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STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

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JAN 28 2003

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MEMORANDUM

JAN 24 2003

To: THE GOVERNOR

Honorable Sheldon Silver
Speaker of the Assembly

Honorable Joseph L. Bruno
Senate Majority Leader

FROM: Erin M. Crotty

SUBJECT: Comptroller's Audit Report 2000-S-58, Selected Acquisition Practices under New York State's Open Space Conservation Plan

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Office of the State Comptroller

JAN 30 2003

Lynn Canton
Deputy Comptroller

The New York State Department of Environmental Conservation (Department) has reviewed the State Comptroller's Audit Report 2000-S-58 entitled *Selected Acquisition Practices under New York State's Open Space Conservation Plan*. Pursuant to the provisions of Section 170 of the Executive Law, the Department has attached our comments in response to the recommendations contained in the Comptroller's report.

Attachment

cc: Honorable David Paterson
Honorable Paul A. Tokasz
Honorable Charles Nesbitt
Honorable Herman D. Farrell, Jr.
Honorable Thomas F. Barraga

Honorable Owen H. Johnson
Honorable William T. Stachowski
Honorable Alan G. Hevesi
Honorable Nicholas Spano
John P. Cahill
James G. Natoli
James McGuire, Esq.
Charlie Fox
Ms. Andrea Zaretzki

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Response to the Office of State Comptroller's
Audit Report 2000-S-58:
Selected Acquisition Practices under New York State's Open Space
Conservation Plan**

The Department of Environmental Conservation (Department) has reviewed Audit Report 2000-S-58 (Report) submitted by the State Comptroller and here offer our response to the recommendations contained therein.

Recommendation 1:

Establish a joint interpretation (with the Office of Parks, Recreation & Historic Preservation) of the legal requirements governing the acquisition of parcels under the (Open Space) Plan and consistently apply that interpretation in all future acquisitions.

Department Response:

The Department is in the process of meeting with Office of Parks, Recreation & Historic Preservation and with the Attorney General's Office to discuss a joint interpretation of the legal requirements governing the acquisition of parcels under the Open Space Plan.

Recommendation 2:

For each open space land acquisition involving a third-party intermediary, document the reasons why that particular third-party intermediary was involved in the acquisition.

Department Response:

We agree that there is merit in documenting the reasons why particular third-party intermediaries are involved in particular acquisitions and have instituted this practice.

Recommendation 3:

In the absence of further legislative clarification, provide annual reports of open space acquisition

and the results of acquisition activities to SLAAC (State Land Acquisition Advisory Council).

Department Response:

The Department has already determined to provide its annual report information to the State Land Acquisition Advisory Council and will continue to do so.

In addition, the Department periodically reports on land acquisition activities by normally announcing these matters to the press and the public, and by including this information in reports of the 1996 Clean Water/Clean Air Bond Act and the Environmental Protection Fund.