

445

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Environmental Conservation

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 dead timber from the lands of the state forest preserve

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 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-
22 said taking not to exceed a total of three hundred acres of state forest
23 preserve land, nor from constructing and maintaining not more than twen-
24 ty-five miles of ski trails thirty to two hundred feet wide, together
25 with appurtenances thereto, provided that no more than five miles of

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

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

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

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

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

39 B. PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS ARTICLE SHALL
40 PROHIBIT RESIDENTS OF THE STATE FROM GATHERING DEAD TIMBER LYING ON THE
41 FOREST FLOOR ON STATE-OWNED LANDS WHEN SUCH TIMBER IS ON THE SIDE OF A
42 PUBLIC HIGHWAY, EXCEPT LANDS THE COMMISSIONER OF ENVIRONMENTAL CONSERVA-
43 TION MAY DESIGNATE BY RULE AND REGULATION WHERE SUCH GATHERING SHALL BE
44 PROHIBITED. EVERY PERSON GATHERING DEAD TIMBER PURSUANT TO THE
45 PROVISIONS OF THIS SUBDIVISION SHALL DO SO AT HIS OR HER OWN RISK AND
46 WITHOUT DISTURBING THE SURROUNDING VEGETATION.

47 S 2. Resolved (if the Senate concur), That the foregoing be referred
48 to the first regular legislative session convening after the next
49 succeeding general election of members of the assembly, and, in conform-
50 ity with section 1 of article 19 of the constitution, be published for 3
51 months previous to the time of such election.