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**2024 Joint Legislative Budget Hearing  
Environmental Conservation**

**Testimony of  
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**February 7, 2024**

**Protecting the Environment and Enhancing the Wellbeing of All New Yorkers**

Thank you Senate Finance Committee Chair Krueger, Assembly Ways and Means Committee Chair Weinstein, Ranking Members Senator O'Mara and Assemblyman Ra, and members of the Joint Legislative Budget Committee, for the opportunity to present Scenic Hudson's perspective on Governor Kathy Hochul's Executive Budget Proposal for the 2024-2025 fiscal year.

Scenic Hudson's mission is to sustain and enhance the Hudson Valley's inspirational beauty and health for generations to come. We are doing so by preserving land and farms and creating parks that connect people with the inspirational power of the Hudson River, while fighting threats to the river and natural resources that are the foundation of the Hudson Valley's prosperity. Our work is making the Hudson Valley a model for responding to climate change, and providing the people of the Hudson Valley with the tools and support they need to strengthen their communities and advocate for themselves.

I would like to thank the Governor and the state Legislature for your leadership in enacting a 2023 budget that maintained significant investments in environmental programs and enhanced state agency capacity to deliver critical environmental services. Your collective work secured a significant \$400 million investment in the Environmental Protection Fund (EPF) for the second year in a row, funding for 365 new state employees across multiple agencies to implement programs associated with the Clean Water, Clean Air, and Green Jobs Bond Act, and payments to the City of Kingston and Town of Ulster that will help them balance lost tax revenue related to the establishment of the new Sojourner Truth State Park. The 2024-5 budget and legislative sessions present an opportunity to restore and maintain the appropriations for environmental programs at historic levels, and expeditiously implement projects that protect the health and wellbeing of all NYS residents.

**The following are Scenic Hudson's priorities for the 2024-2025 budget session.**

**Environmental Protection Fund**

The EPF is New York's only dedicated capital investment program for the environment. It supports more than 100 environmental projects and initiatives that benefit every municipality, big or small. The demand for EPF-funded programs has not subsided, and continues to outpace available funding by a wide margin. We thank the Governor and the Legislature for committing \$400 million to the EPF in last year's budget, and ask for the same allocation this year.

Scenic Hudson supports maintaining the EPF at \$400 million without the \$25 million reduction for agency operations and staff. We join with the New Yorkers for Clean Water and Jobs coalition in urging the Legislature to once again reject this proposed offload, and restore the EPF programs that were reduced because of it.

We are supportive of funding for individual EPF line items and programs at the following levels:

- **Soil and Water Conservation Districts:** \$18 million (Governor proposed at \$18 million)  
Much of the current work to transition farms to climate-resilient farming practices in New York State would not be possible without local Soil and Water Conservation Districts (SWCDs). SWCDs form one pillar of an information delivery system that is among the strongest in the nation and is very effective at delivering technical assistance to farmers and land managers. In particular, SWCDs in every county of the state are vital to enabling the on-the-ground application of research-informed climate-resilient farming practices. Scenic Hudson supports the Governor's forward-looking proposal to increase the funding level for SWCDs to \$18 million from last year's \$16 million. Increased funding is needed to further build the capacity of SWCDs in every county of the state to assist and educate farmers and land managers on the front lines of a changing climate. Scenic Hudson is working collaboratively with SWCDs in the Hudson Valley through the Northeast Carbon Alliance to promote economically productive and climate-effective healthy soils management.
- **Climate Resilient Farming Program:** \$15.25 million (Governor proposed at \$15.25 million)  
Farmers throughout New York State have been building healthy soils by employing systems that have been used for centuries as well as innovative practices that reduce emissions, sequester carbon, protect and increase water quality, and support greater biodiversity. While we would ideally like to see this program restored to its historical \$16.75, we support the Governor's proposed \$15.25 million in funding for climate resilient farming projects. This funding will support the farmers who are already using these methods and will enable more farmers to adopt practices that reduce on-farm emissions, increase food system resiliency, and provide essential ecosystem services.
- **Farmland Protection:** \$25 million (Governor proposed at \$18.25 million)  
The need to protect farmland is especially urgent in fast-growing regions of the state — such as the Capital Region and Hudson Valley — facing acute development pressure and conversion of working farms to non-agricultural uses. To keep local farms in business and meet growing demands for fresh food, the state must protect more farmland. Successfully accomplishing this requires an allocation of at least \$25 million (up from last year's \$21 million). Protecting farmland and avoiding its conversion to other uses is a critical step in achieving the state's 30x30 goals and ensuring that these precious lands are available to feed our communities and achieve climate solutions.

