

PECONIC LAND TRUST



**Testimony of the Peconic Land Trust
to the Joint Legislative Committee on Environmental Conservation
Senate Finance Committee Chair Liz Kruger
Assembly Ways and Means Committee Chair J. Gary Pretlow
Senate Environmental Conservation Committee Chair Deborah J. Glick
Assembly Environmental Conservation Committee Chair Pete Harckham**

January 28, 2025

On behalf of the board and staff of the Peconic Land Trust, I want to thank you for the opportunity to submit written testimony with regard to Governor Kathy Hochul's 2025-2026 Executive Budget. In particular, our comments will be directed at Streamlining the NYS Land Acquisition Process and Exempting Conservation Organizations from the Mansion Tax.

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 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 and have slowed it to a crawl. 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 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 protecting 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.

DEC 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.

Since 2019, the Peconic Land Trust has acquired seven properties with a value of over \$15 million. All of the properties were threatened with development and were of great interest to the DEC, but the DEC could not act quickly enough to protect them. The Trust used its revolving fund and loans from donors to make these acquisitions but it has taken over 4 years for the DEC to acquire them tying up millions of dollars while other properties are lost. By improving the NYS land acquisition process and closing on properties more quickly, land trusts can use their limited capital to accomplish more

conservation, especially in areas that are facing intense development pressures such as Long Island.

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 fails to fulfill 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 bills.

The Peconic Land Trust is pleased that the Governor included a provision in her budget Exempting Conservation Organizations from the Mansion Tax. This is a significant step to help conservation organizations save funds necessary to conserve land in areas with intense development pressure and escalating values. It is our hope that the Assembly and Senate will include similar provisions in their respective one-house budgets. The Trust thanks Governor Hochul for understanding and including targeted conservation exemptions from the state's mansion tax that will benefit communities throughout New York State.

We thank you for your consideration, and I am available at your convenience to discuss further as you enter into the process for the FY 2025/2026 state budget.

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About the Peconic Land Trust

Since 1983, the Peconic Land Trust has worked with landowners, donors, community members, and government at all levels, to conserve Long Island's working farms, natural lands, and heritage. To date, with the assistance of many we have conserved about 14,000 acres on Long Island, including farmland that grows healthy local

vegetables, flowers, herbs and more; woodlands that protect our drinking water and provide places to explore; wetlands and shorelines that protect our bays, ponds, and oceans from harmful run-off; historic properties that reflect our cultural heritage; and shorelines and wetlands that provide buffers to communities in the face of rising tides and storm surges.