

506--A

Cal. No. 354

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 fallen timber from 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. 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-

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

LBD89003-02-1

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

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

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

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

43 Notwithstanding the foregoing provisions and subject to legislative
44 approval prior to actual transfer of title, the state may convey to
45 National Grid up to six acres adjoining State Route 56 in St. Lawrence
46 County where it passes through Forest Preserve in Township 5, Lots 1, 2,
47 5 and 6 that is necessary and appropriate for National Grid to construct
48 a new 46kV power line and in exchange therefore National Grid shall
49 convey to the state for incorporation into the forest preserve at least
50 10 acres of forest land owned by National Grid in St. Lawrence county,
51 on condition that the legislature shall determine that the property to
52 be received by the state is at least equal in value to the land conveyed
53 by the state.

54 B. PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS ARTICLE SHALL
55 PROHIBIT RESIDENTS OF THE STATE FROM GATHERING FALLEN TIMBER LYING ON
56 THE FOREST FLOOR ON STATE-OWNED LANDS WHEN SUCH TIMBER IS WITHIN FIFTY

1 FEET OF THE CENTER LINE OF A PUBLIC HIGHWAY, EXCEPT LANDS THE COMMIS-
2 SIONER OF ENVIRONMENTAL CONSERVATION MAY DESIGNATE BY RULE AND REGU-
3 LATION WHERE SUCH GATHERING SHALL BE PROHIBITED. EVERY PERSON GATHERING
4 FALLEN TIMBER PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL DO SO
5 AT HIS OR HER OWN RISK AND WITHOUT DISTURBING THE SURROUNDING VEGE-
6 TATION.
7 S 2. Resolved (if the Assembly concur), That the foregoing be referred
8 to the first regular legislative session convening after the next
9 succeeding general election of members of the assembly, and, in conform-
10 ity with section 1 of article 19 of the constitution, be published for 3
11 months previous to the time of such election.