

1499

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution, in relation to the management and use of the lands of the state forest preserve

1 Section 1. Resolved (if the Assembly concur), That section 1 of arti-
2 cle 14 of the constitution be amended to read as follows:
3 Section 1. The lands of the state, now owned or hereafter acquired,
4 constituting the forest preserve as now fixed by law, shall be forever
5 kept as wild forest lands. They shall not be leased, sold or exchanged,
6 or be taken by any corporation, public or private, nor shall the timber
7 thereon be sold, removed or destroyed.
8 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE
9 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, OR ANY OTHER STATE DEPARTMENT
10 OR AGENCY WHICH SUCCEEDS TO THE POWERS, DUTIES AND FUNCTIONS OF THE
11 DEPARTMENT OF ENVIRONMENTAL CONSERVATION RELATING TO THE MANAGEMENT AND
12 REGULATION OF THE FOREST PRESERVE, SHALL BE AUTHORIZED AND DIRECTED TO
13 ESTABLISH UPON ANY LANDS OF THE STATE ACQUIRED ON OR AFTER THE EFFECTIVE
14 DATE OF THIS PARAGRAPH CONSTITUTING A PORTION OF THE FOREST PRESERVE, A
15 REASONABLE NUMBER OF FOREST PRESERVE MANAGEMENT AREAS. THE STATE, ACTING
16 BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR SUCH
17 SUCCESSOR DEPARTMENT OR AGENCY THERETO, MAY CUT, SELL AND CONTRACT FOR
18 THE SALE AND REMOVAL OF TIMBER UPON SUCH LANDS CONSISTENT WITH SUCH
19 PROVISIONS OF LAW AS THE LEGISLATURE SHALL ENACT RELATING THERETO.
20 FURTHERMORE, MOTORIZED EQUIPMENT SHALL BE AUTHORIZED TO BE USED UPON
21 SUCH LANDS, AND ROADS MAY BE CONSTRUCTED THEREON FOR THE PURPOSES OF
22 IMPLEMENTING THE PROVISIONS OF THIS PARAGRAPH. Nothing herein contained
23 shall prevent the state from constructing, completing and maintaining
24 any highway heretofore specifically authorized by constitutional amend-
25 ment, nor from constructing and maintaining to federal standards federal
26 aid interstate highway route five hundred two from a point in the vicin-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 ity of the city of Glens Falls, thence northerly to the vicinity of the
2 villages of Lake George and Warrensburg, the hamlets of South Horicon
3 and Pottersville and thence northerly in a generally straight line on
4 the west side of Schroon Lake to the vicinity of the hamlet of Schroon,
5 then continuing northerly to the vicinity of Schroon Falls, Schroon
6 River and North Hudson, and to the east of Makomis Mountain, east of the
7 hamlet of New Russia, east of the village of Elizabethtown and continu-
8 ing northerly in the vicinity of the hamlet of Towers Forge, and east of
9 Poke-O-Moonshine Mountain and continuing northerly to the vicinity of
10 the village of Keeseville and the city of Plattsburgh, all of the afore-
11 said taking not to exceed a total of three hundred acres of state forest
12 preserve land, nor from constructing and maintaining not more than twen-
13 ty-five miles of ski trails thirty to two hundred feet wide, together
14 with appurtenances thereto, provided that no more than five miles of
15 such trails shall be in excess of one hundred twenty feet wide, on the
16 north, east and northwest slopes of Whiteface Mountain in Essex county,
17 nor from constructing and maintaining not more than twenty-five miles of
18 ski trails thirty to two hundred feet wide, together with appurtenances
19 thereto, provided that no more than two miles of such trails shall be in
20 excess of one hundred twenty feet wide, on the slopes of Belleayre Moun-
21 tain in Ulster and Delaware counties and not more than forty miles of
22 ski trails thirty to two hundred feet wide, together with appurtenances
23 thereto, provided that no more than eight miles of such trails shall be
24 in excess of one hundred twenty feet wide, on the slopes of Gore and
25 Pete Gay mountains in Warren county, nor from relocating, reconstructing
26 and maintaining a total of not more than fifty miles of existing state
27 highways for the purpose of eliminating the hazards of dangerous curves
28 and grades, provided a total of no more than four hundred acres of
29 forest preserve land shall be used for such purpose and that no single
30 relocated portion of any highway shall exceed one mile in length.
31 Notwithstanding the foregoing provisions, the state may convey to the
32 village of Saranac Lake ten acres of forest preserve land adjacent to
33 the boundaries of such village for public use in providing for refuse
34 disposal and in exchange therefore the village of Saranac Lake shall
35 convey to the state thirty acres of certain true forest land owned by
36 such village on Roaring Brook in the northern half of Lot 113, Township
37 11, Richards Survey. Notwithstanding the foregoing provisions, the state
38 may convey to the town of Arietta twenty-eight acres of forest preserve
39 land within such town for public use in providing for the extension of
40 the runway and landing strip of the Piseco airport and in exchange
41 therefor the town of Arietta shall convey to the state thirty acres of
42 certain land owned by such town in the town of Arietta. Notwithstanding
43 the foregoing provisions and subject to legislative approval of the
44 tracts to be exchanged prior to the actual transfer of title, the state,
45 in order to consolidate its land holdings for better management, may
46 convey to International Paper Company approximately eight thousand five
47 hundred acres of forest preserve land located in townships two and three
48 of Totten and Crossfield's Purchase and township nine of the Moose River
49 Tract, Hamilton county, and in exchange therefore International Paper
50 Company shall convey to the state for incorporation into the forest
51 preserve approximately the same number of acres of land located within
52 such townships and such County on condition that the legislature shall
53 determine that the lands to be received by the state are at least equal
54 in value to the lands to be conveyed by the state. Notwithstanding the
55 foregoing provisions and subject to legislative approval of the tracts
56 to be exchanged prior to the actual transfer of title and the conditions

