

4706

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
enacting the "Great Swamp Protection Act"

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

Section 1. The environmental conservation law is amended by adding a new article 58 to read as follows:

ARTICLE 58

GREAT SWAMP PROTECTION ACT

SECTION 58-0101. SHORT TITLE.

58-0103. LEGISLATIVE DECLARATION.

58-0105. LEGISLATIVE FINDINGS AND INTENT.

58-0107. DEFINITIONS.

58-0109. GREAT SWAMP RESERVE COUNCIL.

58-0111. DUTIES OF THE COUNCIL.

58-0113. COMPREHENSIVE MANAGEMENT PLAN.

58-0115. DEDICATIONS TO THE GREAT SWAMP PRESERVE; LEGISLATIVE
PROTECTION.

58-0117. GREAT SWAMP JOINT PLANNING AND POLICY COMMISSION.

58-0119. GREAT SWAMP COMPREHENSIVE LAND USE PLAN; INTERIM REGULATIONS.

58-0121. IMPLEMENTATION OF THE GREAT SWAMP COMPREHENSIVE LAND
USE PLAN.

58-0123. ADDITION OF TOWNS.

58-0125. COOPERATION OF STATE AND MUNICIPAL AGENCIES.

58-0127. ACCEPTANCE OF MONIES.

58-0129. LIMITATIONS ON REGULATION OF HUNTING, FISHING AND
RECREATION ACTIVITIES; NONREGULATION OF FEDERAL
CONSERVATION ACTIVITIES.

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

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1 58-0131. AFFECT ON OTHER LAWS.
2 58-0133. JUDICIAL REVIEW.
3 58-0135. SEVERABILITY.

4 S 58-0101. SHORT TITLE.

5 THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "GREAT SWAMP
6 PROTECTION ACT".

7 S 58-0103. LEGISLATIVE DECLARATION.

8 THE LEGISLATURE HEREBY DECLARES IT TO BE IN THE PUBLIC INTEREST TO
9 PROTECT AND MANAGE THE GREAT SWAMP, IN THE COUNTIES OF DUTCHESS AND
10 PUTNAM, BY ESTABLISHING THE GREAT SWAMP RESERVE. IT IS FURTHER IN THE
11 PUBLIC INTEREST TO ESTABLISH A COUNCIL MADE UP OF REPRESENTATIVES OF
12 STATE AND LOCAL GOVERNMENTS AND PRIVATE CITIZENS TO PREPARE A COMPREHEN-
13 SIVE MANAGEMENT PLAN AND MAKE RECOMMENDATIONS TO PRESERVE, PROTECT AND
14 ENHANCE THE NATURAL, RECREATIONAL, ECONOMIC AND EDUCATIONAL VALUES OF
15 THE REGION, WHICH THE STATE AND LOCAL GOVERNMENTS MAY ADOPT. IN ADDI-
16 TION, IT IS FURTHER IN THE PUBLIC INTEREST TO ESTABLISH A COMMISSION
17 MADE UP OF A GOVERNOR'S APPOINTEE, THE COUNTY EXECUTIVE OF DUTCHESS AND
18 PUTNAM COUNTIES, THE MAYOR OF THE VILLAGE OF PAWLING AND THE SUPERVISORS
19 OF THE TOWNS OF DOVER, PAWLING, PATTERSON AND SOUTHEAST TO PREPARE,
20 OVERSEE AND PARTICIPATE IN THE IMPLEMENTATION OF A COMPREHENSIVE LAND
21 USE PLAN FOR THE GREAT SWAMP AREA TO GUIDE DEVELOPMENT THEREIN IN A
22 MANNER SUITABLE TO THE NEEDS FOR PRESERVATION OF THE CORE PRESERVATION
23 AREA AND COMPATIBLE GROWTH AND DEVELOPMENT IN THE COMPATIBLE GROWTH
24 AREA.

25 S 58-0105. LEGISLATIVE FINDINGS AND INTENT.

26 THE LEGISLATURE HEREBY FINDS THAT THE COUNTIES OF DUTCHESS AND PUTNAM
27 CONTAIN A WETLAND ECOSYSTEM OF STATEWIDE IMPORTANCE KNOWN AS THE GREAT
28 SWAMP.

29 THE LEGISLATURE FINDS THAT WITHIN THE GREAT SWAMP THE FEDERAL, STATE,
30 COUNTY AND LOCAL GOVERNMENTS OWN AND MANAGE SIGNIFICANT PROPERTIES IN
31 THE FORM OF PARKS, PRESERVES, HISTORIC SITES AND PROTECTED OPEN SPACE,
32 WHERE THERE IS AN INTERDEPENDENT AND RECIPROCAL RELATIONSHIP BETWEEN
33 HUMAN ACTIVITIES AND NATURAL PROCESSES, AND WHERE FISHING, AGRICULTURE
34 AND TOURISM HAVE BEEN THE DOMINANT INDUSTRIES FOR MORE THAN THREE
35 HUNDRED FIFTY YEARS.

36 THE LEGISLATURE FINDS THAT THE GREAT SWAMP, AN AREA ENCOMPASSING OVER
37 SIX THOUSAND ACRES IN THE COUNTIES OF DUTCHESS AND PUTNAM, IS OF CRIT-
38 ICAL IMPORTANCE TO THE STATE BECAUSE IT IS A CONTIGUOUS WETLAND. THE
39 GREAT SWAMP IS INTERCONNECTED BY THE SWAMP RIVER AND TEN MILE RIVER, AND
40 THE ECOLOGIC AND HYDROLOGIC INTEGRITY OF THIS SYSTEM SHOULD BE PROTECTED
41 IN A COMPREHENSIVE PLAN ADOPTED BY THE STATE AND INDIVIDUAL LOCAL
42 GOVERNMENTS.

43 THE LEGISLATURE ALSO FINDS THAT THE GREAT SWAMP CONTAINS ONE OF THE
44 GREATEST CONCENTRATIONS AND DIVERSITIES OF ENDANGERED, THREATENED AND
45 SPECIAL CONCERN SPECIES OF PLANTS AND ANIMALS TO BE FOUND IN THE STATE,
46 AND THAT PROTECTION OF THEIR HABITATS IS IN THE BEST INTEREST OF THE
47 PEOPLE OF NEW YORK. THE LEGISLATURE FURTHER FINDS THAT THE GREAT SWAMP
48 CONTAINS MANY OTHER UNIQUE NATURAL, AGRICULTURAL, HISTORICAL, CULTURAL
49 AND RECREATIONAL RESOURCES THAT ARE MUTUALLY SUPPORTIVE AND ULTIMATELY
50 DEPENDENT UPON MAINTENANCE OF THE HYDROLOGIC AND ECOLOGIC INTEGRITY OF
51 THIS REGION.

52 THEREFORE, THE LEGISLATURE FINDS THAT THE PURPOSE OF THIS ARTICLE IS
53 TO ALLOW THE STATE AND LOCAL GOVERNMENTS TO PROTECT, PRESERVE AND PROP-
54 ERLY MANAGE THE UNIQUE NATURAL RESOURCES OF THE GREAT SWAMP AND TO
55 ENCOURAGE COORDINATION OF EXISTING PROGRAMS AND STUDIES AFFECTING LAND
56 AND WATER RESOURCES IN THE REGION AND TO PROTECT THE VALUE OF THE EXIST-

1 ING PUBLIC AND PRIVATE INVESTMENT THAT HAS ALREADY BEEN MADE TO ACQUIRE
2 LAND IN THE REGION.

3 THE LEGISLATURE FURTHER FINDS THAT A PORTION OF THE SYSTEM KNOWN AS
4 THE GREAT SWAMP AREA REQUIRES THE PREPARATION AND IMPLEMENTATION OF A
5 STATE SUPPORTED REGIONAL COMPREHENSIVE LAND USE INCENTIVE PLAN THAT WILL
6 ASSIST IN THE PRESERVATION OF THE CORE PRESERVATION AREA, PROTECTION OF
7 THE GREAT SWAMP AREA AND FOR THE DESIGNATION OF COMPATIBLE GROWTH AREAS
8 TO ACCOMMODATE APPROPRIATE PATTERNS OF DEVELOPMENT AND REGIONAL GROWTH
9 WITH RECOGNITION OF THE RIGHTS OF PRIVATE LAND OWNERS AND THE PURPOSE OF
10 PRESERVATION OF THE CORE AREA.

