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

3941--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 31, 2011

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law, in relation to the protection and management of the state park system

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

Section 1. Legislative findings and purpose. The legislature finds the New York state parks, and natural and cultural lands under state management which began with the Niagara Reservation in 1885 embrace unique, superlative and significant resources. They constitute a major source of pride, inspiration and enjoyment of the people of the state, and have gained international recognition and acclaim.

Establishment of the State Council of Parks by the legislature in 1924 was an act that created the first unified state parks system in the country. By this act and other means the legislature and the people of the state have repeatedly expressed their desire that the natural and cultural state park resources of the state be accorded the highest degree of protection.

Therefore, it is the purpose of this legislature to formally codify the New York state park system and the identity of the individual units thereof.

S 2. Short title. This act shall be known and may be cited as the "New York state park system act".

S 3. The parks, recreation and historic preservation law is amended by adding a new article 4 to read as follows:

ARTICLE 4

NEW YORK STATE PARK SYSTEM

SECTION 4.01 STATE PARK SYSTEM.
4.03 LAND CLASSIFICATION.

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

LBD07940-02-1

4.05 ADDITIONS TO THE SYSTEM.

S 4.01 STATE PARK SYSTEM. THE LEGISLATURE DECLARES THAT THE NATURAL AND CULTURAL STATE PARK RESOURCES, WHICH BEGAN WITH THE ESTABLISHMENT OF THE NIAGARA RESERVATION IN EIGHTEEN HUNDRED EIGHTY-FIVE, HAVE GROWN TO INCLUDE SUPERLATIVE NATURAL, HISTORIC AND RECREATIONAL AREAS IN EVERY REGION OF THE STATE; THAT THESE AREAS, THOUGH DISTINCT IN CHARACTER, ARE UNITED THROUGH THESE INTERRELATED PURPOSES AND RESOURCES INTO ONE STATE PARK SYSTEM AS A CUMULATIVE EXPRESSION OF A SINGLE HERITAGE; AND THAT, INDIVIDUALLY AND COLLECTIVELY, THESE AREAS DESERVE INCREASED DIGNITY AND RECOGNITION OF THEIR SUPERB ENVIRONMENTAL QUALITY AND RECREATIONAL POTENTIAL THROUGH THEIR INCLUSION JOINTLY AND WITH EACH OTHER IN ONE STATE PARK SYSTEM PRESERVED AND MANAGED FOR THE BENEFIT AND INSPIRATION OF ALL THE PEOPLE OF THE STATE. THEREFORE, ANY AREA OF LAND AND WATER ADMINISTERED BY THE COMMISSIONER FOR PARK, HISTORIC, PARKWAY, RECREATIONAL OR OTHER PURPOSES SHALL BE DEEMED TO BE A PART OF THE STATE PARK SYSTEM HEREBY FORMALLY CREATED AND SHALL BE DEEMED TO BE PUBLIC TRUST LANDS, AND THESE PUBLIC SPACES CANNOT BE SOLD, ANNEXED, CONSTRUCTED UPON, CLOSED OR HAVE ANY OTHER ACTION TAKEN UPON THEM WITHOUT THE CONSENT OF A MAJORITY OF BOTH HOUSES OF THE LEGISLATURE. STATE MANAGEMENT OF COOPERATIVE PARKS INCLUDING STATE DESIGNATED HERITAGE AREAS SHALL BE FULLY COORDINATED WITH THE STATE PARK SYSTEM. THE ADMINISTRATION OF NATURAL AREAS IN THE STATE PARK SYSTEM SHALL, TO THE FULLEST EXTENT PRACTICABLE, PROVIDE FOR THE INTERPLAY OF FORCES AND PROCESSES OF NATURAL GEOLOGICAL CHANGE AND ECOLOGICAL SUCCESSION. THE ADMINISTRATION OF ALL AREAS SHALL BE CONDUCTED IN THE LIGHT OF HIGH PUBLIC VALUE AND THE INTEGRITY OF THE STATE PARK SYSTEM AND SHALL NOT BE EXERCISED IN DEROGATION OF THE VALUES AND PURPOSES FOR WHICH THESE VARIOUS AREAS HAVE BEEN ESTABLISHED.