1 herein set forth, the state, in order to facilitate the preservation of
2 historic buildings listed on the national register of historic places by
3 rejoining an historic grouping of buildings under unitary ownership and
4 stewardship, may convey to Sagamore Institute Inc., a not-for-profit
5 educational organization, approximately ten acres of land and buildings
6 thereon adjoining the real property of the Sagamore Institute, Inc. and
7 located on Sagamore Road, near Raquette Lake Village, in the Town of
8 Long Lake, county of Hamilton, and in exchange therefor; Sagamore Insti-
9 tute, Inc. shall convey to the state for incorporation into the forest
10 preserve approximately two hundred acres of wild forest land located
11 within the Adirondack Park on condition that the legislature shall
12 determine that the lands to be received by the state are at least equal
13 in value to the lands and buildings to be conveyed by the state and that
14 the natural and historic character of the lands and buildings conveyed
15 by the state will be secured by appropriate covenants and restrictions
16 and that the lands and buildings conveyed by the state will reasonably
17 be available for public visits according to agreement between Sagamore
18 Institute, Inc. and the state. Notwithstanding the foregoing provisions
19 the state may convey to the town of Arietta fifty acres of forest
20 preserve land within such town for public use in providing for the
21 extension of the runway and landing strip of the Piseco airport and
22 providing for the maintenance of a clear zone around such runway, and in
23 exchange therefor, the town of Arietta shall convey to the state fifty-
24 three acres of true forest land located in lot 2 township 2 Totten and
25 Crossfield's Purchase in the town of Lake Pleasant.

26 Notwithstanding the foregoing provisions and subject to legislative
27 approval prior to actual transfer of title, the state may convey to the
28 town of Keene, Essex county, for public use as a cemetery owned by such
29 town, approximately twelve acres of forest preserve land within such
30 town and, in exchange therefor, the town of Keene shall convey to the
31 state for incorporation into the forest preserve approximately one
32 hundred forty-four acres of land, together with an easement over land
33 owned by such town including the riverbed adjacent to the land to be
34 conveyed to the state that will restrict further development of such
35 land, on condition that the legislature shall determine that the proper-
36 ty to be received by the state is at least equal in value to the land to
37 be conveyed by the state.

38 Notwithstanding the foregoing provisions and subject to legislative
39 approval prior to actual transfer of title, because there is no viable
40 alternative to using forest preserve lands for the siting of drinking
41 water wells and necessary appurtenances and because such wells are
42 necessary to meet drinking water quality standards, the state may convey
43 to the town of Long Lake, Hamilton county, one acre of forest preserve
44 land within such town for public use as the site of such drinking water
45 wells and necessary appurtenances for the municipal water supply for the
46 hamlet of Raquette Lake. In exchange therefor, the town of Long Lake
47 shall convey to the state at least twelve acres of land located in
48 Hamilton county for incorporation into the forest preserve that the
49 legislature shall determine is at least equal in value to the land to be
50 conveyed by the state. The Raquette Lake surface reservoir shall be
51 abandoned as a drinking water supply source.

52 Notwithstanding the foregoing provisions and subject to legislative
53 approval prior to actual transfer of title, the state may convey to
54 National Grid up to six acres adjoining State Route 56 in St. Lawrence
55 County where it passes through Forest Preserve in Township 5, Lots 1, 2,
56 5 and 6 that is necessary and appropriate for National Grid to construct

1 a new 46kV power line and in exchange therefore National Grid shall
2 convey to the state for incorporation into the forest preserve at least
3 10 acres of forest land owned by National Grid in St. Lawrence county,
4 on condition that the legislature shall determine that the property to
5 be received by the state is at least equal in value to the land conveyed
6 by the state.
7 S 2. Resolved (if the Assembly concur), That the foregoing amendment
8 be referred to the first regular legislative session convening after the
9 next succeeding general election of members of the assembly and, in
10 conformity with section 1 of article 19 of the constitution, be
11 published for 3 months previous to the time of such election.