

**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 2025-26**

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Jamie Brown, Senior Program Manager, New York  
Land Trust Alliance

Thank you for this opportunity to submit testimony on behalf of New York's land trusts and conservation community in response to the Governor's proposed environmental funding in the 2025-26 Executive Budget.

In New York State, the Land Trust Alliance serves as a leader, convener, partner, and technical assistance provider to a network of over 90 nonprofit land trusts that work in every Senate and Assembly district. Our extensive involvement with New York land trusts gives us a keen insight into the benefits of the Environmental Protection Fund (EPF) and the role of public-private initiatives such as the Conservation Partnership Program (CPP) and Forest Conservation Easements for Land Trusts (FCELT) in advancing the state's environmental conservation and economic development goals.

***We are asking for your support of a \$500 million EPF that:***

- Includes at least \$50 million for the Open Space Account, \$5 million for the Conservation Partnership Program and \$5 million for the Forest Conservation Easement for Land Trust Program.
- Includes at least \$600,000 in the Open Space Account to be used to fund the Alliance's administrative costs to manage, in partnership with the State, a new grant program that would deploy the \$300 million from the Environmental Bond Act that is to be used to protect open space. This new grant program would allow land trusts and municipalities to acquire land that will provide important habitat, access to nature and recreation, and protect water quality.

***We are asking for your support of a state budget that streamlines conservation and:***

- Builds on the Governor's recommendations in the Executive budget to remedy the longstanding backlog of land acquisitions, including for the State to use title insurance.
- Adopts the Governor's position that land trusts should be exempt from paying the mansion tax on conservation properties.

**EPF SPENDING:**

We urge the Legislature to increase the EPF appropriation to \$500 million. The Governor's budget proposal grows the total budget by \$10 billion. We should be growing environmental funding as the budget grows, as programs funded through the EPF benefit all New Yorkers.

*Open Space Account:*

We hope you will increase the Open Space Account funding to at least \$50 million in this upcoming budget to further the Climate Leadership and Community Protection Act Final Scoping Plan and state's Open Space Plan as part of a \$500 million EPF. It is imperative to increase this funding to reflect the growing needs and priorities of our state. We are concerned that the Executive Budget decreases the allocation to \$37.5 million from \$39.5 million. This is a step backwards. Given the urgency and limited time to respond to climate change and its impacts, we respectfully request your support for a \$50 million Open Space Account.

*Increase the CPP from its current funding level of \$3 million, to \$5 million*

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. In its **twenty-year** history, the CPP has awarded 1,208 grants totaling more than \$31 million to 94 land trusts across the state. Grant funds have helped leverage more than \$32 million in local matching funds and have supported the protection of more than 36,000 acres. In the past two years, demand for the program has sky-rocketed, as requests for funding reached \$5 million, despite only \$3 million in funding.

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 increase funding for the CPP, as part of the Open Space Account, to \$5 million in FY 2025-26.

*Increase FCELT from its current funding level of \$1.5 million, to \$5 million.*

The FCELT program is a public-private partnership designed to increase the rate of forest conservation in New York by providing grant funding for land trusts to purchase conservation easements from willing landowners of forested land to ensure the benefits these forests provide to the public continue for generations to come. The program has seen rapidly increasing demand since it began, with the last two years seeing much greater demand than available funds. To date, the Alliance and NYSDEC have provided \$4M that will protect over

4,000 acres, ensuring that these forested acres are protected and offer benefits to all New Yorkers including:

- 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.
- <sup>1</sup>Protecting forests will help us meet the state's goal to protect 30% of New York's lands and waters by 2030.

Unfortunately, without continued and increased funding, the window to protect these forests will close. Forest landowners are generally of modest means and under tremendous pressure to see their land for development, putting the clean air, water and economic benefits these lands provide at risk.