S 4.03 LAND CLASSIFICATION. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING A LAND CLASSIFICATION SYSTEM FOR THE PRESERVATION AND USE OF ALL AREAS OR UNITS WITHIN THE STATE PARK SYSTEM. CLASSIFICATIONS SHALL BE IDENTIFIED IN ORDER TO FOSTER THE GOAL OF PROTECTION OF PARK RESOURCES, APPROPRIATELY BALANCED WITH THE USE AND APPRECIATION OF THOSE RESOURCES BY VISITORS. ONE CLASSIFICATION SHALL BE FOR MAXIMUM RESOURCE PROTECTION WHERE RESTRICTED USE MAY BE NECESSARY TO PROTECT SENSITIVE ECOLOGICAL SYSTEMS AND CULTURAL AREAS OR RESOURCES OF SPECIAL VALUE FOR RESEARCH, SCIENTIFIC OR RELATED PURPOSES. EACH CLASSIFICATION SHALL INCLUDE A STATEMENT OF APPROPRIATE PROTECTION STANDARDS.

S 4.05 ADDITIONS TO THE SYSTEM. THE COMMISSIONER SHALL INVESTIGATE, STUDY AND CONTINUALLY MONITOR THE STATUS AND WELFARE OF AREAS WHOSE RESOURCES EXHIBIT QUALITIES OF STATEWIDE SIGNIFICANCE AND WHICH HAVE POTENTIAL FOR INCLUSION IN THE STATE PARK SYSTEM. FOR PURPOSES OF THIS RESPONSIBILITY, THE COMMISSIONER SHALL CONSIDER THREATS TO RESOURCE VALUES, COST ESCALATION FACTORS AND RELATIONSHIP TO THE NATURAL AND HISTORIC THEMES OF THE STATE. ON OR BEFORE MARCH FIRST OF EACH YEAR, THE COMMISSIONER SHALL REPORT TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE A LIST OF AREAS THAT ARE UNDER CONSIDERATION FOR POTENTIAL INCLUSION IN THE STATE PARK SYSTEM.

S 4. Section 13.03 of the parks, recreation and historic preservation law is amended to read as follows:

S 13.03 Listing of state parks, STATE PARKWAYS, parkways, recreation facilities [and], historic sites AND ARTIFACTS. 1. The commissioner shall, by regulation, maintain a current listing and description of all state parks, STATE PARKWAYS, parkways, recreation facilities [and], historic sites AND ARTIFACTS under the custody and control of the

office, other state agency, authority or other instrumentality of the state, which are now in existence or hereafter shall be acquired.

2. As used in this article, "state agency" shall mean the Palisades interstate park commission or the department of environmental conservation.

3. THE COMMISSIONER'S LISTING OF STATE PARKS AND HISTORIC SITES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) NIAGARA FRONTIER STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
AMHERST STATE PARK	ERIE
BEAVER ISLAND STATE PARK	ERIE
BIG SIX MILE CREEK MARINA	ERIE
BUCKHORN STATE PARK	ERIE
DEVEAUX WOODS STATE PARK	NIAGARA
DEVIL'S HOLE STATE PARK	NIAGARA
EARL W. BRYDGES ARTPARK STATE PARK	NIAGARA
EVANGOLA STATE PARK	ERIE
FORT NIAGARA STATE PARK	NIAGARA
FOUR MILE CREEK STATE PARK	NIAGARA
GOLDEN HILL STATE PARK	NIAGARA
JOSEPH DAVIS STATE PARK	NIAGARA
KNOX FARM STATE PARK	NIAGARA
NIAGARA RESERVATION STATE PARK	NIAGARA
NIAGARA FALLS STATE PARK	NIAGARA
RESERVOIR STATE PARK	NIAGARA
STRAWBERRY ISLAND STATE PARK	NIAGARA
WHIRPOOL STATE PARK	NIAGARA
WISLON-TUSCARORA STATE PARK	NIAGARA
WOODLAWN BEACH STATE PARK	ERIE

