

506--A

Cal. No. 354

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution, in relation to the gathering of fallen timber from 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. A. 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. Nothing herein contained shall  
8     prevent the state from constructing, completing and maintaining any  
9     highway heretofore specifically authorized by constitutional amendment,  
10    nor from constructing and maintaining to federal standards federal aid  
11    interstate highway route five hundred two from a point in the vicinity  
12    of the city of Glens Falls, thence northerly to the vicinity of the  
13    villages of Lake George and Warrensburg, the hamlets of South Horicon  
14    and Pottersville and thence northerly in a generally straight line on  
15    the west side of Schroon Lake to the vicinity of the hamlet of Schroon,  
16    then continuing northerly to the vicinity of Schroon Falls, Schroon  
17    River and North Hudson, and to the east of Makomis Mountain, east of the  
18    hamlet of New Russia, east of the village of Elizabethtown and continu-  
19    ing northerly in the vicinity of the hamlet of Towers Forge, and east of  
20    Poke-O-Moonshine Mountain and continuing northerly to the vicinity of  
21    the village of Keeseville and the city of Plattsburgh, all of the afore-

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

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1 said taking not to exceed a total of three hundred acres of state forest  
2 preserve land, nor from constructing and maintaining not more than twen-  
3 ty-five miles of ski trails thirty to two hundred feet wide, together  
4 with appurtenances thereto, provided that no more than five miles of  
5 such trails shall be in excess of one hundred twenty feet wide, on the  
6 north, east and northwest slopes of Whiteface Mountain in Essex county,  
7 nor from constructing and maintaining not more than twenty-five miles of  
8 ski trails thirty to two hundred feet wide, together with appurtenances  
9 thereto, provided that no more than two miles of such trails shall be in  
10 excess of one hundred twenty feet wide, on the slopes of Belleayre Moun-  
11 tain in Ulster and Delaware counties and not more than forty miles of  
12 ski trails thirty to two hundred feet wide, together with appurtenances  
13 thereto, provided that no more than eight miles of such trails shall be  
14 in excess of one hundred twenty feet wide, on the slopes of Gore and  
15 Pete Gay mountains in Warren county, nor from relocating, reconstructing  
16 and maintaining a total of not more than fifty miles of existing state  
17 highways for the purpose of eliminating the hazards of dangerous curves  
18 and grades, provided a total of no more than four hundred acres of  
19 forest preserve land shall be used for such purpose and that no single  
20 relocated portion of any highway shall exceed one mile in length.  
21 Notwithstanding the foregoing provisions, the state may convey to the  
22 village of Saranac Lake ten acres of forest preserve land adjacent to  
23 the boundaries of such village for public use in providing for refuse  
24 disposal and in exchange [therefore] THEREFOR the village of Saranac  
25 Lake shall convey to the state thirty acres of certain true forest land  
26 owned by such village on Roaring Brook in the northern half of Lot 113,  
27 Township 11, Richards Survey. Notwithstanding the foregoing provisions,  
28 the state may convey to the town of Arietta twenty-eight acres of forest  
29 preserve land within such town for public use in providing for the  
30 extension of the runway and landing strip of the Piseco airport and in  
31 exchange therefor the town of Arietta shall convey to the state thirty  
32 acres of certain land owned by such town in the town of Arietta.  
33 Notwithstanding the foregoing provisions and subject to legislative  
34 approval of the tracts to be exchanged prior to the actual transfer of  
35 title, the state, in order to consolidate its land holdings for better  
36 management, may convey to International Paper Company approximately  
37 eight thousand five hundred acres of forest preserve land located in  
38 townships two and three of Totten and Crossfield's Purchase and township  
39 nine of the Moose River Tract, Hamilton county, and in exchange [there-  
40 fore] THEREFOR International Paper Company shall convey to the state for  
41 incorporation into the forest preserve approximately the same number of  
42 acres of land located within such townships and such County on condition  
43 that the legislature shall determine that the lands to be received by  
44 the state are at least equal in value to the lands to be conveyed by the  
45 state. Notwithstanding the foregoing provisions and subject to legisla-  
46 tive approval of the tracts to be exchanged prior to the actual transfer  
47 of title and the conditions herein set forth, the state, in order to  
48 facilitate the preservation of historic buildings listed on the national  
49 register of historic places by rejoining an historic grouping of build-  
50 ings under unitary ownership and stewardship, may convey to Sagamore  
51 Institute Inc., a not-for-profit educational organization, approximately  
52 ten acres of land and buildings thereon adjoining the real property of  
53 the Sagamore Institute, Inc. and located on Sagamore Road, near  
54 Racquette Lake Village, in the Town of Long Lake, county of Hamilton,  
55 and in exchange therefor; Sagamore Institute, Inc. shall convey to the  
56 state for incorporation into the forest preserve approximately two

1 hundred acres of wild forest land located within the Adirondack Park on  
2 condition that the legislature shall determine that the lands to be  
3 received by the state are at least equal in value to the lands and  
4 buildings to be conveyed by the state and that the natural and historic  
5 character of the lands and buildings conveyed by the state will be  
6 secured by appropriate covenants and restrictions and that the lands and  
7 buildings conveyed by the state will reasonably be available for public  
8 visits according to agreement between Sagamore Institute, Inc. and the  
9 state. Notwithstanding the foregoing provisions the state may convey to  
10 the town of Arietta fifty acres of forest preserve land within such town  
11 for public use in providing for the extension of the runway and landing  
12 strip of the Piseco airport and providing for the maintenance of a clear  
13 zone around such runway, and in exchange therefor, the town of Arietta  
14 shall convey to the state fifty-three acres of true forest land located  
15 in lot 2 township 2 Totten and Crossfield's Purchase in the town of Lake  
16 Pleasant.

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

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

43 Notwithstanding the foregoing provisions and subject to legislative  
44 approval prior to actual transfer of title, the state may convey to  
45 National Grid up to six acres adjoining State Route 56 in St. Lawrence  
46 County where it passes through Forest Preserve in Township 5, Lots 1, 2,  
47 5 and 6 that is necessary and appropriate for National Grid to construct  
48 a new 46kV power line and in exchange therefore National Grid shall  
49 convey to the state for incorporation into the forest preserve at least  
50 10 acres of forest land owned by National Grid in St. Lawrence county,  
51 on condition that the legislature shall determine that the property to  
52 be received by the state is at least equal in value to the land conveyed  
53 by the state.

54 B. PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS ARTICLE SHALL  
55 PROHIBIT RESIDENTS OF THE STATE FROM GATHERING FALLEN TIMBER LYING ON  
56 THE FOREST FLOOR ON STATE-OWNED LANDS WHEN SUCH TIMBER IS WITHIN FIFTY

1 FEET OF THE CENTER LINE OF A PUBLIC HIGHWAY, EXCEPT LANDS THE COMMIS-  
2 SIONER OF ENVIRONMENTAL CONSERVATION MAY DESIGNATE BY RULE AND REGU-  
3 LATION WHERE SUCH GATHERING SHALL BE PROHIBITED. EVERY PERSON GATHERING  
4 FALLEN TIMBER PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL DO SO  
5 AT HIS OR HER OWN RISK AND WITHOUT DISTURBING THE SURROUNDING VEGE-  
6 TATION.  
7 S 2. Resolved (if the Assembly concur), That the foregoing be referred  
8 to the first regular legislative session convening after the next  
9 succeeding general election of members of the assembly, and, in conform-  
10 ity with section 1 of article 19 of the constitution, be published for 3  
11 months previous to the time of such election.