11 THE LEGISLATURE RECOGNIZES THAT THE PROVISIONS OF THIS ARTICLE MAY
12 RESTRICT THE BENEFICIAL USE OF SOME LANDS CURRENTLY IN PRIVATE OWNER-
13 SHIP. THESE RESTRICTIONS ARE DEEMED TO BE NECESSARY AND DESIRABLE TO
14 PROTECT AND PRESERVE THE HYDROLOGIC AND ECOLOGIC INTEGRITY OF THE GREAT
15 SWAMP AREA AS WELL AS THE PUBLIC'S HEALTH AND WELFARE FOR FUTURE GENER-
16 ATIONS. THE LEGISLATURE INTENDS THAT A COMPREHENSIVE REGIONAL LAND USE
17 PLAN BE IMPLEMENTED WHEREBY PRIVATE LANDOWNERS WHOSE PROPERTY IS LOCATED
18 WITHIN THE GREAT SWAMP AREA ARE AFFORDED AN OPPORTUNITY TO RECEIVE BENE-
19 FITS FROM THE PLAN SUCH AS TRANSFERABLE DEVELOPMENT RIGHTS, CONSERVATION
20 EASEMENTS, RIGHTS AND VALUES TRANSFERS, PURCHASE OF DEVELOPMENT RIGHTS,
21 PROPERTY TAX INCENTIVES AND/OR FEE ACQUISITION WITH MONETARY COMPEN-
22 SATION.

23 S 58-0107. DEFINITIONS.

24 AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL MEAN AND INCLUDE:

25 1. "COUNCIL" SHALL MEAN THE GREAT SWAMP RESERVE COUNCIL CREATED BY
26 SECTION 58-0109 OF THIS ARTICLE.

27 2. "GREAT SWAMP PRESERVE" OR "PRESERVE" SHALL MEAN LANDS WITHIN THE
28 GREAT SWAMP RESERVE THAT ARE CRITICAL TO THE PROTECTION OF THE HYDROLOG-
29 IC AND ECOLOGIC INTEGRITY OF THE REGION, WHICH ARE DEDICATED FOR
30 PROTECTION AND BENEFICIAL PUBLIC USE PURSUANT TO SECTION 58-0115 OF THIS
31 ARTICLE. LANDS WHICH ARE NOT DEEMED CRITICAL MAY BE DEDICATED PURSUANT
32 TO SECTION 58-0115 OF THIS ARTICLE AS A PROTECTIVE OR BUFFER ZONE FOR
33 OTHER DEDICATED LANDS, OR TO OTHERWISE SUPPORT THE MANAGEMENT OF THE
34 PRESERVE.

35 3. "PLAN" SHALL MEAN THE COMPREHENSIVE MANAGEMENT PLAN CREATED PURSU-
36 ANT TO SECTION 58-0113 OF THIS ARTICLE.

37 4. "RESERVE" SHALL MEAN A REGION IN WHICH THERE IS A COMBINATION OF
38 PUBLICLY AND PRIVATELY OWNED LANDS AND LAND USES, WITHIN A DEFINED AREA
39 WHERE THERE ARE TRADITIONAL CULTURAL PATTERNS INCLUDING AGRICULTURE,
40 TOURISM AND GENERAL COMMERCIAL AND RESIDENTIAL USES WHICH DUE TO THEIR
41 PATTERN AND CONFIGURATION, AND BECAUSE OF THE NEED FOR SUSTAINED PRODUC-
42 TIVITY COULD BEST BE PROTECTED AND MANAGED THROUGH THE DEVELOPMENT OF A
43 COMPREHENSIVE MANAGEMENT PLAN AROUND A PRESERVE OF PROTECTED, PUBLICLY
44 OWNED LANDS AND/OR PRIVATELY OWNED LAND DEDICATED FOR SUCH PURPOSES.

45 5. "LAND USE PLAN" SHALL MEAN THE COMPREHENSIVE GREAT SWAMP LAND USE
46 PLAN PURSUANT TO SECTION 58-0119 OF THIS ARTICLE.

47 6. "COMMISSION" SHALL MEAN THE GREAT SWAMP JOINT PLANNING AND POLICY
48 COMMISSION ESTABLISHED PURSUANT TO SECTION 58-0117 OF THIS ARTICLE.

49 7. "ADVISORY COMMITTEE" SHALL MEAN THE GREAT SWAMP ADVISORY COMMITTEE
50 TO THE COMMISSION ESTABLISHED PURSUANT TO SUBDIVISION SEVEN OF SECTION
51 58-0117 OF THIS ARTICLE.

52 8. "AGRICULTURE" OR "HORTICULTURE" SHALL MEAN ANY PRODUCTION OF PLANTS
53 OR ANIMALS USEFUL TO MAN, INCLUDING BUT NOT LIMITED TO: FORAGE OR SOD
54 CROPS; GRAINS AND FEED CROPS; DAIRY ANIMALS AND DAIRY PRODUCTS; POULTRY
55 AND POULTRY PRODUCTS; LIVESTOCK, INCLUDING BEEF CATTLE, SHEEP, SWINE,
56 HORSES, PONIES, MULES OR GOATS, AND INCLUDING THE BREEDING AND GRAZING

1 OF ANY OR ALL OF SUCH ANIMALS; BEES AND APIARY PRODUCTS; FUR ANIMALS;
2 TREES AND FOREST PRODUCTS; FRUITS OF ALL KINDS INCLUDING WINERIES; VEGE-
3 TABLES; NURSERY, FLORAL, ORNAMENTAL AND GREENHOUSE PRODUCTS AND FARM-
4 STANDS FOR SELLING PRODUCTS RAISED OR PRODUCED ON SITE AND OTHER ASSOCI-
5 ATED STRUCTURES REQUIRED FOR THEIR PRODUCTION.

6 S 58-0109. GREAT SWAMP RESERVE COUNCIL.

7 1. THERE IS HEREBY ESTABLISHED, WITHIN THE DEPARTMENT, A GREAT SWAMP
8 RESERVE COUNCIL TO HELP LOCAL GOVERNMENTS AND THE STATE COORDINATE THE
9 EFFORTS OF ALL MUNICIPAL, COUNTY, STATE AND FEDERAL AGENCIES INVOLVED IN
10 THE MANAGEMENT OF THE PRESERVE AND TO OVERSEE AND PREPARE A COMPREHEN-
11 SIVE INTERGOVERNMENTAL MANAGEMENT INCENTIVE PLAN FOR THE GREAT SWAMP
12 RESERVE THAT THE STATE AND LOCAL GOVERNMENTS MAY ADOPT.