(II) HISTORIC SITE	COUNTY
OLD FORT NIAGARA STATE HISTORIC SITE	NIAGARA
DARWIN MARTIN HOUSE STATE HISTORIC SITE	ERIE

(B) ALLEGANY STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
ALLEGANY STATE PARK	CATTARAUGUS
ALLEGANY STATE PARK - QUAKER AREA	CATTARAUGUS
ALLEGANY STATE PARK - RED HOUSE AREA	CATTARAUGUS
LAKE ERIE STATE PARK	CHAUTAUQUA
LONG POINT ON LAKE CHAUTAUQUA	CHAUTAUQUA
MIDWAY STATE PARK	CHAUTAUQUA

(II) HISTORIC SITE
NONE

(C) GENESEE STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
BRADDOCK BAY STATE PARK	MONROE
CONESUS LAKE BOAT LAUNCH	LIVINGSTON
DARIEN LAKES STATE PARK	GENESEE

HAMLIN BEACH STATE PARK	MONROE
IRONDEQUOIT BAY STATE MARINE PARK	MONROE
LAKESIDE BEACH STATE PARK	ORLEANS
LETCHWORTH STATE PARK	LIVINGSTON AND WYOMING
OAK ORCHARD STATE MARINE PARK	ORLEANS
SILVER LAKE STATE PARK	WYOMING

(II) HISTORIC SITE

NONE

(D) FINGER LAKES STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
ALLAN H. TREMAN STATE MARINE PARK	TOMPKINS
BEECHWOOD STATE PARK	WAYNE
BONAVISTA STATE PARK	SENECA
BUTTERMILK FALLS STATE PARK	TOMPKINS
CANANDAIGUA LAKE STATE MARINE PARK	ONTARIO
CATHERINE VALLEY TRAIL	CHEMUNG
CAYUGA LAKE STATE PARK	SENECA
CHIMNEY BLUFFS STATE PARK	WAYNE
DEANS COVE BOAT LAUNCH	SENECA
FAIR HAVEN BEACH STATE PARK	CAYUGA
FILLMORE GLEN STATE PARK	CAYUGA
HARRIET HOLLISTER SPENCER STATE RECREATION AREA	ONTARIO
HONEOYE LAKE BOAT LAUNCH STATE PARK	ONTARIO
KEUKA LAKE STATE PARK	YATES
LODI POINT STATE PARK	SENECA
LONG POINT STATE PARK	CAYUGA
NEWTOWN BATTLEFIELD RESERVATION STATE PARK	CHEMUNG
PINNACLE STATE PARK	STEUBEN
ROBERT H. TREMAN STATE PARK	TOMPKINS
SAMPSON STATE PARK	SENECA
SENECA LAKE STATE PARK	ONTARIO AND SENECA
STONY BROOK STATE PARK	STEUBEN
TAUGHANNOCK FALLS STATE PARK	TOMPKINS
TWO RIVERS STATE PARK AND RECREATION AREA	TIOGA
MARK TWAIN STATE PARK	CHEMUNG
WATKINS GLEN STATE PARK	SCHUYLER

(II) HISTORIC SITE	COUNTY
GANONDAGAN STATE HISTORIC SITE	ONTARIO
SONNENBERG GARDENS & MANSION STATE HISTORIC SITE	ONTARIO

(E) CENTRAL NEW YORK STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
BATTLE ISLAND STATE PARK	OSWEGO
BETTY AND WILBUR DAVIS STATE PARK	OTSEGO
BOWMAN LAKE STATE PARK	CHENANGO
CHENANGO VALLEY STATE PARK	BROOME
CHITTENANGO FALLS STATE PARK	MADISON

