

**Testimony of The Land Trust Alliance Before the Joint Legislative Hearing on the
Environmental Conservation Portions of the Executive Proposed Budget for
New York State Fiscal Year 2023-24**

February 14, 2023

My name is Meme Hanley, and I am the New York Senior Program Manager for the Land Trust Alliance. On behalf of the state's more than 85 land trusts and their members and supporters, thank you for the opportunity to submit testimony in response to the Governor's proposed environmental funding in the 2023-24 Executive Budget.

We applaud Governor Hochul's plan to invest \$400 million in the Environmental Protection Fund (EPF). Today we are asking for your support of an EPF that includes at least \$40 million for the Open Space Account, \$5 million for the Forest Conservation Easement for Land Trust Program and \$3 million for the highly successful Conservation Partnership Program. These actions would be consistent with recommendations in Climate Leadership and Community Protection Act Scoping Plan and would help NY reach the goal of protecting 30% of lands and waters by 2030.

We also urge you to remove offloads from the EPF to pay for state staffing costs, take steps to help agencies prioritize state land acquisition and reduce barriers to communities seeking to create Community Preservation Funds.

We also support several other items important to the land trust community and our members, including appropriations for Farmland Protection which should be increased to \$25 million, the Staying Connected Initiative and the Village of Lake Placid Rail Trail.

I am honored to share with you our commitment to advancing land conservation by empowering the work of land trusts across the state. We are proud of the Governor's and the Legislature's commitment to protecting open space for the many benefits it provides the public and today ask for your continued investment and partnership. Working together, alongside our many partners, we are improving the quality of life for our neighbors across the state.

We commend you for giving New Yorkers the opportunity to approve the Environmental Bond Act this past November. The historic passage of the Bond Act will help increase resilience to climate change, create jobs, protect and restore our natural resources, and ensure a healthier and greener future for all. We look forward to playing a strong role in the implementation of conservation projects across New York that will be made possible by the Bond Act.

The Alliance and land trusts are well positioned and prepared to help achieve the ambitious goals laid out by the Climate Leadership and Community Protection Scoping Plan (CLCPA). In order to help New York achieve carbon neutrality by 2050, the CLCPA recommends that the state increase funding for programs that facilitate land acquisition and conservation. Specifically, the CLCPA Scoping Plan references enhancing support for the Community

Preservation Act, the Conservation Partnership Program and the Forest Conservation Easement for Land Trust Program to mitigate carbon emissions by the protection of forest lands. Support for these programs will also help New York to reach the goal of protecting 30% of lands and waters by 2030¹.

The Land Trust Alliance works to save the places people need and love by strengthening land conservation across America. In New York, the Alliance serves as a leader, convener, partner, and technical assistance provider to a well-coordinated network of more than 85 nonprofit land trusts. These relationships provide the opportunity to see, firsthand, the benefits of the EPF and the role it plays in communities across the state. Public-private initiatives funded through the EPF such as the Forest Conservation Easement for Land Trust Program and the Conservation Partnership Program (CPP) advance the state's conservation and economic development objectives with projects that are locally developed and broadly supported. Both programs are particularly notable for how quickly they move appropriated funds to communities across the state.

Land trusts work in every region, including the Adirondacks, Western New York, the Finger Lakes, Tug Hill Plateau, Genesee Valley, Upper Delaware River Watershed, Hudson River Valley, Catskill Mountains, New York City and Long Island. Land trusts also save green space and promote community gardens and trails in The Bronx, Queens, Brooklyn and Manhattan and in cities like Albany, Buffalo, Rochester, and Kingston. These permanently protected places provide fresh food, clean air and water, and wildlife habitat and help strengthen communities by providing opportunities for people to enjoy the nurturing health benefits of being outdoors.

Now, more than ever, land conservation is playing an important role in mitigating the worst effects of climate change, offering welcoming outdoor opportunities for families, improving health, building community and boosting local economies.

Land Trusts are proven partners

- To date local, regional and national land trusts operating across New York State have permanently conserved approximately two million acres through conservation easements, land acquisitions and re-conveyances to other conservation organizations or public agencies.
- New York's land trusts are engaging more members of their communities than ever before. New York's land trusts now count nearly 10,000 active volunteers and draw direct support from more than 73,000 members and donors, mostly from their own local communities.
- Land trusts are serving more people, in more places than ever before. The pandemic created a surge of interest in the outdoors and a need for green spaces. Today we see land trusts working in rural, suburban and urban areas to increase food security, provide

NY Climate Leadership and Community Protection Act Final Scoping Plan, December 2022, LU1. Mitigate Carbon Emissions by Protection of Forest Lands ¹

flood and storm mitigation, supplement virtual and in-person classroom learning and support neighborhood stability.