13 2. THE COUNCIL SHALL BE COMPOSED OF FOURTEEN VOTING MEMBERS. THE
14 GOVERNOR SHALL APPOINT TWO MEMBERS. THE COUNTY EXECUTIVE OF THE COUNTY
15 OF PUTNAM, WITH THE ADVICE AND CONSENT OF THE COUNTY LEGISLATURE, SHALL
16 APPOINT TWO MEMBERS AND THE COUNTY EXECUTIVE OF THE COUNTY OF DUTCHESS
17 WITH THE ADVICE AND CONSENT OF THE COUNTY LEGISLATURE SHALL APPOINT TWO
18 MEMBERS. THE MAYOR OF THE VILLAGE OF PAWLING AND THE TOWN SUPERVISORS OF
19 THE TOWNS OF DOVER, PAWLING, PATTERSON AND SOUTHEAST, SHALL EACH APPOINT
20 ONE MEMBER. THE COMMISSIONER OR HIS OR HER DESIGNEE, THE COMMISSIONER OF
21 PARKS, RECREATION AND HISTORIC PRESERVATION OR HIS OR HER DESIGNEE, AND
22 THE COMMISSIONER OF ECONOMIC DEVELOPMENT OR HIS OR HER DESIGNEE FOR
23 PURPOSES OF TOURISM SHALL SERVE AS EX-OFFICIO MEMBERS. ALL MEMBERS,
24 EXCEPT EX-OFFICIO MEMBERS SHALL BE RESIDENTS OF THE COUNTIES OF DUTCHESS
25 AND PUTNAM AND SHALL HAVE DEMONSTRATED EXPERTISE IN THE FUNCTIONAL AREAS
26 TO BE ADDRESSED BY THE COMMISSION. ALL INITIAL APPOINTMENTS SHALL BE
27 MADE WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

28 3. MEMBERS OF THE COUNCIL SHALL SERVE FOR A TERM OF TWO YEARS OR THER-
29 EAFTER UNTIL A SUCCESSOR IS APPOINTED. A CHAIRPERSON SHALL BE DESIGNATED
30 BY THE GOVERNOR. THE COUNCIL SHALL ELECT A VICE-CHAIRPERSON AND SUCH
31 OTHER OFFICERS AS IT MAY DETERMINE ARE NECESSARY FOR THE CONDUCT OF ITS
32 DUTIES.

33 4. TEN MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM.

34 5. THE MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.

35 S 58-0111. DUTIES OF THE COUNCIL.

36 THE COUNCIL SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

37 1. TO CONDUCT SCIENTIFIC AND ENVIRONMENTAL STUDIES;

38 2. TO REVIEW AND APPROVE PROPOSED DEDICATIONS OF LANDS TO THE GREAT
39 SWAMP PRESERVE AND RECOMMEND ADDITIONAL DEDICATIONS TO SUCH PRESERVE;

40 3. TO UTILIZE TO THE EXTENT FEASIBLE, THE STAFF AND FACILITIES OF
41 STATE AGENCIES, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
42 AND LOCAL AGENCIES TO CARRY OUT THE PROVISIONS OF THIS ARTICLE;

43 4. TO HOLD PUBLIC HEARINGS;

44 5. TO CONTRACT WITHIN AMOUNTS APPROPRIATED FOR OR OTHERWISE AVAILABLE
45 FOR PROFESSIONAL AND TECHNICAL ASSISTANCE OR ADVICE;

46 6. TO MEET NOT LESS THAN ONCE EVERY TWO MONTHS AND TO ENCOURAGE THE
47 ATTENDANCE AT SUCH MEETINGS OF REPRESENTATIVES OF LOCAL GOVERNMENTS AND
48 INTERESTED PARTIES AFFECTED BY THE DELIBERATIONS OF THE COUNCIL;

49 7. TO SEND COPIES OF THE MINUTES OF EACH MEETING TO EACH TOWN AND
50 VILLAGE WITHIN THE GREAT SWAMP RESERVE, THE MEMBERS OF THE ASSEMBLY AND
51 SENATORS REPRESENTING SUCH AREA AND ANY OTHER INTERESTED PARTY UPON
52 REQUEST;

53 8. TO ENCOURAGE INDIVIDUALS, CORPORATIONS, ASSOCIATIONS AND PUBLIC
54 ENTITIES TO PROTECT AND PRESERVE THE UNIQUE RESOURCES OF THE RESERVE
55 INCLUDING THE PRESERVE; AND

1 9. TO CONTRACT FOR AND TO ACCEPT ASSISTANCE, INCLUDING BUT NOT LIMITED
2 TO GIFTS, EASEMENTS OR LOANS OF FUNDS OR REAL PROPERTY OR PERSONAL PROP-
3 erty FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THERE-
4 OF, OR FROM ANY AGENCY OR INSTRUMENTALITY OF THE STATE, OR FROM ANY
5 OTHER PUBLIC OR PRIVATE SOURCE AND TO COMPLY, SUBJECT TO THE PROVISIONS
6 OF THIS ARTICLE, WITH THE TERMS AND CONDITIONS THEREOF, SUBJECT TO THE
7 APPROVAL OF THE DIVISION OF THE BUDGET. NOTWITHSTANDING THE PROVISIONS
8 OF SECTION ELEVEN OF THE STATE FINANCE LAW, THE COMMISSION MAY ACCEPT
9 GIFTS, GRANTS, DEVICES AND BEQUESTS, WHETHER CONDITIONAL OR UNCONDI-
10 TIONAL, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

11 S 58-0113. COMPREHENSIVE MANAGEMENT PLAN.

12 1. THE COUNCIL SHALL, AFTER HOLDING PUBLIC HEARINGS, PREPARE AND ADOPT
13 A COMPREHENSIVE MANAGEMENT INCENTIVE PLAN FOR THE GREAT SWAMP RESERVE,
14 WHICH THE STATE AND LOCAL GOVERNMENTS MAY ADOPT. SUCH PLAN SHALL
15 INCLUDE, BUT NOT BE LIMITED TO:

16 A. A STATEMENT OF THE PUBLIC VALUES OF THE AREA, INCLUDING THEIR
17 EDUCATIONAL, ECOLOGICAL AND HYDROLOGICAL VALUES, TOGETHER WITH THE
18 GENERAL GOALS AND POLICIES WHICH WILL BEST PROTECT AND ENHANCE SUCH
19 VALUES;

20 B. A MAP OF THE AREA, DELINEATING THE BOUNDARIES OF THE GREAT SWAMP
21 RESERVE;

22 C. A BRIEF AND GENERAL HISTORICAL OVERVIEW REGARDING THE LANDS OF THE
23 GREAT SWAMP RESERVE;

24 D. AN INVENTORY OF ALL PUBLIC LANDS AND LANDS AVAILABLE FOR PUBLIC USE
25 WITHIN THE GREAT SWAMP RESERVE SPECIFYING USE, FACILITIES FOR PUBLIC
26 USE, AND THE MANAGEMENT AGENCY WITH JURISDICTION OVER THE PROPERTY;

27 E. MANAGEMENT GUIDELINES FOR THE PRESERVATION, RECREATIONAL AND EDUCA-
28 TIONAL USE OF RESOURCES OF THE GREAT SWAMP RESERVE;

29 F. MANAGEMENT GUIDELINES FOR PROTECTING AND SUPPORTING INDIGENOUS
30 ECONOMIC ACTIVITIES LIKE AGRICULTURE, RECREATION AND TOURISM;

31 G. A PLAN FOR PROTECTION AND MANAGEMENT FOR DEDICATED LAND IN THE
32 GREAT SWAMP PRESERVE INCLUDING:

33 (1) A SURVEY OR INVENTORY OF THE FOLLOWING, TOGETHER WITH THE ESTAB-
34 LISHMENT OF MANAGEMENT PRIORITIES THEREFOR:

35 (I) NATURAL PLANT AND WILDLIFE RESOURCES;

36 (II) HISTORIC RESOURCES;

37 (III) EROSION CONTROL NEEDS, STREAM AND WETLANDS PROTECTION;

38 (IV) TRAILS, TRAIL DEVELOPMENT AND USE; AND

39 (V) OTHER RECREATIONAL USES.