CLARK RESERVATION STATE PARK	ONONDAGA
DELTA LAKE STATE PARK	ONEIDA
GILBERT LAKE STATE PARK	OTSEGO
GLIMMERGLASS STATE PARK	OTSEGO
GREEN LAKES STATE PARK	ONONDAGA
HELEN L. MCNITT STATE PARK	MADISON
HUNTS POND STATE PARK	CHENANGO
MEXICO POINT STATE PARK	OSWEGO
OLD ERIE CANAL STATE HISTORIC PARK	ONONDAGA, MADISON, AND ONEIDA
OQUAGA CREEK STATE PARK	BROOME AND DELAWARE
PIXLEY FALLS STATE PARK	ONEIDA
ROBERT V. RIDDELL STATE PARK	OTSEGO
SANDY ISLAND BEACH STATE PARK	OSWEGO
SELKIRK SHORES STATE PARK	OSWEGO
STATE PARK AT THE FAIR	ONONDAGA
VERONA BEACH STATE PARK	ONEIDA

(II) HISTORIC SITE	COUNTY
FORT ONTARIO STATE HISTORIC SITE	OSWEGO
HERKIMER HOME STATE HISTORIC SITE	HERKIMER
HYDE HALL STATE HISTORIC SITE	OTSEGO
JOHN BURROUGHS MEMORIAL STATE HISTORIC SITE	DELAWARE
LORENZO STATE HISTORIC SITE	MADISON
OLD ERIE CANAL STATE HISTORIC SITE	ONEIDA
ORISKANY BATTLEFIELD STATE HISTORIC SITE	ONEIDA
STEUBEN MEMORIAL STATE HISTORIC SITE	ONEIDA

(F) TACONIC STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
CLARENCE FAHNESTOCK MEMORIAL STATE PARK	PUTNAM
CLERMONT STATE PARK	COLUMBIA AND DUTCHESS
DONALD J. TRUMP STATE PARK	WESTCHESTER
FAHNESTOCK WINTER PARK	PUTNAM
HUDSON HIGHLANDS STATE PARK	PUTNAM AND DUTCHESS
JAMES BAIRD STATE PARK	DUTCHESS
LAKE TAGHKANIC STATE PARK	COLUMBIA
MARGARET LEWIS NORRIE STATE PARK	DUTCHESS
FRANKLIN D. ROOSEVELT STATE PARK	WESTCHESTER
OGDEN MILLS AND RUTH LIVINGSTON MILLS STATE PARK	DUTCHESS
OLD CROTON TRAILWAY STATE PARK	WESTCHESTER
ROCKEFELLER STATE PARK	WESTCHESTER
TACONIC STATE PARK	COLUMBIA AND DUTCHESS
WALKWAY OVER THE HUDSON STATE HISTORIC PARK	DUTCHESS

(II) HISTORIC SITE	COUNTY
CLERMONT STATE HISTORIC SITE	COLUMBIA
CLINTON HOUSE STATE HISTORIC SITE	DUTCHESS
JOHN JAY HOMESTEAD STATE HISTORIC SITE	WESTCHESTER
MILLS MANSION STATE HISTORIC SITE	DUTCHESS
OLANA STATE HISTORIC SITE	COLUMBIA
OLD CROTON AQUEDUCT STATE HISTORIC PARK	WESTCHESTER

