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I N   S E N A T E

February 26, 2010

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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. NOTWITHSTANDING ANY INCONSISTENT  
8     PROVISION OF THIS SECTION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
9     OR ANY OTHER STATE DEPARTMENT OR AGENCY WHICH SUCCEEDS TO THE POWERS,  
10    DUTIES AND FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
11    RELATING TO THE MANAGEMENT AND REGULATION OF THE FOREST PRESERVE, SHALL  
12    BE AUTHORIZED AND DIRECTED TO ESTABLISH UPON ANY LANDS OF THE STATE  
13    ACQUIRED ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH CONSTITUTING A  
14    PORTION OF THE FOREST PRESERVE, A REASONABLE NUMBER OF FOREST PRESERVE  
15    MANAGEMENT AREAS. THE STATE, ACTING BY AND THROUGH THE DEPARTMENT OF  
16    ENVIRONMENTAL CONSERVATION OR SUCH SUCCESSOR DEPARTMENT OR AGENCY THERE-  
17    TO, MAY CUT, SELL AND CONTRACT FOR THE SALE AND REMOVAL OF TIMBER UPON  
18    SUCH LANDS CONSISTENT WITH SUCH PROVISIONS OF LAW AS THE LEGISLATURE  
19    SHALL ENACT RELATING THERETO. FURTHERMORE, MOTORIZED EQUIPMENT SHALL BE  
20    AUTHORIZED TO BE USED UPON SUCH LANDS, AND ROADS MAY BE CONSTRUCTED  
21    THEREON FOR THE PURPOSES OF IMPLEMENTING THE PROVISIONS OF THIS PARA-  
22    GRAPH.

23    Nothing herein contained shall prevent the state from constructing,  
24    completing and maintaining any highway heretofore specifically author-  
25    ized by constitutional amendment, nor from constructing and maintaining  
26    to federal standards federal aid interstate highway route five hundred  
27    two from a point in the vicinity of the city of Glens Falls, thence  
28    northerly to the vicinity of the villages of Lake George and Warrens-  
29    burg, the hamlets of South Horicon and Pottersville and thence northerly

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

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

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

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

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

50 S. 2. Resolved (if the Assembly concur), That the foregoing amendment  
51 be referred to the first regular legislative session convening after the  
52 next succeeding general election of members of the assembly and, in  
53 conformity with section 1 of article 19 of the constitution, be  
54 published for 3 months previous to the time of such election.