*Provide \$600,000 of EPF funds to allow the Alliance to manage, in partnership with the State, a capital land grant program utilizing the \$300 million in Bond Act funds dedicated to protecting open space*

We urge you to utilize \$600,000 of the EPF to allow the Alliance to manage a new grant program to strategically deploy the \$300 million designated for open space protection from the \$4.2 billion Environmental Bond Act. The Alliance has strong experience from working for more than 20 years with the DEC to administer the CPP, as well as the newer FCELT grant program. The Alliance is uniquely positioned to ensure that these funds are used efficiently, effectively and in a timely manner by land trusts and municipalities to further the goals of the Bond Act. The Alliance has shown that we can provide low-cost, efficient management and administration of grant programs in partnership with the State. Such an investment will ensure that the State is not burdened with the cost and work of hiring, training, and retaining additional staff to manage the program.

The procedures, process, and systems used by both CPP and FCELT that have been adopted by both DEC and the Alliance offer a working model of how the new grant program should be designed and jointly managed. We support the use of the Bond Act funds to be used to support open space acquisition by both **land trusts and municipal entities**. Allowing the Alliance to manage this new program would ensure that the funds would be deployed in a timely manner and used effectively and efficiently.

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<sup>11</sup> NY Climate Leadership and Community Protection Act Final Scoping Plan, December 2022, LU3. Avoid Agricultural and Forested Land Conversion.

We also urge you to include in this year's budget the initiatives to streamline the process by which the State acquires land by modernizing the use of title insurance for land acquisitions, as the Governor indicated in her State of the State book (Make Open Space Accessible for ALL).

#### STREAMLINE CONSERVATION:

##### *New York State Can Accept Title Insurance*

We support your inclusion of initiatives to streamline the process by which the State acquires land by modernizing the use of title insurance for land acquisitions, as the Governor indicated in her State of the State book (Make Open Space Accessible for ALL).

New Yorkers want clean water, clean air, flood mitigation, and access to nature that land conservation delivers. Governor Hochul and the Legislature have 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 broken. 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.*

Regrettably the Governor's proposed Executive budget failed to include major remedies to resolve these longstanding issues.

A principal reason the State is protecting less of the places that are important to New Yorkers is because the Office of Attorney General currently uses an antiquated and inefficient processes to clear title. We agree that the OAG should carefully review title and ensure that transactions do not contain issues that may interfere with the State's eventual ownership of the land. However, this important goal can be accomplished using title insurance, a commonly used tool that forty-nine other states, the federal government, and the private sector all utilize in transactions.

NYSDEC acknowledges there are over 100,000 acres awaiting to be purchased at a fair market value of \$180 Million. The average time it takes DEC to buy a property is nearly five years. There are more properties and more delays at OPRHP. The State's use of title insurance in these transactions, would be an easy, affordable, and effective way to protect the State's property

rights.

We applaud Governor Hochul for including this initiative in her State-of-the-State book, but are disappointed that the idea did not follow-through to the Executive budget. If this critical issue is not addressed in the Executive budget 30-day amendments, then we respectfully urge the Senate and Assembly to do so in their one-house bills.

*Exempt Conservation from the Mansion Tax.*

We thank the Governor for including in her budget a provision for a targeted conservation exemption from the state’s existing mansion tax for non-profits including land trusts. We urge the Assembly and Senate to similarly allow for an amendment to the law that allows for such an exemption.

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.

Thank you again for the opportunity to submit testimony on the proposed FY 2025-26 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.

Respectfully submitted,

Jamie Brown  
Senior Program Manager, New York  
Land Trust Alliance

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**Background on the *Land Trust Alliance* and *New York’s Land Trust Community***

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 90 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.

*The New York Land Trust Community:* 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. The State's 90 land trusts play essential roles in New York's communities. These non-profit organizations are dedicated to serving the people and places where they are located and have decades of experience and relationships that allow them to make positive, meaningful, and lasting impacts on their communities.

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.

Although the numbers are impressive, it is truly the relationships and understanding of the communities that these land trusts have built over many years, that is their key to their success. Land trusts seek to understand their communities' needs, and then work to address them. This is the key to their success.