PHILLIPSE MANOR HALL STATE HISTORIC SITE	WESTCHESTER
STAATSBURGH STATE HISTORIC SITE	DUTCHESS

(G) PALISADES INTERSTATE PARK COMMISSION

(I) STATE PARK	COUNTY
BEAR MOUNTAIN STATE PARK	ORANGE AND ROCKLAND
BLAUVELT STATE PARK	ROCKLAND
BRISTOL BEACH STATE PARK	ULSTER
GOOSEPOND MOUNTAIN STATE PARK	ORANGE
HARRIMAN STATE PARK	ORANGE AND ROCKLAND
HAVERSTRAW BEACH STATE PARK	ROCKLAND
HIGHLAND LAKES STATE PARK	ORANGE
HIGH TOR STATE PARK	ROCKLAND
HOOK MOUNTAIN STATE PARK	ROCKLAND
LAKE SUPERIOR STATE PARK	SULLIVAN
MINNEWASKA STATE PARK PRESERVE	ULSTER
NYACK BEACH STATE PARK	ROCKLAND
PALISADES STATE PARK	ROCKLAND
ROCKLAND LAKE STATE PARK	ROCKLAND
STERLING FOREST STATE PARK	ORANGE
STORM KING STATE PARK	ORANGE
TALLMAN MOUNTAIN STATE PARK	ROCKLAND

(II) HISTORIC SITE	COUNTY
FORT MONTGOMERY STATE HISTORIC SITE	ORANGE
KNOX HEADQUARTERS STATE HISTORIC SITE	ORANGE
NEW WINDSOR CANTONMENT STATE HISTORIC SITE	ORANGE
SENATE HOUSE STATE HISTORIC SITE	ULSTER
STONY POINT BATTLEFIELD STATE HISTORIC SITE	ROCKLAND
WASHINGTON'S HEADQUARTERS STATE HISTORIC SITE	ORANGE

(H) LONG ISLAND STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
BAYARD CUTTING ARBORETUM STATE PARK	SUFFOLK
BELMONT LAKE STATE PARK	SUFFOLK
BETHPAGE STATE PARK	NASSAU AND SUFFOLK
BROOKHAVEN STATE PARK	SUFFOLK
CALEB SMITH STATE PARK	SUFFOLK
CAMP HERO STATE PARK	SUFFOLK
CAPTREE STATE PARK	SUFFOLK
CAUMSETT STATE PARK	SUFFOLK
COLD SPRING HARBOR STATE PARK	SUFFOLK
CONNETQUOT RIVER STATE PARK	SUFFOLK
GILGO STATE PARK	SUFFOLK
HECKSCHER STATE PARK	SUFFOLK
HEMPSTEAD LAKE STATE PARK	NASSAU
HITHER HILLS STATE PARK	SUFFOLK
JAMESPORT STATE PARK	SUFFOLK
JONES BEACH STATE PARK	NASSAU
MONTAUK DOWNS STATE PARK	SUFFOLK
MONTAUK POINT STATE PARK	SUFFOLK
NAPEAGUE STATE PARK	SUFFOLK
NISSEQUOGUE STATE PARK	SUFFOLK

ORIENT BEACH STATE PARK	SUFFOLK
ROBERT MOSES STATE PARK	SUFFOLK
SHADMOOR STATE PARK	SUFFOLK
ALFRED E. SMITH/SUNKEN MEADOW STATE PARK	SUFFOLK
VALLEY STREAM STATE PARK	NASSAU
WILDWOOD STATE PARK	SUFFOLK

(II) HISTORIC SITE	COUNTY
CAUMSETT STATE HISTORIC PARK	SUFFOLK
PLANTING FIELDS ARBORETUM STATE HISTORIC PARK	NASSAU
WALT WHITMAN BIRTHPLACE STATE HISTORIC SITE	SUFFOLK