Taking Action:

A cornerstone of the EPF is appropriations for the Open Space Account. It is imperative to right-size this funding to reflect the growing needs and priorities of our state. We are concerned that the Executive Budget decreases the allocation to \$37 million from \$40 million. This is a step backwards. The Open Space account is suffering after years of disinvestment. We hope you will work to return this funding, in time, to its historic level of \$60 million and increase funding to at least \$40 million in this upcoming budget.

Land Trusts can Accelerate the Rate of Conservation for Agricultural and Forest Lands

One of the most notable achievements of the EPF is the substantial investments that have been made in protecting farmland. By working with land trusts to conserve agricultural land across the state, the EPF has helped preserve an important part of our economy and a way of life for thousands of farm families. Land trusts are proud to have been a partner in helping the state protect more than 75,000 acres of farmland through the Farmland Protection Grants program. As farmers age and issues of farm succession become more pressing, ensuring that farms stay in production is vitally important. We urge you to ensure this work is well funded with at least \$25 million.

The CLCPA specifically details: *The State should increase local capacity to conserve agricultural, forested, and other natural lands through statewide authorization of the Community Preservation Act, for the purposes of land conservation for carbon sequestration, and to support land use patterns that reduce GHG emissions such as transit-oriented development. Consideration should also be given to elevating the Conservation Partnership Program, Forest Conservation Easements for Land Trusts, Community Forests program, and other programs that facilitate land acquisition/conservation².*

We also ask that you continue to support the protection of New York's forests, which provide critical benefits:

- Forests store carbon dioxide: Conserving them can draw down the carbon pollution that causes climate change. We can't meet the goals of the CLCPA unless we increase the rate of forest conservation.
- Forests filter water: They improve water quality for millions of New Yorkers.
- Forests provide jobs: Sustainable forestry and forest products generate important economic activity throughout the state each year.
- Forests provide important habitat for wildlife and recreation for people.
- Protecting forests will help us meet the state's goal to protect 30% of New York's lands and waters by 2030.

² NY Climate Leadership and Community Protection Act Final Scoping Plan, December 2022, LU3. Avoid Agricultural and Forested Land Conversion.

While we have significant, publicly owned forests in the Adirondack and Catskill Parks and state forest areas, 75% of New York's forests are privately owned. These assets have been stewarded by forest owners, who now confront many of the same issues that are facing family farmers. The median age of a forest owner is 60, and most do not have a viable plan for the long-term future of their forest lands. In 2021, a survey to land trusts identified \$70+ million in potentially eligible projects from all over New York. These lands are at risk of conversion at a time when New Yorkers need forests more than ever as a front line of defense in a changing climate.

The average income of most family forest owners in New York State is less than \$100,000, putting their forests at serious risk for conversion due to the high costs of carrying property, such as property taxes. The average parcel size for a family forest is generally too small to fall under the criteria for state protection. In addition, for many forest landowners, their assets are in the land; which puts donation of their land for conservation out of reach. Many forest owners are left with limited options to conserve their property. The new Forest Conservation Easement for Land Trust Program is a meaningful step in addressing this problem. The pandemic has caused land prices to grow at breathtaking pace, further pressuring forest owners to sell. Increasing the ability of land trusts to work with landowners who want to protect forests now will reduce the risk of losing these lands forever.

We urge you to fund, as part of the Open Space Account, the Forest Conservation Easement for Land Trust Program at \$5 million.

Maintain the Conservation Partnership Program at a funding level of at least \$3 million

As local, nonprofit organizations, land trusts engage private landowners in efforts to conserve and enhance our most important natural resources – prime agricultural soils, local farms and community gardens; lakes, streams, wetlands, municipal watersheds and aquifers; forests and critical wildlife habitat; fragile coastal areas and estuaries. Land trusts have the local knowledge, technical expertise and commitment to perpetuity that makes them excellent partners to the state and municipalities.

Continued investment in the Conservation Partnership Program (CPP) will make certain that the rich legacy of conservation we enjoy today endures and that people in all regions can benefit from the EPF.

Because of its exemplary success over its 20-year history, maintaining the CPP is a good investment.

- The CPP is a model of efficiency: Annually appropriated dollars are awarded to land trusts under a single contract with the Department of Environmental Conservation (DEC), delivering tangible impacts for communities and directly advancing New York's Open Space Plan.
- *Funds are typically awarded within eight months and the appropriation is spent down each year.* Administered by the Land Trust Alliance in partnership with the DEC, CPP

funds are disbursed annually through a competitive grant process, creating immediate, lasting, and visible impacts on job creation, drinking water protection, recreational opportunities and community resilience to the impacts of climate change.