40 (2) RECOMMENDATIONS FOR INCENTIVES PERTAINING TO PUBLIC USE ACTIV-
41 ITIES, WHICH CAN BE IMPLEMENTED BY RULES AND REGULATIONS FOR THE ADMIN-
42 ISTRATION AND USE OF LANDS DEDICATED TO THE PRESERVE.

43 (3) RECOMMENDATIONS FOR ACQUISITION OF OPEN SPACE SUITABLE FOR DEDI-
44 CATION IN THE PRESERVE.

45 (4) RECOMMENDATIONS FOR INSTITUTIONAL ARRANGEMENTS TO COORDINATE
46 MANAGEMENT OF DEDICATED LAND HELD BY SEPARATE OWNERS;

47 H. A LOCAL PARTICIPATION PLAN, WHICH DESCRIBES HOW LOCAL CITIZENS,
48 OFFICIALS AND MEMBERS OF THE TOURISM AND AGRICULTURAL INDUSTRIES WILL
49 PARTICIPATE IN THE PLANNING AND IMPLEMENTATION OF THE MANAGEMENT PROGRAM
50 AND WHICH CONTAINS A STATEMENT IDENTIFYING SUPPORT FOR SUCH PROGRAM BY
51 THE PARTICIPATING LOCAL GOVERNMENTS; AND

52 I. A FINANCIAL STATEMENT ESTIMATING THE NECESSARY COSTS AND POTENTIAL
53 FUNDING SOURCES TO CARRY OUT RECOMMENDATIONS IN THE STUDY OVER A FIVE
54 YEAR PERIOD AND THE BENEFITS THEREFROM.

55 2. A DRAFT PLAN SHALL BE PREPARED AND MADE AVAILABLE TO THE PUBLIC AND
56 THE LOCAL GOVERNMENTS WITHIN THE GREAT SWAMP RESERVE PRIOR TO ADOPTING

1 THE PLAN. THE COUNCIL SHALL HOLD PUBLIC HEARINGS AT DIFFERENT LOCATIONS
2 WITHIN THE GREAT SWAMP RESERVE. THERE SHALL BE TWO PUBLIC HEARINGS ON
3 THE DRAFT PLAN AND THERE SHALL ALSO BE A PUBLIC HEARING ON THE COMPLETED
4 PLAN BEFORE THE PLAN IS SUBMITTED TO THE COMMISSIONER.

5 S 58-0115. DEDICATIONS TO THE GREAT SWAMP PRESERVE; LEGISLATIVE
6 PROTECTION.

7 1. THE COMMISSIONER SHALL MAINTAIN A RECORD OF THE BOUNDARIES OF THE
8 LANDS WHICH HAVE BEEN DEDICATED TO THE GREAT SWAMP PRESERVE IN TEXT AND
9 DEPICTED ON A MAP.

10 2. LAND OWNED BY THE STATE WITHIN THE GREAT SWAMP RESERVE MAY BE DEDI-
11 CATED TO BE PART OF THE GREAT SWAMP PRESERVE BY THE ACTION OF THE
12 COMMISSIONER OR THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRES-
13 ERVATION, OR BY ACTION OF THE LEGISLATURE.

14 3. LAND OWNED BY A LOCAL GOVERNMENT WITHIN THE GREAT SWAMP RESERVE MAY
15 BE DEDICATED TO THE GREAT SWAMP PRESERVE BY THE ACTION OF ITS LOCAL
16 LEGISLATIVE BODY.

17 4. LAND OWNED BY PRIVATE INDIVIDUALS WITHIN THE GREAT SWAMP RESERVE
18 MAY BE DEDICATED TO BE PART OF THE GREAT SWAMP PRESERVE BY THE EXECUTION
19 OF A CONSERVATION EASEMENT.

20 5. LAND IN THE CORE PRESERVATION AREA WHICH COME IN THE PUBLIC DOMAIN
21 SHALL BE DEEMED TO BE DEDICATED TO THE GREAT SWAMP PRESERVE.

22 6. EXCEPT FOR THE CORE PRESERVATION AREA WHICH SHALL BE DEEMED TO BE
23 DEDICATED TO THE PRESERVE, THE COUNCIL SHALL REVIEW AND MUST APPROVE
24 EACH DEDICATION OF LAND TO THE PRESERVE.

25 7. NO PUBLICLY OWNED REAL PROPERTY, DEDICATED TO THE GREAT SWAMP
26 PRESERVE, SHALL BE ALIENATED EXCEPT BY LAW ENACTED BY TWO SUCCESSIVE
27 REGULAR SESSIONS OF THE LEGISLATURE, BUT EASEMENTS FOR PUBLIC WATER
28 SUPPLY PURPOSES MAY BE MAINTAINED CONSISTENT WITH LOCAL ORDINANCES.

29 8. THE COUNCIL SHALL HAVE NO AUTHORITY TO MANAGE ANY PRIVATE LAND
30 UNLESS SUCH LAND HAS BEEN VOLUNTARILY DEDICATED PURSUANT TO THIS ARTICLE
31 OR THE OWNER HAS EXECUTED A VOLUNTARY WRITTEN AGREEMENT WITH THE COUNCIL
32 AUTHORIZING THE SPECIFIC MANAGEMENT ACTIONS TAKEN.

33 9. NOTHING CONTAINED IN THIS ARTICLE SHALL AFFECT ANY PREVIOUS DEDI-
34 CATION OF STATE LAND TO THE STATE NATURE AND HISTORIC PRESERVE. ANY
35 STATE LAND DEDICATED TO THE GREAT SWAMP PRESERVE MAY ALSO BE DEDICATED
36 TO THE STATE NATURE AND HISTORIC PRESERVE.

37 S 58-0117. GREAT SWAMP JOINT PLANNING AND POLICY COMMISSION.

38 1. IT IS HEREBY FOUND, DETERMINED AND DECLARED THAT THE GREAT SWAMP
39 AREA IS A MAJOR RESOURCE AREA OF STATEWIDE SIGNIFICANCE WHERE THE HYDRO-
40 LOGICAL AND ECOLOGICAL INTEGRITY IS ENDANGERED; THAT A PUBLIC ENTITY
41 REPRESENTATIVE OF TOWN, COUNTY AND STATE GOVERNMENT IS NECESSARY AND
42 APPROPRIATE TO PLAN, MANAGE AND OVERSEE LAND USE WITHIN THE GREAT SWAMP
43 RESERVE IN THE PUBLIC INTEREST FOR PRESENT AND FUTURE GENERATIONS; AND
44 THAT THE GREAT SWAMP JOINT PLANNING AND POLICY COMMISSION CREATED BY
45 THIS SECTION AND ITS PURPOSES ARE IN ALL RESPECTS FOR THE BENEFIT OF THE
46 PEOPLE OF THE STATE OF NEW YORK AND ARE A PUBLIC PURPOSE.