(I) THOUSAND ISLANDS STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
BURNHAM POINT STATE PARK	JEFFERSON
CANOE-PICNIC POINT STATE PARK	JEFFERSON
CEDAR ISLAND STATE PARK	ST. LAWRENCE
CEDAR POINT STATE PARK	JEFFERSON
COLES CREEK STATE PARK	ST. LAWRENCE
CROIL ISLAND STATE PARK	ST. LAWRENCE
CUMBERLAND BAY STATE PARK	CLINTON
DEWOLF POINT STATE PARK	JEFFERSON
EEL WEIR STATE PARK	ST. LAWRENCE
GALOP ISLAND STATE PARK	ST. LAWRENCE
GRASS POINT STATE PARK	JEFFERSON
HIGLEY FLOW STATE PARK	ST. LAWRENCE
JACQUES CARTIER STATE PARK	ST. LAWRENCE
KEEWAYDIN STATE PARK	JEFFERSON
KRING POINT STATE PARK	JEFFERSON
LONG POINT STATE PARK	JEFFERSON
MACOMB RESERVATION STATE PARK	CLINTON
MARY ISLAND STATE PARK	JEFFERSON
POINT AU ROCHE STATE PARK	CLINTON
ROBERT G. WEHLE STATE PARK	JEFFERSON
ROBERT MOSES STATE PARK	ST. LAWRENCE
ROCK ISLAND STATE PARK	JEFFERSON
ST. LAWRENCE STATE PARK	ST. LAWRENCE
SOUTHWICK BEACH STATE PARK	JEFFERSON
WATERSON POINT STATE PARK	JEFFERSON
WELLESLEY ISLAND STATE PARK	JEFFERSON
WESTCOTT BEACH STATE PARK	JEFFERSON
WHETSTONE GULF STATE PARK	LEWIS

(II) HISTORIC SITE	COUNTY
JOHN BROWN FARM STATE HISTORIC SITE	ESSEX
SACKETS HARBOR BATTLEFIELD STATE HISTORIC SITE	JEFFERSON

(J) SARATOGA-CAPITAL DISTRICT STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION

(I) STATE PARK	COUNTY
SCHODACK ISLAND STATE PARK	COLUMBIA, GREENE AND

	RENSSELAER
CHERRY PLAIN STATE PARK	RENSSELAER
GRAFTON LAKES STATE PARK	RENSSELAER
HUDSON RIVER ISLANDS STATE PARK	COLUMBIA
JOHN BOYD THACHER STATE PARK	ALBANY
LAKE LAUDERDALE STATE PARK	WASHINGTON
MAX V. SHAUL STATE PARK	SCHOHARIE
MINE KILL STATE PARK	SCHOHARIE
MOREAU LAKE STATE PARK	SARATOGA
PEEBLES ISLAND STATE PARK	SARATOGA
SARATOGA LAKE STATE BOAT LAUNCH	SARATOGA
SARATOGA SPA STATE PARK	SARATOGA
THOMPSON'S LAKE STATE PARK	ALBANY

(II) HISTORIC SITE	COUNTY
BENNINGTON BATTLEFIELD STATE HISTORIC SITE	RENSSELAER
CROWN POINT STATE HISTORIC SITE	ESSEX
CRAILO STATE HISTORIC SITE	RENSSELAER
GRANT COTTAGE STATE HISTORIC SITE	SARATOGA
GUY PARK STATE HISTORIC SITE	MONTGOMERY
JOHNSON HALL STATE HISTORIC SITE	FULTON
REXFORD AQUEDUCT STATE HISTORIC SITE	SCHENECTADY
SCHOHARIE CROSSING STATE HISTORIC SITE	MONTGOMERY
SCHUYLER MANSION STATE HISTORIC SITE	ALBANY

(K) STATE PARK, RECREATION AND HISTORIC PRESERVATION COMMISSION FOR THE CITY OF NEW YORK

STATE PARK	COUNTY
BAYSWATER POINT STATE PARK	KINGS
CLAY PIT PONDS STATE PARK	RICHMOND
EAST RIVER STATE PARK	NEW YORK
EMPIRE-FULTON FERRY STATE PARK	KINGS
GANTRY PLAZA STATE PARK	QUEENS
RIVERBANK STATE PARK	NEW YORK
ROBERTO CLEMENTE STATE PARK	BRONX

S 5. This act shall take effect on the sixtieth day after it shall have become a law.