



## OPEN SPACE INSTITUTE

January 25, 2025

Senate Finance Chair Krueger and Assembly Ways & Means Chair Pretlow; Chairs Harchkham, 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, and I welcome the opportunity to be here today.

OSI is among the leading land conservation nonprofits in the nation, having protected more than 2.5 million acres of land for clean water, recreation, carbon storage, flood mitigation, and wildlife habitat from southern Canada to Florida. We were founded in the Hudson Valley fifty years ago and New York remains our home.

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

However, despite the leadership of the Governor and the legislature, state agency structures and processes have failed to keep pace with the rising need and public desire for land protection. 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 no longer effective, to the point where it is now actively hindering the ability of land trusts to work with the state to save land. The impact of this ineffective system is clear: in 2007 NY State worked with land trusts and communities to purchase over **283,000 acres** of land. In 2023, the last year reported, 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 every other state in the nation and the federal government, not to mention the private sector.

You may have seen the Adirondack Explorer 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 for the now-closed Frontier Town campground to DEC for over a decade. 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. Had the town been able to purchase title insurance, the cost would have been about \$1,500. This is an unfair financial burden to place on North Hudson and its taxpayers, and it is unfortunately a scenario that has become common across the state.

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 land protection efforts across the state is bureaucracy 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. 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. Lastly,

DEC will now have the ability to negotiate and acquire conservation easements. These are positive steps that New Yorkers can be proud of.

OSI and its environmental partners urge you to increase the 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, which allows children from economically distressed and underserved communities to explore and enjoy our state's unparalleled state parks and historic sites. These programs are extremely popular and oversubscribed, so they need more funds from an increased EPF. New York's children deserve no less.

We appreciate that the Executive Budget includes \$200 million for Parks capital projects. This is the amount State Parks needs to implement its capital improvements across the state, planning for which happens years in advance.

In 2024 NY State Parks welcomed 88 million visitors, four million more than the record breaking numbers in 2023. Increased visitation means increased costs for maintenance and personnel. OSI asks that staffing and general fund allocations keep pace with the steady increases in state park visitation by New Yorkers and visitors from around the world.

OSI has invested millions of private dollars for new trails, trailheads, and visitor centers at state parks in order to connect more people to the land, make nature more accessible to people with varying abilities, and demonstrate that all are welcome in our state parks and public lands.

OSI currently is partnering with NY State Parks to create a new multi-use trail and trailhead at Schunnemunk State Park in fast growing Orange County. We are continuing our long-term efforts at Minnewaska State Park Preserve to restore its historic carriage roads and are also planning a new trail system in Harriman State Park. Additionally, this year we will start construction on the Lake Placid trailhead for the new Adirondack Rail Trail, which we anticipate will provide a welcome boost for local economic activity while also helping to protect the delicate environment of the Adirondacks.

These types of projects, along with our five decades of land protection here in New York State, benefit the public in countless ways. We are all especially proud that

through our conservation efforts, OSI has had a hand in saving more than ten percent of the total acreage of New York's state parks. Today our conservation work is helping New York meet new challenges, such as protecting forests to address issues caused by ever-increasing extreme weather such as heat islands, flooding, and drought. 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 severe weather and the climate crisis, improving and creating access to nature, and ensuring that the land we need for clean water and air is 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 commitment and leadership on protecting and enhancing New York's precious environmental and recreational resources is needed now more than ever.

Thank you.