47 2. THERE IS HEREBY ESTABLISHED, THE GREAT SWAMP JOINT PLANNING AND
48 POLICY COMMISSION TO CONSIST OF EIGHT VOTING MEMBERS: ONE MEMBER
49 APPOINTED BY THE GOVERNOR WHO WILL SERVE AT THE PLEASURE OF THE GOVERNOR
50 AND SEVEN EX-OFFICIO MEMBERS WHO ARE THE COUNTY EXECUTIVE OF PUTNAM
51 COUNTY AND THE COUNTY EXECUTIVE OF DUTCHESS COUNTY, THE MAYOR OF THE
52 VILLAGE OF PAWLING AND THE SUPERVISORS OF THE TOWNS OF DOVER, PAWLING,
53 PATTERSON AND SOUTHEAST. EACH EX-OFFICIO MEMBER MAY APPOINT A DESIG-
54 NATED REPRESENTATIVE, BY OFFICIAL AUTHORITY FILED WITH THE COMMISSION,
55 TO EXERCISE HIS OR HER POWERS AND PERFORM HIS OR HER DUTIES, INCLUDING
56 THE RIGHT TO VOTE, ON THE COMMISSION. THE COMMISSION SHALL ELECT ONE OF

1 ITS MEMBERS AS CHAIRPERSON. FIVE MEMBERS SHALL CONSTITUTE A QUORUM FOR
2 THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION
3 OF THE COMMISSION. AN AFFIRMATIVE VOTE OF FIVE OR MORE MEMBERS SHALL BE
4 REQUIRED TO PASS A RESOLUTION OR OTHERWISE EXERCISE ANY FUNCTIONS OR
5 POWERS OF THE COMMISSION, EXCEPT THE ADOPTION OF THE PLAN WHICH REQUIRES
6 A UNANIMOUS VOTE OF THE COMMISSION.

7 3. THE COMMISSION SHALL HOLD ITS INITIAL MEETING WITHIN THIRTY DAYS OF
8 ENACTMENT OF THIS SECTION, FOLLOWING PUBLIC NOTICE BY THE COUNTIES OF
9 DUTCHESS AND PUTNAM EXECUTIVES.

10 4. EVERY STATE AGENCY AND PUBLIC CORPORATION HAVING JURISDICTION OF
11 LAND OR WATER WITHIN THE GREAT SWAMP AREA OR OF PROGRAMS RELATING TO THE
12 PURPOSES AND GOALS OF THIS ARTICLE SHALL, TO THE FULLEST EXTENT PRACTI-
13 CABLE, OFFER FULL COOPERATION AND ASSISTANCE TO THE COMMISSION IN CARRY-
14 ING OUT THE PROVISIONS OF THIS ARTICLE.

15 5. EVERY LOCAL OR REGIONAL AGENCY WITH ACTIVITIES RELATING TO THE
16 GREAT SWAMP AREA MAY OFFER ASSISTANCE TO THE COMMISSION IN CARRYING OUT
17 THE PROVISIONS OF THIS ARTICLE.

18 6. THE COMMISSION SHALL HAVE THE POWER:

19 (A) TO PREPARE, ADOPT, ENFORCE AND ENSURE IMPLEMENTATION OF THE
20 COMPREHENSIVE LAND USE PLAN, WITH THE ADVICE OF THE ADVISORY COMMITTEE;

21 (B) TO SUE AND BE SUED;

22 (C) TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY
23 OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS
24 ARTICLE;

25 (D) TO ESTABLISH AND MAINTAIN SUCH FACILITIES AS MAY BE NECESSARY FOR
26 THE TRANSACTING OF ITS BUSINESS;

27 (E) TO APPOINT AN EXECUTIVE OFFICER, OFFICERS, AGENTS, EMPLOYEES, AND
28 PRESCRIBE THEIR DUTIES AND QUALIFICATIONS AND FIX THEIR COMPENSATION;

29 (F) TO UTILIZE TO THE EXTENT FEASIBLE THE STAFF AND FACILITIES OF
30 EXISTING STATE AND COUNTY AGENCIES, PURSUANT TO AN AGREEMENT TO BE MADE
31 BY THE STATE OR BY THE COUNTIES OF DUTCHESS AND PUTNAM;

32 (G) TO HOLD HEARINGS IN THE EXERCISE OF ITS POWERS, FUNCTIONS AND
33 DUTIES PROVIDED FOR BY THIS ARTICLE;

34 (H) TO CONTRACT FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

35 (I) TO CONTRACT FOR AND TO ACCEPT ANY ASSISTANCE, INCLUDING BUT NOT
36 LIMITED TO GIFTS, GRANTS OR LOANS OF FUNDS OR OF PROPERTY FROM THE
37 FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR FROM ANY
38 AGENCY OR INSTRUMENTALITY OF THE STATE, OR FROM ANY OTHER PUBLIC OR
39 PRIVATE SOURCE AND TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS ARTICLE,
40 WITH THE TERMS AND CONDITIONS THEREOF;

41 (J) TO ESTABLISH GUIDELINES WHICH MAY INCLUDE A SYSTEM OF BONUSES AND
42 INCENTIVES IN ORDER TO PURCHASE, SELL, HOLD AND TRADE DEVELOPMENT RIGHTS
43 AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF SECTION TWO HUNDRED
44 SIXTY-ONE-A OF THE TOWN LAW; SUCH TRANSFERS MAY CROSS MUNICIPAL AND
45 SPECIAL DISTRICT BOUNDARIES;

46 (K) TO ADOPT, AMEND AND REPEAL, AFTER PUBLIC HEARING (EXCEPT IN THE
47 CASE OF RULES AND REGULATIONS THAT RELATE TO THE ORGANIZATION OR INTER-
48 NAL MANAGEMENT OF THE AGENCY), SUCH RULES AND REGULATIONS, CONSISTENT
49 WITH THIS ARTICLE, AS IT DEEMS NECESSARY TO ADMINISTER THIS ARTICLE, AND
50 TO DO ANY AND ALL THINGS NECESSARY OR APPROPRIATE TO CARRY OUT THE
51 PURPOSES AND POLICIES OF THIS ARTICLE AND EXERCISE POWERS GRANTED BY
52 LAW;

53 (L) TO PROVIDE SCIENTIFIC AND TECHNICAL ASSISTANCE OR TO MAKE GRANTS
54 TO MUNICIPALITIES, TOWNS AND THE COUNTY FOR REVISIONS OF LOCAL MASTER
55 PLANS, OR THE RELEVANT ORDINANCES DESIGNED TO BRING SUCH PLANS AND ORDI-
56 NANCES INTO CONFORMANCE WITH THE COMPREHENSIVE LAND USE PLAN PREPARED

1 AND ADOPTED BY THE COMMISSION. THE COMMISSION MAY MAKE SUCH GRANTS FROM
2 ANY FUNDS WHICH MAY BE APPROPRIATED OR OTHERWISE MADE AVAILABLE TO IT
3 FOR SUCH PURPOSE;

4 (M) TO ESTABLISH AND MAINTAIN AN EDUCATION AND OUTREACH PROGRAM RELAT-
5 ING TO THE COMMISSION'S WORK;

6 (N) TO CONVENE CONFERENCES, SEMINARS, MEETINGS, TECHNICAL SESSIONS ON
7 ITS OWN OR IN COORDINATION WITH FEDERAL, STATE, COUNTY, TOWN OR PRIVATE
8 ORGANIZATIONS AS DEEMED NECESSARY RELATIVE TO ITS RESPONSIBILITIES;

9 (O) TO REPORT PERIODICALLY TO THE GOVERNOR AND THE LEGISLATURE ON THE
10 CONDUCT OF ITS ACTIVITIES NOT LESS THAN ONCE A YEAR, FURNISHING A COPY
11 OF EACH SUCH REPORT TO THE LEGISLATIVE BODIES OF DUTCHESS AND PUTNAM
12 COUNTIES AND THE TOWNS AND VILLAGES IN WHOLE OR IN PART WITHIN THE GREAT
13 SWAMP AREA;

14 (P) TO ASSIST LOCAL, COUNTY AND STATE GOVERNMENT IN PRIORITIZATION AND
15 NEGOTIATION WITH PRIVATE LANDOWNERS WHOSE PROPERTY IS AFFECTED BY THE
16 LAND USE PLAN, TO EVALUATE THE IMPACT OF ANY RESTRICTIONS AND DEVELOP A
17 PACKAGE OF BENEFITS; AND

18 (Q) TO HAVE AND EXERCISE SUCH OTHER INCIDENTAL AND USUAL POWERS AS ARE
19 NECESSARY AND APPROPRIATE TO CARRY OUT ITS DUTIES.

