



OPEN SPACE INSTITUTE

January 25, 2025

Senate Finance Chair Krueger and Assembly Ways & Means Chair Pretlow; Chairs Harckham, Glick, Serrano, and Kim; distinguished legislators – thank you for the opportunity to discuss Governor Hochul’s proposed budget as it relates to New York’s state parks, open space protection, and the environment.

My name is Kathy Moser. I am Chief Conservation and Policy Officer for the Open Space Institute.

OSI is among the leading land conservation nonprofits in the eastern United States, having protected more than 2.4 million acres of land for clean water, recreation, carbon storage, flood mitigation, and wildlife habitat from southern Canada to Florida. Still, New York remains our home, and I welcome the opportunity to be here today.

It goes without saying that all New Yorkers want clean water, clean air, flood mitigation, and access to nature that land conservation delivers. Governor Hochul and the NYS Legislature has shown their commitment to conservation with the Climate Leadership and Community Preservation Act, the Clean Water, Clean Air Green Jobs Bond Act, The Environmental Protection Fund, and NYS 30x30 legislation.

However, despite the leadership of the Governor and the legislature, state agency structures and processes have failed to keep pace. For the past few years, the NYS land trust community has repeatedly asked the Governor and the Legislature to modernize the state land acquisition process. The system is not effective. In 2007 NY State purchased over **283,000 acres** of land. In 2023, the last year reported, both DEC and OPRHP purchased a combined total of **3,800 acres**.

We were encouraged when the Governor’s State of the State book included a section called **Make Open Space Accessible for All:**

“Recognizing the need for streamlined processes, the Governor will also champion several key initiatives. These will include modernizing the use of title insurance to expedite land acquisitions, ... and reducing the financial hurdles faced by non-profit organizations in their land conservation efforts. These changes and investments will empower the state to more effectively protect our natural heritage for future generations.

A principal reason NYS is protecting fewer watersheds, conserving less open space, and creating fewer parks is because the Office of Attorney General insists on using antiquated

processes to clear title. They want perfect title, not marketable title, in contrast to forty-nine other states and the federal government, not to mention the private sector.

You may have seen the news story two weeks ago about the Town of North Hudson in Essex County. The town has been working with the DEC to convey a conservation easement to DEC for over a decade over the popular Frontier Town campground. There is a title issue dating back to the 1850s. North Hudson estimates it will spend approximately \$50,000 looking for heirs to a property sold over 170 years ago to resolve a title issue that would be insurable in the private real estate market.

This is just one example; most land trusts or local governments trying to partner with NYS on land deals have their own tales of delays and costs associated with the Attorney General's unreasonable standards. Continuing a practice that is outdated and severely hampering the state's ability to protect land is bureaucratic finger pointing at its worst.

We are grateful to legislators who have focused attention on this matter and taken action. In 2024, title insurance legislation (S.6606A/A. 7372A) was passed by the full Senate and the Environmental Conservation Committee of the Assembly, but the bill never made it to the Assembly floor for a vote.

If Governor Hochul does not implement her State-of-the-State commitment in her 30-day amendments, we respectfully urge the Senate and Assembly to do so in their one-house budget bills.

I would be remiss not to acknowledge the positive land reforms included in the Executive Budget. The Governor's budget provides a targeted conservation exemption from the state's existing mansion tax for non-profits including land trusts. In addition, DEC will now have the ability to negotiate and acquire conservation easements. The Governor's budget also broadens the use of open space funds to include necessary pre-acquisition costs such as debris removal and demolition of unsafe infrastructure.

One thing OSI would have liked to have seen in the Governor's budget –details of her strategy for providing funding for conservation and reducing the burden on not-for-profits. In her 2025 State-of-the-State, Governor Hochul also asserted that she *"will provide funding for land conservation to protect open spaces, farmland, and enhance accessibility."* To meet this goal, the state's land protection process needs new ideas to efficiently spend funds from the Clean Water, Clean Air, Green Jobs Environmental Bond Act, to get the money to communities that need it most and do so in a timely manner. To date, none of the \$300 million in Bond Act funds intended for land protection and approved by voters in 2022 has been spent to protect open space. Local governments and land trusts are ready to apply for grants and conserve more

land in their communities. The land trust community stands ready to step in and assist the State to manage the grant program effectively and efficiently.

OSI and its environmental partners urge you to increase the Environmental Protection Fund (EPF) budget to \$500 million, restore funding to the Open Space Conservation line, and raise spending for critical programs such as Municipal Parks Grants, the State Land Stewardship Fund, the Parks and Trails NY Grant Program, the Land Trust Alliance Conservation Partnership Program, and the Environmental Justice line. The Environmental Justice section of the EPF underwrites the phenomenally successful Connect Kids program allowing children from economically distressed and underserved communities to experience state parks and historic sites. These programs are extremely popular and oversubscribed, so they need more funds from an increased EPF.

The Adventure NY program, DEC capital funding for improved campgrounds, fishing piers, ADA improvements, and boat launches, should be increased. It has been funded at \$90 million over the last several years; OSI calls for it to be increased to \$100 million.

OSI supports the dedicated funding for the Adirondack and Catskill Forest Preserves in the State Land Stewardship section of the EPF. Last year's state EPF budget devoted \$10 million to visitor safety and wilderness protection in the forest preserves; the executive budget this year proposes \$8 million. With increased visitation, these dedicated funds are needed now more than ever, and we ask that the funding for the Forest Preserves be increased to \$10 million.

Over the past decade, OSI has invested millions of private dollars for new trails, trailheads, and visitor centers with the hope of connecting more people to the land and demonstrating that all New Yorkers are welcome in our state parks and public lands.

OSI currently is partnering with DEC and the Village of Lake Placid to construct a new trailhead at the eastern end of the Adirondack Rail Trail. We serve on the Forest Preserve Advisory Committee and consider DEC a partner for the 21,000 acres of land we own awaiting sale to the state.

These types of projects and initiatives, along with our decades of land protection here in New York State, serve the public in countless ways. Today our conservation work is helping to meet new challenges – protecting forests as a means to combat climate change. As the 2025 legislative session gets underway, we look forward to working with Governor Hochul, her administration, and members of the Legislature to enact a budget that moves New York State forward as a national leader in addressing the climate crisis, improving and creating access to nature and the outdoors, and ensuring that the water and air we need are protected for generations to come.

In closing, I thank the governor and members of the Senate and Assembly for working together in support of parks, open space, and the environment. Your ongoing commitment to protecting and enhancing New York's precious environmental and recreational resources is now more important than ever.

Thank you.