- The CPP has awarded 1,077 grants totaling more than \$25 million to land trusts across the state. Grant funds have helped leverage more than \$26.5 million in local matching funds and have supported the protection of more than 36,000 acres.

Investments in the CPP have built New York's land trust community to be one of the strongest in the nation. As a result of these investments, land trusts also serve as vital partners to the Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation and the Department of Agriculture and Markets. Land Trusts spur economic growth, contribute to public health and help make communities more resilient to climate change.

We urge you to keep funding the CPP at a level of at least \$3 million in FY 2023-24.

State agencies must prioritize land acquisition projects and invest in hardworking state employees

It is essential that state agencies prioritize land acquisition projects to meet the goals established in the Climate Leadership and Community Protection Act Plan and the recently adopted statewide 30x30 goal. Agencies can modernize the acquisition process and make systemic improvements to expedite conservation transactions and reduce the burden on land trusts willing to pre-acquire lands on behalf of the state.

For example, if NYS is to achieve its 30x30 target, the state and its land trust partners together will have to conserve, protect and acquire approximately 225,000 acres per year over the next eight years. In 2020 DEC acquired 5,413 acres; in 2022 the total acquired was only 4,416 acres. Land Trusts are currently holding over 95,000 acres of land valued at more than \$150 million dollars for the State of New York. This is unsustainable for the land trust community and poses a financial risk to those organizations.

We are asking DEC, OPRHP and the Attorney General's Office to work with the land trust community to streamline the land acquisition process in NY so more land is protected for climate mitigation, biodiversity habitat, and public use. Suggested actions include hiring more real property staff at all three agencies and accepting title insurance for state-purchased properties.

However, the EPF is a capital fund and should not be used to fund state staffing costs. We applaud the governor's increases to state staffing that review and approve land transactions and will help implement the Bond Act. These additions will enable state funds to be spent more quickly, increase the public's safe access to open space and help land trusts complete transactions more quickly - allowing them to remain the nimble, community-focused

organizations New York relies on. We urge you to remove offloads of EPF funds to pay for state staffing costs.

Reduce barriers to communities enacting Community Preservation Funds and advance other issues to increase the rate of land conservation in New York.

Currently, the creation of community preservation funds in individual municipalities or counties requires approval from the Legislature, which presents a barrier to establishing such funds. To make this a less burdensome process, the State should enact legislation that would allow municipalities to create community preservation funds with voter approval, without first needing approval from the Legislature. Collectively, communities in New York that have been able to create community preservation funds have conserved tens of thousands of acres of land without burdening lower income homebuyers. These locally generated funds can serve as match to state and federal grant programs and can often be leveraged by land trust fundraising. Allowing more municipalities to raise conservation funds locally will hasten our progress towards meeting the goals of the CLCPA, Open Space Plan and 30x30 legislation.

The Alliance also supports the \$300,000 line item in the EPF/Open Space account for the Village of Lake Placid to purchase the trailhead property for the Adirondack Rail Trail (ART). This property is essential as the eastern-most access point for the ART with trailhead amenities planned including parking, bathrooms, trail information, and bike racks.

Additionally, we ask you to support The Nature Conservancy Staying Connected Initiative. The Initiative takes a science-based approach to habitat connectivity conservation in the 80 million-acre Northern Appalachians-Acadian region. In New York State, agency partners include DEC, OPRHP, DOT and the Tug Hill Commission, along with many local land trusts and other conservation organizations. The Nature Conservancy is now leading an effort to expand the Staying Connected Initiative model southward by connecting forested regions in the Northern Appalachians to those in the Central Appalachians. The Appalachian Region is one of the world's most intact forested regions, storing immense reserves of carbon. The future of these forests and their wildlife depends on New York. New York State is a critical pinch-point for species movement across the entire Appalachian Mountain range, which acts as a wildlife mega-corridor extending from Alabama to Nova Scotia. New York State has a critical role to play as the "connectivity crossroads" of Eastern North America. By working in partnership, the Staying Connected Initiative will allow us to adapt to climate change while ensuring a future for wildlife across Eastern North America.

In Closing

Thank you again for the opportunity to submit testimony on the proposed FY 2023-24 Executive Budget. Providing the people of New York with an EPF that meets today's needs and solves tomorrow's problems is key to our state's long-term health and well-being. This can only be done by fully funding the EPF, investing in land trusts and conservation easements, and supporting the programs and people that complement these efforts.