20 7. THERE IS HEREBY CREATED A GREAT SWAMP ADVISORY COMMITTEE TO ACTIVE-
21 LY ASSIST AND ADVISE THE COMMISSION IN THE PREPARATION, ADOPTION AND
22 IMPLEMENTATION OF THE GREAT SWAMP COMPREHENSIVE LAND USE PLAN. THE
23 COMMITTEE SHALL CONSIST OF NOT MORE THAN TWENTY-EIGHT MEMBERS WHICH
24 SHALL INCLUDE REPRESENTATIVES OF ENVIRONMENTAL GROUPS, ECONOMIC DEVELOP-
25 MENT AND REAL ESTATE INTERESTS, FARMERS, WATER SUPPLIERS, CIVIC GROUPS,
26 PLANNERS, BIOLOGISTS, WATER QUALITY SCIENTISTS AND RECREATIONAL INTER-
27 ESTS. THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION. THE
28 INITIAL MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE A REPRESENTATIVE
29 OF THE FRIENDS OF THE GREAT SWAMP, PUTNAM COUNTY CORNELL COOPERATIVE
30 EXTENSION, DUTCHESS COUNTY FARM BUREAU, PUTNAM COUNTY ECONOMIC DEVELOP-
31 MENT CORPORATION, GREENWAY, PUTNAM COUNTY BOARD OF REALTORS, THE NATURE
32 CONSERVANCY, ENVIRONMENTAL DEFENSE FUND, RIVERKEEPER AND A CIVIC REPRE-
33 SENTATIVE FROM THE VILLAGE OF PAWLING AND EACH OF THE TOWNS OF PAWLING,
34 PATTERSON, DOVER AND SOUTHEAST DESIGNATED BY THE SUPERVISOR THEREOF. THE
35 COMMITTEE MAY BE EXPANDED AS NECESSARY TO INCORPORATE OTHER INTERESTS IN
36 THE DEVELOPMENT AND PRESERVATION OF THE GREAT SWAMP PRESERVE. EACH
37 MEMBER SHALL SERVE AT THE PLEASURE OF THE ENTITY WHICH DESIGNATED IT.
38 THE COMMITTEE BY A MAJORITY VOTE SHALL ELECT A CHAIRPERSON. THE COMMIS-
39 SION SHALL MEET PERIODICALLY WITH THE ADVISORY COMMITTEE, MAKE AVAILABLE
40 WORKING DRAFT AND OTHER DOCUMENTS, AND SHALL PROVIDE SERVICES TO THE
41 ADVISORY COMMITTEE AS ARE NECESSARY AND APPROPRIATE TO CARRY OUT ITS
42 FUNCTIONS UNDER THIS ARTICLE.

43 S 58-0119. GREAT SWAMP COMPREHENSIVE LAND USE PLAN; INTERIM REGULATIONS.

44 1. IN PREPARATION OF THE LAND USE PLAN, THE COMMISSION SHALL:

45 (A) CONSULT WITH APPROPRIATE OFFICIALS OF ANY REGIONAL, STATE OR
46 FEDERAL AGENCY WHICH HAS JURISDICTION OVER LANDS AND WATERS WITHIN THE
47 GREAT SWAMP AREA;

48 (B) CONSULT WITH THE OFFICIALS OF ANY MUNICIPALITY WHICH HAS JURISDIC-
49 TION OVER LANDS AND WATERS WITHIN THE GREAT SWAMP AREA;

50 (C) CONSULT WITH INTERESTED PROFESSIONAL, SCIENTIFIC AND CITIZENS'
51 ORGANIZATIONS; AND

52 (D) CONSULT WITH CITIZENS' COMMITTEES.

53 2. FOLLOWING CONSULTATION WITH THE ADVISORY COMMITTEE AND WITHIN
54 TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSION
55 SHALL PUBLISH THE DRAFT LAND USE PLAN. WITHIN THREE MONTHS OF SUCH
56 PUBLICATION, THE COMMISSION SHALL HOLD PUBLIC INFORMATIONAL MEETINGS IN

1 THE VILLAGE OF PAWLING AND THE TOWNS OF DOVER, PAWLING, PATTERSON AND
2 SOUTHEAST AND AT LEAST ONE PUBLIC HEARING WITHIN THE GREAT SWAMP AREA.
3 DURING THIS PERIOD THE COMMISSION SHALL RECEIVE AND REVIEW COMMENTS ON
4 THE DRAFT LAND USE PLAN-GENERIC ENVIRONMENTAL IMPACT STATEMENT FROM
5 STATE AND LOCAL GOVERNMENTS AND THE PUBLIC AND WITHIN THREE MONTHS, THE
6 COMMISSION SHALL RECOMMEND A REVISED COMPREHENSIVE LAND USE PLAN PURSU-
7 ANT TO THIS ARTICLE TO THE RESPECTIVE TOWN BOARDS OF SUCH TOWNS FOR
8 THEIR RATIFICATION AND ADOPTION. WITHIN TWO MONTHS OF THE COMMISSION
9 RECOMMENDING THE PLAN TO THE RESPECTIVE TOWN BOARDS, THE TOWN BOARDS
10 SHALL PERFORM A COMPREHENSIVE REVIEW OF THE PLAN AND SHALL PROVIDE FINAL
11 COMMENTS TO THE COMMISSION. THE COMMISSION AT ITS DISCRETION MAY MODIFY
12 THE PLAN AS REQUESTED BY THE TOWN REPRESENTATIVES. AFTER MODIFYING THE
13 PLAN AS NECESSARY, THE COMMISSION SHALL PREPARE A DRAFT SUPPLEMENTAL
14 GENERIC ENVIRONMENTAL IMPACT STATEMENT AND A FINAL GENERIC ENVIRONMENTAL
15 IMPACT STATEMENT, AND THE VILLAGE AND THE TOWNS AND COMMISSION SHALL
16 ADOPT THE NECESSARY STATEMENT OF FINDINGS PURSUANT TO ARTICLE EIGHT OF
17 THIS CHAPTER. RATIFICATION AND ADOPTION OF THE PLAN BY THE VILLAGE OF
18 PAWLING AND THE TOWN BOARDS OF DOVER, PAWLING, PATTERSON AND SOUTHEAST
19 SHALL REPRESENT COMMITMENT TO IMPLEMENTATION OF THE PROVISIONS CONTAINED
20 THEREIN. UPON RATIFICATION AND ADOPTION BY SUCH FOUR TOWNS, THE COMMIS-
21 SION ITSELF WILL FORMALLY ADOPT THE PLAN-GENERIC ENVIRONMENTAL IMPACT
22 STATEMENT AND ITS PROVISIONS SHALL BE IN FULL FORCE. ADOPTION BY THE
23 COMMISSION SHALL ONLY BE UPON THE SIGNATURE OF THE GOVERNOR, COUNTY
24 EXECUTIVE OF DUTCHESS AND PUTNAM COUNTIES, MAYOR OF THE VILLAGE OF PAWL-
25 ING AND SUPERVISOR OF THE TOWN OF DOVER, SUPERVISOR OF THE TOWN OF PAWL-
26 ING, SUPERVISOR OF THE TOWN OF PATTERSON AND THE SUPERVISOR OF THE TOWN
27 OF SOUTHEAST.

