



OPEN SPACE INSTITUTE

February 7, 2024

Senate Finance Chair Krueger and Assembly Ways & Means Chair Weinstein; Chairs Harkham, Glick, Serrano, and O'Donnell; 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.

The Open Space Institute views Governor Hochul's proposed state budget as a necessary step toward furthering the state's commitment to protecting the waters, land, and clean air that sustain all New Yorkers. In this year of the NY State Parks Centennial, OSI was especially pleased to see \$100 million dedicated for state park infrastructure projects. This allocation not only commemorates 100 years of New Yorkers enjoying their parks, it also sets the stage for future generations of park lovers.

Before I get into the specifics of the Governor's proposal for the Environmental Protection Fund, I would be remiss if I did not acknowledge the Legislature's historic and heroic commitment to protecting the integrity and mission of the EPF.

The NY Legislatures' long-term and enthusiastic commitment has supported and protected the EPF for decades. I want to thank the members of both houses for all you have done for it and other environmental funding over the decades.

Turning to this year's budget plan, we endorse Governor Hochul's proposal to maintain the Environmental Protection Fund (EPF) at its historic \$400 million funding level. However, the Executive Budget proposes to offload \$25 million of state agency staff costs onto the EPF. OSI asks the Legislature to eliminate this staffing line in the EPF. The EPF has been New York's most important source of funding for a range of critical environmental protection projects, such as meeting the needed demand for parks and greenspace for people and wildlife, safeguarding New York's clean air and water, and protecting working farms. While state agencies may need more staffing, the Governor's

proposal sets a dangerous precedent that could lead to further program reductions in the future. Similar proposals have been rejected by the Assembly and Senate in the past. We urge the Legislature to restore the EPF programs that were reduced to pay for this staffing raid.

We call on the Legislature for assistance in streamlining the state land acquisition process in their one-house budgets. To realize our state's conservation and climate goals and fulfill the wishes of voters who strongly supported the Bond Act as well as the EPF, the state's land acquisition program must be improved and streamlined. Regrettably, land protection in NY has slowed in recent years. In 2022, DEC & NYS Parks acquired just 5,056 acres combined. Contrast that number to the historic average of 70,000 acres each year over the history of the EPF. One immediate step that can be taken to increase the pace of land protection is to include language in your Senate and Assembly Budget Proposals expressly authorizing the Real Property Bureau of the Office of Attorney General to use private title insurance as a means of achieving marketable title. Such an allowance would be consistent with common real estate practice, as well as allowable practices in virtually all other state and federal land acquisition programs. In contrast, New York State undertakes its own review of land titles, sometimes going back one hundred years or more in an attempt to prove perfect title. This materially slows down transactions and open space conservation program implementation, depriving communities across the state of the benefits of these projects. In addition, these lengthy periods impact the public purse due to the accrual of additional holding costs while the properties are being held by land trusts or other entities. Currently there are more than 100,000 acres valued in excess of \$150 million pending transfer to the state.

Returning to the Executive Budget proposal – it includes \$200 million in annual capital funding for projects in New York State Parks. OSI respectfully asks the Senate and Assembly to increase this funding to \$250 million in their one-house budget proposals. This was the level of capital for NY State Parks in the FY 22-23 state budget, and this is what is required to build and maintain park infrastructure statewide. Every region of New York benefits from a park system that offers world-class amenities for visitors.

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 \$8 million to visitor safety and wilderness protection in the forest preserves. With increased visitation, these dedicated funds are needed now more than ever.

We remain supportive of the funding for the Municipal Parks Grants pool, 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 highly successful Connect Kids program allowing children from economically distressed and underserved communities to experience state parks and historic sites. Once the \$25 million in staffing is eliminated, that amount should go back into the various EPF programs to maintain funding at FY 23/24 levels.

And while the Legislature cannot dictate staffing levels at executive agencies, I would be remiss not to put in the record the need for more real property staff and transactional attorneys at both DEC and the Attorney General's office.

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 NY State Parks to create a new multi-use trail and trailhead at Schunnemunk State Park in fast growing Orange County. We are also constructing a new trailhead at the eastern end of the Adirondack Rail Trail in the Village of Lake Placid. And we are continuing work at Minnewaska State Park Preserve to restore historic carriage roads.

These types of projects, along with our decades of land protection here in New York State, serve the public in countless ways. In fact, we are all especially proud that through our conservation efforts, OSI has had a hand in protecting more than ten percent of New York's state parks. Today our conservation work is helping to meet new challenges – protecting forests as a means to combat climate change. As the 2024 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.