Scenic Hudson is continuing our work to conserve farmland in the Hudson Valley's Foodshed. Updates on this work are available at <https://www.scenichudson.org/our-work/conservation/farms/>.

- **Municipal Parks:** \$26 million (Governor proposed at \$22.75 million)  
The Grant Program for Parks, Preservation and Heritage (Municipal Parks program) currently provides up to \$26 million in matching grants to projects that acquire, develop, and plan municipal parks and recreational facilities. These grants empower municipal governments to work with both the state government and local organizations to build and improve the outdoor spaces that their

constituents enjoy. In recent years, the total amount of annual applications for this program has frequently met or exceeded \$90 million. Maintaining the \$26 million appropriation from last year's budget will allow the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to continue fulfilling many of the grants needed to improve the recreation infrastructure so critical to our state.

- **Open Space/State Land Conservation:** \$38.9 million (Governor proposed at \$34.5 million)  
New York state has a goal to conserve at least 30 percent of state land and water by 2030 (30x30). 20% of the state has been protected so far, leaving another 3,190,806 acres needed to meet the goal. In the Hudson Valley alone, approximately 360,000 acres need to be conserved in order to meet a 30% conservation goal of the lands in just our ten county region. We encourage the NYS Department of Environmental Conservation (DEC), OPRHP, and the Attorney General's Office to work with the land trust community to streamline the land acquisition process in New York so more land is protected at a faster pace - for climate mitigation, biodiversity habitat, and public use. The state needs to ramp up conservation efforts in order to meet 30x30 goals, and consequently, the ambitious goals set by the NYS Climate Action Plan.

Conservation of land and water has a big role to play in achieving climate goals. Scenic Hudson developed Hudson Valley Conservation Strategy (HVCS) in part to identify the best potential conservation investments for achieving a resilient, functional, and productive landscape in the Hudson Valley region. Guided by the HVCS and our existing conservation strategies, we have conserved more than 50,000 acres, including creating or enhancing more than 65 parks, preserves, and historic sites that provide places for people to relax, enjoy recreation, and be inspired by the valley's natural beauty and heritage. Maintaining funding for open space and land conservation at \$38.9 million will allow Scenic Hudson and our regional and statewide partners to continue conserving New York State land that matters most.

- **Hudson River Estuary Program (HREP):** \$7.5 million (Governor proposed at \$7.25 million)  
In 2022, funding for the HREP received a \$1 million increase to \$7.5 million, the first substantial growth for the program since its inception in 1996. We support the maintenance of this funding level in this year's budget, as demand for this program and a safe, accessible Hudson River necessitates an annual allocation of at least \$7.5 million. Maintaining this allocation will enable HREP staff and its partners to continue providing technical support and grants to local communities and projects committed to preserving and increasing connections to the Hudson River.
- **Conservation Partnership Program (CPP):** \$3 million (Governor proposed at \$3 million)  
We join with the Land Trust Alliance in requesting that the CPP be maintained at \$3 million in this year's budget. The CPP is a successful public-private partnership between DEC and the Land Trust Alliance. It offers competitive grants to New York land trusts to advance local land conservation for the climate, health, and economic benefits they provide. The CPP is a model of efficiency as appropriated dollars are awarded annually in coordination with DEC, delivering tangible outcomes for communities and directly advancing New York's Open Space Plan. The program has protected more than 36,000 acres without adding to the state's management burden. With increased demand for open space, worsening climate change impacts, and growing awareness of the importance of locally

led conservation in achieving a 30x30 goal, it is critical to continue funding for this program at a level of at least \$3 million.

### **Parks Capital Funding**

Scenic Hudson is grateful for the one-time infusion of \$100 million in new capital funds into our state parks system as part of the New York State Parks centennial celebration. However, the Governor's proposed \$200 million allocation on an annual basis falls short of the overall need for funding, and is a decrease from the \$250 million that was allocated in FY 2022-2023. Even as the state makes the extraordinary \$100 million investment, the Parks Capital Fund needs a baseline appropriation of at least \$250 million annually for the next decade. This level must be sustained — to address climate change through smart management of state parkland, site renewable energy to help state parks become carbon neutral, address the backlog of deferred maintenance, maintain the state's national leadership in connecting people to nature and outdoor recreation, and meet goals for diversity, equity, and inclusion. We respectfully request that the Legislature increase funding for parks capital projects to \$250 million and support the Governor's proposal of \$100 million in additional capital funds.

The proposed infusion of new capital funding for our robust state parks system comes at a critically important moment. As temperature highs become more extreme due to climate change, it's imperative that New Yorkers have ample opportunities to cool off. We are pleased that Sojourner Truth State Park is slated to receive a floating swim structure in its Quarry Lake through Governor Hochul's NY SWIMS program. We applaud the Governor's passion and creativity in addressing the need for both recreation and refuge from the heat in our urban communities, and ask that the Legislature include \$150 million for NY SWIMS in their one-house budgets.