28 3. NOT LESS THAN ONCE EVERY FIVE YEARS AFTER THE LAND USE PLAN HAS
29 BECOME EFFECTIVE, THE COMMISSION SHALL REVIEW AND, IF APPROPRIATE, MAKE
30 AMENDMENTS TO THE LAND USE PLAN AND UPDATE THE GENERIC IMPACT STATEMENT.
31 WITHIN EACH SUCH PERIOD, THE COMMISSION SHALL HOLD A PUBLIC HEARING AND
32 SHALL RECEIVE COMMENTS ON THE EFFECTIVENESS OF IMPLEMENTATION OF THE
33 LAND USE PLAN. NOT LESS THAN THIRTY DAYS BEFORE VOTING ON AN AMENDMENT
34 TO THE LAND USE PLAN, THE COMMISSION SHALL PUBLISH NOTICE THEREOF IN A
35 NEWSPAPER OF GENERAL CIRCULATION IN THE GREAT SWAMP AREA.

36 S 58-0121. IMPLEMENTATION OF THE GREAT SWAMP COMPREHENSIVE LAND USE
37 PLAN.

38 FOR THE COUNTIES OF DUTCHESS AND PUTNAM, AND EACH TOWN OR VILLAGE
39 IMPLEMENTING REGULATIONS WHOLLY WITHIN THE GREAT SWAMP AREA APPROVED BY
40 THE COMMISSION, THERE MAY BE DEFENSE BY AND SHALL BE INDEMNITY FROM THE
41 STATE IN THE EVENT OF LEGAL ACTIONS OR PROCEEDINGS BROUGHT AGAINST ANY
42 SUCH MUNICIPALITIES OR THEIR AGENTS, SERVANTS, OFFICIALS OR EMPLOYEES
43 THAT MAY RESULT FROM THE MUNICIPAL ACQUISITION OF LAND CONSISTENT WITH
44 THE LAND USE PLAN OR COMPREHENSIVE MANAGEMENT PLAN OR THE ADOPTION OR
45 IMPLEMENTATION OF ANY LAND USE CONTROL INCLUDING, BUT NOT LIMITED TO,
46 THE PROVISIONS OF A ZONING LAW, ORDINANCE, OR REGULATION CONSISTENT WITH
47 THIS ARTICLE OR REQUIRED BY THE MINIMUM STANDARDS AND CRITERIA OF THE
48 LAND USE PLAN. INDEMNITY SHALL NOT APPLY TO ANY SUCH CLAIM IN WHICH A
49 FINAL COURT DETERMINATION RESULTS IN A FINDING OF INTENTIONAL WRONGDO-
50 ING, RECKLESSNESS, OR AN UNLAWFUL DISCRIMINATORY PRACTICE INCLUDING THE
51 FINDING THAT THE LAND USE CONTROL WAS INTENDED TO EXCLUDE A PARTICULAR
52 GROUP OR INDIVIDUAL, OR GROSS NEGLIGENCE ON THE PART OF SUCH MUNICI-
53 PALITY OR ITS AGENTS, SERVANTS, OFFICIALS, OR EMPLOYEES. ACTIONS OR
54 PROCEEDINGS BROUGHT UNDER SUBDIVISIONS TWO, TWO-A, THREE-B, FOUR, PARA-
55 GRAPHS (A) AND (B) OF SUBDIVISION FIVE AND SUBDIVISIONS SIX, SEVEN,
56 FOURTEEN, AND EIGHTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECU-

1 TIVE LAW AND 42 U.S.C. 55 1981, 1983, 1988 SHALL BE INDEMNIFIED BY THE
2 STATE ONLY SO FAR AS THE GRIEVANCE ALLEGED IN SUCH ACTION OR PROCEEDING
3 WAS THE RESULT OF AN ACT CONSISTENT WITH THIS ARTICLE OR THE PLAN.

4 1. SUCH INDEMNITY SHALL APPLY ONLY TO THE EXTENT THAT ANY SUCH CLAIM
5 EXCEEDS ANY INSURANCE COVERAGE OBTAINED BY THE COMMISSION FROM REVENUES
6 IN THE GREAT SWAMP FUND.

7 2. SUCH INDEMNITY SHALL BE CONDITIONED UPON (A) DELIVERY BY THE
8 GOVERNING BODY OR ITS AGENT AGAINST WHOM THE LEGAL ACTION OR PROCEEDING
9 WAS COMMENCED TO THE ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL
10 AT AN OFFICE OF THE DEPARTMENT OF LAW IN THE STATE THE ORIGINAL OR A
11 COPY OF ANY SUMMONS, COMPLAINT, PROCESS, NOTICE, DEMAND OR PLEADING
12 WITHIN FIFTEEN DAYS AFTER SUCH DOCUMENT IS SERVED UPON SUCH GOVERNING
13 BODY OR ITS AGENT, AND (B) THE FULL COOPERATION OF THE GOVERNING BODY OR
14 ITS AGENTS AGAINST WHOM THE ACTION OR PROCEEDING WAS COMMENCED IN THE
15 DEFENSE OF SUCH ACTION OR PROCEEDING AND IN DEFENSE OF ANY ACTION OR
16 PROCEEDING AGAINST THE STATE BASED UPON THE SAME ACT OR OMISSION, AND IN
17 THE PROSECUTION OF ANY APPEAL.

18 3. THERE SHALL BE NO INDEMNITY IN THE EVENT OF A SETTLEMENT BETWEEN OR
19 AMONG THE PARTIES TO SUCH LEGAL ACTION OR PROCEEDING IN THOSE INSTANCES
20 IN WHICH THE ATTORNEY GENERAL IS NOT PROVIDING THE DEFENSE FOR THE
21 GOVERNING BODY OR ITS AGENTS, UNLESS SUCH SETTLEMENT IS APPROVED BY THE
22 COMMISSION WITH THE CONCURRENCE OF THE ATTORNEY GENERAL.

23 S 58-0123. ADDITION OF TOWNS.

24 1. THE LEGISLATURE FINDS THAT IN ORDER TO FACILITATE REGIONAL PLAN-
25 NING, LOCAL GOVERNMENTS WITHIN THE RESERVE BUT LOCATED OUTSIDE OF THE
26 GREAT SWAMP AREA MAY SIMILARLY BENEFIT FROM THE PLANNING EFFORT UNDER-
27 TAKEN BY THE COMMISSION. THEREFORE, AFTER THE COMPLETION, RATIFICATION,
28 AND ADOPTION OF THE COMPREHENSIVE LAND USE PLAN AND UPON APPLICATION TO
29 THE COMMISSION, THE VILLAGE OF PAWLING AND THE TOWNS OF DOVER, PAWLING,
30 PATTERSON AND SOUTHEAST MAY ELECT, BY DULY ADOPTED RESOLUTION OF ITS
31 TOWN BOARD, TO JOIN THE COMMISSION OR ESTABLISH A SIMILAR PLANNING
32 EFFORT FOR THOSE AREAS OUTSIDE THE GREAT SWAMP AREA AND WITHIN THE
33 RESERVE THAT WARRANT AND WOULD BENEFIT FROM SUCH REGIONAL EFFORTS
34 CONSISTENT WITH THE GOALS AND OBJECTIVES OF THIS ARTICLE.

