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

6487

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the public lands law, in relation to requiring a party to provide for the replacement of trees removed for purposes relating to mining

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

Section 1. Subdivision 1 of section 83 of the public lands law, as amended by chapter 643 of the laws of 1962, is amended to read as follows:

1. Nothing contained in this article shall affect any right heretofore granted by special act of the legislature nor affect the terms of any consent heretofore given by the commissioner of general services to persons having discovered deposits of minerals but any such person shall upon the taking effect of this act be otherwise subject to and bound by the provisions of this article; nor give any person a right to enter upon or break up the lands of any other persons, or of the state, or to work any mine in such lands, unless and until there shall have been recorded in the office of the clerk of the county in which such lands are located or of the register, if the recording officer in such county is a register, the written and duly acknowledged consent of the owner thereof, or when the lands belong to the state, a certified copy of the consent given by the commissioner pursuant to subdivision two of section eighty-one of this article, upon such terms and conditions as such owner or said commissioner, as the case may be, may make and specify in such consent. Permission to erect buildings for working mines upon state lands may be given by the commissioner, when such commissioner is satisfied that the erection or occupation of such buildings will not be detrimental to the interests of the state. Nothing in this article shall authorize any person working a mine upon state lands to cut or destroy any timber whatever except such trees as it may be actually necessary to

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

LBD08883-01-1

remove in order to uncover or to erect structures upon or make a road to such mine, or to provide space for such buildings and for mine tailings and the like. For each tree measuring four inches or more in diameter at a height of one foot from the ground, which shall be so cut, the party operating the mine shall PLANT A REPLACEMENT TREE OR SHALL pay into the state treasury [the] A sum of [one dollar] MONEY FOR THE PLANTING OF TREES IN AN AMOUNT EQUIVALENT TO THE FAIR MARKET VALUE OF EACH TREE SO REMOVED.

S 2. This act shall take effect immediately.