### **Clean Water Infrastructure Act**

Scenic Hudson joins with the New York Clean Water Coalition in asking for \$600 million for clean water infrastructure. The proposed \$250 million appropriation for the Clean Water Infrastructure Act represents a 50% reduction from current annual appropriations. Now is not the time to decrease funding for this program, as New York communities need at least \$80 billion in funding to update water infrastructure, remove toxins from their drinking water, and address the impacts of climate change. This funding will enable New York State to tackle both longstanding and emerging threats to clean water in our state.

### **Environmental Bond Act Implementation**

We are grateful to the Governor and Legislature for their efforts over the years to craft and pass an Environmental Bond Act that will benefit all New Yorkers. Scenic Hudson joins the New Yorkers for Clean Water and Jobs Coalition in asking for the continued, expeditious implementation of the Bond Act. The Bond Act is meant to be additive, not a substitute for existing programs. Therefore, by maintaining the funding for other environmental programs, including those outlined above, Bond Act resources will better contribute to addressing the significant needs that exist in communities throughout the state.

### **Climate and Flood Resiliency**

Scenic Hudson is highly sensitive to sea level rise and storm events in the Hudson Valley and their impact on homes, communities, and the environment. In the Hudson Valley, over 9,000 acres of riverfront lands lie within the expanding reach of daily high tides, threatening both the most critical river habitats and

approximately 3,600 households and 6,900 people. Accompanying shifts of flood-prone areas will put approximately 6,400 more households and 12,200 people at greater risk from damaging storm surges and floodwaters. We acknowledge and support the Governor's proposed funding intended to mitigate damage from major flooding events, including:

- \$250 million from the 2022 Clean Water, Clean Air and Green Jobs Environmental Bond Act to promote voluntary home buyouts in communities most vulnerable to flooding;
- \$130 million for Green Resiliency Grants to support flood control infrastructure projects; and
- \$40 million to launch the Resilient and Ready program, which will support low and moderate income homeowners with resiliency improvements and assist with repairs in the event of a catastrophic event.

### **Budget Language**

Scenic Hudson the inclusion of language in the final NYS budget that addresses the following:

- **Conservation Easements as an Allowable Environmental Bond Act Expense**

Conservation easements are perhaps the most affordable tool to achieve the state's goal of protecting 30 percent of its open space by 2030. However, there has been some debate as to whether or not funds in the Bond Act can be used for conservation easements. Scenic Hudson supports the Governor's proposed amendment to the state finance law in the Public Protection and General Government Article VII Legislation, Part X §51, 6-a, ii. The amendment adds conservation easements to the definition of "fixed assets", confirming that conservation easements are in fact an allowable Bond Act expense. This action will act in good faith on the voters' resounding support of the Bond Act, and further protect our state's natural resources.

- **State Open Space Program Administration**

Unlike virtually all other state and federal land acquisition programs, New York does not utilize private title insurance in its open space 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. Scenic Hudson calls on the Legislature for assistance in streamlining the state land acquisition process in their one-house budgets. We ask that you include legislation in your Senate and Assembly Budget Proposals that expressly authorizes the Real Property Bureau of the Office of Attorney General to use private title insurance, consistent with common real estate practice, as a means of achieving marketable title. Utilizing title insurance will improve and increase the pace of state land acquisition, providing communities statewide greater access to the benefits of land conservation.

- **Real Property Tax Law Section 532**

Both Sojourner Truth State Park and Franny Reese State Park are owned by the Palisades Interstate Park Commission. Since the formation of these parks, the lands that they encompass have been removed from their respective communities' tax rolls. For the Town of Lloyd specifically, this host community has not received the tax benefits from the Franny Reese State Park property for almost 15 years. Most other New York State Parks owned by the Palisades Interstate Park Commission fall under Real Property Tax Law (RPTL) 532, which requires specific lands owned by and/or used by NYS to pay local property taxes. Throughout history, there have been many amendments to RPTL



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532 to include the lands owned by the Palisades Interstate Park Commission, so that the host communities receive property tax payments. Scenic Hudson supports amendments to RPTL 532 as part of the budget process that would add the current and future state park lands that are in the City of Kingston and the Town of Ulster (Sojourner Truth State Park) and the Town of Lloyd (Franny Reese State Park).

**Thank you for this opportunity to provide testimony. If you have questions about Scenic Hudson's positions or work, please contact me at [cfraccarolli@scenichudson.org](mailto:cfraccarolli@scenichudson.org).**