35 2. ALL BENEFITS AND OBLIGATIONS WHICH ACCRUE TO MUNICIPALITIES WHICH
36 PARTICIPATE WITH THE COMMISSION SHALL BE AFFORDED TO THE MUNICIPALITIES
37 WHICH ELECT TO VOLUNTARILY PARTICIPATE IN THIS PROCESS, SUBJECT TO THE
38 OBLIGATIONS OF THIS ARTICLE. SUCH BENEFITS MAY INCLUDE FUNDING FOR THE
39 DEVELOPMENT AND IMPLEMENTATION OF REGIONAL PLANS. THE PROVISIONS OF THIS
40 ARTICLE WITH RESPECT TO THE INTERIM PROVISIONS SHALL NOT APPLY. TO THE
41 EXTENT FEASIBLE, TOWNS ELECTING TO DEVELOP AND IMPLEMENT SUCH REGIONAL
42 PLANS CONSISTENT WITH THIS ARTICLE, SHALL UTILIZE THE COMMISSION AND ITS
43 SUPPORTIVE STRUCTURE.

44 3. UPON COMPLETION, RATIFICATION, AND ADOPTION OF THE COMPREHENSIVE
45 LAND USE PLAN, AND AN EXPRESSED INTEREST ON THE PART OF THE VILLAGE OF
46 PAWLING AND THE TOWNS OF DOVER, PAWLING, PATTERSON AND SOUTHEAST, THE
47 COMMISSION SHALL ESTABLISH CRITERIA FOR PARTICIPATING IN THIS PROCESS.
48 SUCH CRITERIA MAY NOT INCLUDE THE IMPOSITION OF A MORATORIUM OR
49 RESTRICTION OF DEVELOPMENT AS A REQUIREMENT FOR PARTICIPATION.

50 S 58-0125. COOPERATION OF STATE AND MUNICIPAL AGENCIES.

51 THE COUNCIL MAY REQUEST AND SHALL BE PROVIDED WITH SUCH COOPERATION,
52 ASSISTANCE, SERVICES AND DATA, FROM ANY DEPARTMENT, AGENCY, ADVISORY
53 BOARD, TASK FORCE, COMMISSION, BUREAU OR ANY OTHER AGENCY HAVING JURIS-
54 DICTION OVER LAND OR WATER WITHIN THE GREAT SWAMP RESERVE, AS ARE NECES-
55 SARY TO CARRY OUT THE COUNCIL'S FUNCTION PURSUANT TO THIS ARTICLE. THE
56 COUNCIL SHALL COORDINATE ITS ACTIONS WITH THE REGION 1 REGIONAL ADVISORY

1 COMMITTEE, ESTABLISHED BY SECTION 49-0209 OF THIS CHAPTER. EVERY STATE
2 AGENCY IS AUTHORIZED TO PROVIDE, WITHIN AMOUNTS APPROPRIATED THEREFOR
3 AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SUCH ASSIST-
4 ANCE AND SERVICES AS THE COUNCIL MAY REQUEST.

5 S 58-0127. ACCEPTANCE OF MONIES.

6 THE COUNCIL MAY ACCEPT ANY GRANT OR APPROPRIATION FROM FEDERAL, STATE
7 AND MUNICIPAL SOURCES AND ANY GIFT FOR USE TO CARRY OUT THE PROVISIONS
8 OF THIS ARTICLE. SUCH MONIES SHALL BE EXPENDED BY THE COUNCIL TO CARRY
9 OUT THE PROVISIONS OF THIS ARTICLE, EXCEPT THAT SUCH EXPENDITURES SHALL

10 NOT EXCEED THE GRANTS, APPROPRIATIONS AND GIFTS RECEIVED BY THE COUNCIL.
11 S 58-0129. LIMITATIONS ON REGULATION OF HUNTING, FISHING AND RECREATION
12 ACTIVITIES; NONREGULATION OF FEDERAL CONSERVATION ACTIV-
13 ITIES.

14 NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO AUTHORIZE THE REGU-
15 LATION OF HUNTING, SHELLFISHING, FISHING, TRAPPING, POSSESSION OF WILD-
16 LIFE OR OTHER RECREATIONAL ACTIVITIES IN THE GREAT SWAMP RESERVE, EXCEPT
17 AS OTHERWISE PROVIDED BY LAW. THIS ARTICLE SHALL NOT APPLY TO ANY
18 ACTION UNDERTAKEN BY ANY FEDERAL AGENCY OR FEDERAL DEPARTMENT IN
19 FULFILLMENT OF ITS OBLIGATIONS OR DUTIES PURSUANT TO ANY FEDERAL LAW,
20 FEDERAL REGULATION, FEDERAL AGENCY POLICY, OR FEDERAL MANAGEMENT ACTIV-
21 ITY RELATING TO WILDLIFE, GAME OR NONGAME SPECIES MANAGEMENT, HABITAT
22 PROTECTION, OR MIGRATORY SPECIES PROTECTION.

23 S 58-0131. AFFECT ON OTHER LAWS.

24 EXCEPT AS OTHERWISE PROVIDED IN THE PROVISIONS OF THIS ARTICLE, THIS
25 ARTICLE SHALL NOT AFFECT:

26 1. THE POLICE POWERS, LOCAL PLANNING POWERS, ZONING POWERS OR AUTHORI-
27 TY TO REGULATE LAND USES BY VILLAGES AND TOWNS WITHIN THE GREAT SWAMP
28 RESERVE; OR

29 2. THE POLICE POWER OF THE STATE TO REGULATE ANY ACTIVITY CARRIED UPON
30 ANY LANDS, IN THE GREAT SWAMP RESERVE; OR

31 3. THE AUTHORITY OF ANY STATE OR PUBLIC AGENCY IN THE MANAGEMENT OF
32 ANY STATE OR PUBLIC LANDS IN THE GREAT SWAMP RESERVE.

33 S 58-0133. JUDICIAL REVIEW.

34 ANY PERSON AGGRIEVED BY A FINAL DETERMINATION BY ANY GOVERNING BODY
35 ACTING UNDER THIS ARTICLE, MAY WITHIN THIRTY DAYS FROM THE DATE OF SUCH
36 DETERMINATION SEEK JUDICIAL REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF
37 THE CIVIL PRACTICE LAW AND RULES IN THE SUPREME COURT. THE COMMISSION
38 SHALL BE A PARTY TO ANY SUCH PROCEEDING. IN THE EVENT THAT THE COURT
39 FINDS THAT THE DETERMINATION OF SUCH GOVERNING BODY CONSTITUTES THE
40 EQUIVALENT OF TAKING WITHOUT JUST COMPENSATION, THE COMMISSION MAY SET
41 ASIDE THE DETERMINATION OF SUCH GOVERNING BODY, OR IF THE LAND SO REGU-
42 LATED OTHERWISE MEETS THE GOALS AND OBJECTIVES OF THIS ARTICLE AND IF
43 THE COMMISSION OR THE GOVERNING BODY HAS SUFFICIENT FUNDS THEREFOR, THE
44 COMMISSION OR THE GOVERNING BODY MAY ACQUIRE SUCH LAND OR INTEREST IN
45 LANDS AS HAVE BEEN TAKEN, PROCEEDING UNDER THE POWER OF EMINENT DOMAIN.
46 ALL ISSUES IN ANY PROCEEDING UNDER THE POWER OF EMINENT DOMAIN SHALL
47 HAVE PREFERENCE OVER ALL OTHER CIVIL ACTIONS OR PROCEEDINGS.

48 S 58-0135. SEVERABILITY.

49 THE PROVISIONS OF THIS ARTICLE SHALL BE SEVERABLE AND IF ANY PORTION
50 THEREOF OR THE APPLICABILITY THEREOF TO ANY PERSON OR CIRCUMSTANCE SHALL
51 BE HELD INVALID, THE REMAINDER OF THIS ARTICLE AND THE APPLICATION THERE-
52 OF SHALL NOT BE AFFECTED THEREBY.

53 S 2. This act shall take effect immediately.