S T A T E O F N E W Y O R K

4116

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRODSKY, COLTON -- Multi-Sponsored by -- M. of A. GLICK, JOHN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the executive law, in relation to leasing of forest lands for recreational uses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 9 of the environmental conservation law is amended by adding a new title 19 to read as follows:

TITLE 19

LEASING OF FOREST LANDS

SECTION 9-1901. SITING PLANS.
9-1903. ADIRONDACK PARK.

S 9-1901. SITING PLANS.

1. FOR PURPOSES OF THIS TITLE, THE TERM "FOREST PROPERTY OWNER" SHALL MEAN AN OWNER OF A TRACT OF FOREST LAND RECEIVING TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY OR FOUR HUNDRED EIGHTY-A OF THE REAL PROPERTY TAX LAW.

2. NO FOREST PROPERTY OWNER SHALL ENTER INTO OR EXTEND AN AGREEMENT TO LEASE FOREST LAND FOR RECREATIONAL USES INCLUDING BUT NOT LIMITED TO HUNTING, FISHING, OR BOATING, UNLESS SUCH OWNER HAS SUBMITTED AND RECEIVED APPROVAL OF A SITING PLAN FOR SUCH FOREST LAND.

3. THE DEPARTMENT SHALL DEVELOP RULES AND REGULATIONS TO REQUIRE THE SUBMISSION OF SITING PLANS BY FOREST PROPERTY OWNERS. A SITING PLAN SHALL INCLUDE, AT A MINIMUM:

A. A MAP TO A SCALE DEEMED REASONABLE BY THE DEPARTMENT, IDENTIFYING THE LOCATION OF EXISTING OR PLANNED STRUCTURAL DEVELOPMENT, AND THE LOCATION OF EXISTING OR PLANNED ROADWAYS, SEASONAL OR PERMANENT; AND

B. A DESCRIPTION OF THE SIZE, NATURE, AND USE OF ALL EXISTING OR PLANNED STRUCTURAL DEVELOPMENT.

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

LBD07352-01-9

4. EACH SITING PLAN OR AMENDMENT TO A SITING PLAN SHALL BE REVIEWED AND APPROVED, DENIED, OR APPROVED WITH CONDITIONS BY THE DEPARTMENT. MODIFICATIONS MAY BE REQUIRED BY THE DEPARTMENT TO MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES.

5. THE DEPARTMENT SHALL NOT APPROVE A SITING PLAN OR AN AMENDMENT TO A SITING PLAN UNLESS ALL STRUCTURAL AND ROADWAY DEVELOPMENT CONTAINED IN THE PLAN IS SITED TO MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES, UTILIZING APPROPRIATE SETBACKS, CLUSTERING, AND DENSITY LIMITS.

6. NO STRUCTURAL OR ROADWAY DEVELOPMENT ASSOCIATED WITH A LEASE FOR RECREATIONAL USES SHALL OCCUR ON FOREST LANDS OWNED OR LEASED BY A FOREST PROPERTY OWNER UNLESS SUCH DEVELOPMENT CONFORMS TO AN APPROVED SITING PLAN AND UTILIZES BEST MANAGEMENT PRACTICES TO MINIMIZE RUNOFF, EROSION, AND CONTAMINATION OF WATERS. FOR PURPOSES OF THIS SECTION, THE EXPANSION OF EXISTING STRUCTURES OR ROADWAYS SHALL BE DEEMED NEW DEVELOPMENT.

S 9-1903. ADIRONDACK PARK.

WHERE ANY FOREST LAND LIES WITHIN THE ADIRONDACK PARK AS DEFINED IN SECTION EIGHT HUNDRED TWO OF THE EXECUTIVE LAW, THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT UNDER THIS TITLE SHALL BE CARRIED OUT BY THE ADIRONDACK PARK AGENCY.

S 2. Section 804 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. TO IMPLEMENT THE PROVISIONS OF TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW TO THE EXTENT THEY APPLY TO FOREST LANDS WITHIN THE PARK.

S 3. This act shall take effect immediately.