

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

June 12, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Sweeney, Sayward) -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution, in relation to a land exchange, in the state forest preserve with NYCO Minerals, Inc.

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. 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  
26    such trails shall be in excess of one hundred twenty feet wide, on the

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

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

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

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

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

37 Notwithstanding the foregoing provisions and subject to legislative  
38 approval prior to actual transfer of title, the state may convey to  
39 National Grid up to six acres adjoining State Route 56 in St. Lawrence  
40 County where it passes through Forest Preserve in Township 5, Lots 1, 2,  
41 5 and 6 that is necessary and appropriate for National Grid to construct  
42 a new 46kV power line and in exchange therefore National Grid shall  
43 convey to the state for incorporation into the forest preserve at least  
44 10 acres of forest land owned by National Grid in St. Lawrence county,  
45 on condition that the legislature shall determine that the property to  
46 be received by the state is at least equal in value to the land conveyed  
47 by the state.

48 NOTWITHSTANDING THE FOREGOING PROVISIONS, THE STATE MAY AUTHORIZE NYCO  
49 MINERALS, INC. TO ENGAGE IN MINERAL SAMPLING OPERATIONS, SOLELY AT ITS  
50 EXPENSE, TO DETERMINE THE QUANTITY AND QUALITY OF WOLLASTONITE ON  
51 APPROXIMATELY 200 ACRES OF FOREST PRESERVE LAND CONTAINED IN LOT 8,  
52 STOWERS SURVEY, TOWN OF LEWIS, ESSEX COUNTY PROVIDED THAT NYCO MINERALS,  
53 INC. SHALL PROVIDE THE DATA AND INFORMATION DERIVED FROM SUCH DRILLING  
54 TO THE STATE FOR APPRAISAL PURPOSES. SUBJECT TO LEGISLATIVE APPROVAL OF  
55 THE TRACTS TO BE EXCHANGED PRIOR TO THE ACTUAL TRANSFER OF TITLE, THE  
56 STATE MAY SUBSEQUENTLY CONVEY SAID LOT 8 TO NYCO MINERALS, INC., AND, IN

1 EXCHANGE THEREFOR, NYCO MINERALS, INC. SHALL CONVEY TO THE STATE FOR  
2 INCORPORATION INTO THE FOREST PRESERVE NOT LESS THAN THE SAME NUMBER OF  
3 ACRES OF LAND, ON CONDITION THAT THE LEGISLATURE SHALL DETERMINE THAT  
4 THE LANDS TO BE RECEIVED BY THE STATE ARE EQUAL TO OR GREATER THAN THE  
5 VALUE OF THE LAND TO BE CONVEYED BY THE STATE AND ON CONDITION THAT THE  
6 ASSESSED VALUE OF THE LAND TO BE CONVEYED TO THE STATE SHALL TOTAL NOT  
7 LESS THAN ONE MILLION DOLLARS. WHEN NYCO MINERALS, INC. TERMINATES ALL  
8 MINING OPERATIONS ON SUCH LOT 8 IT SHALL REMEDIATE THE SITE AND CONVEY  
9 TITLE TO SUCH LOT BACK TO THE STATE OF NEW YORK FOR INCLUSION IN THE  
10 FOREST PRESERVE. IN THE EVENT THAT LOT 8 IS NOT CONVEYED TO NYCO  
11 MINERALS, INC. PURSUANT TO THIS PARAGRAPH, NYCO MINERALS, INC. NEVER-  
12 THELESS SHALL CONVEY TO THE STATE FOR INCORPORATION INTO THE FOREST  
13 PRESERVE NOT LESS THAN THE SAME NUMBER OF ACRES OF LAND THAT IS  
14 DISTURBED BY ANY MINERAL SAMPLING OPERATIONS CONDUCTED ON SAID LOT 8  
15 PURSUANT TO THIS PARAGRAPH ON CONDITION THAT THE LEGISLATURE SHALL  
16 DETERMINE THAT THE LANDS TO BE RECEIVED BY THE STATE ARE EQUAL TO OR  
17 GREATER THAN THE VALUE OF THE LANDS DISTURBED BY THE MINERAL SAMPLING  
18 OPERATIONS.

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