny.gov/regulations/propregulations. html#public

Proposed, Emergency, and

Recently Adopted Regulations https://www.dec.ny.gov/regulations/propregulations. html#public

Public Events Calendar https://www.dec.ny.gov/calendar/

Public Participation Webpage https://www.dec.ny.gov/public/51805.html

Regional Remedial Project Listing https://www.dec.ny.gov/chemical/46268.html

Regulatory Agenda https://www.dec.ny.gov/regulations/36816.html

SEQR Cookbook https://www.dec.ny.gov/permits/36860.html

SEQR Handbook https://www.dec.ny.gov/permits/6188.html

Sewage Discharge Notifications

https://www.dec.ny.gov/chemical/101187.html

Sewage Pollution Right to Know

https://www.dec.ny.gov/chemical/90315.html

Spill Incidents Database Search

http://www.dec.ny.gov/cfmx/extapps/derexternal/index. cfm?pageid=2

State Land Acquisition Report (2020) https://www.dec.ny.gov/docs/lands_forests_pdf/ acquisitionrpt2020.pdf

Twitter https://twitter.com/NYSDEC

YouTube https://www.youtube.com/user/nysdecvideos



