

7489--A

Cal. No. 1157

I N   S E N A T E

May 15, 2014

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

AN ACT to authorize an easement on a portion of real property within the Boutwell Hill state forest in the county of Chautauqua for the location of electric collection or distribution facilities in connection with a wind powered electric generation project located in the towns of Charlotte and/or Cherry Creek

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

1     Section 1. Legislative intent. A proposed wind generation project, in  
2     the county of Chautauqua in the towns of Charlotte and/or Cherry Creek,  
3     could potentially generate up to 200 megawatts of clean renewable elec-  
4     tricity from wind power with minimal impact on the environment compared  
5     with other electric generation sources. To maximize the production of  
6     electricity from such wind power project, an electric collection or  
7     distribution line would need to pass through a portion of real property  
8     immediately adjacent to or within the right of ways of public roads  
9     running through the Boutwell Hill state forest. The legislature finds  
10    that it will serve a useful public purpose to authorize the department  
11    of environmental conservation to execute an easement agreement for real  
12    property within the Boutwell Hill state forest for such collection or  
13    distribution line and appropriate access, in the event that such  
14    collection or distribution line proposed to be located on such easement  
15    lands is certified pursuant to article 7 or 10 of the public service  
16    law.

17    S 2. Notwithstanding the provisions of section 9-0501 of the environ-  
18    mental conservation law and the provisions of the public lands law, the  
19    department of environmental conservation is authorized to grant an ease-  
20    ment for an electric collection or distribution line on real property  
21    within the Boutwell Hill state forest, which meets the following condi-  
22    tions:

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

LBD15043-02-4

1 (a) The easement is for an electric collection or distribution line  
2 which is part of a wind powered electric generation project located in  
3 the towns of Charlotte and/or Cherry Creek.

4 (b) The easement is for a portion of property within the Boutwell Hill  
5 state forest owned by the state and managed by the department of envi-  
6 ronmental conservation. The collection or distribution line shall be  
7 located within 50 feet of the center line of the road corridor within  
8 the state forest and, should a portion of the line not be located along  
9 a road corridor, the corridor for such line shall not exceed 50 feet in  
10 width and 1500 feet in length across Boutwell Hill state forest. In no  
11 event shall the location of the electric collection or distribution line  
12 require the cutting of trees greater than 50 feet from such collection  
13 or distribution line placed in or adjacent to such roads or 25 feet from  
14 the center line of any corridor which is not adjacent to a road.

15 (c) The easement will be conveyed by the department of environmental  
16 conservation and take effect only in the event a collection or distrib-  
17 ution line proposed to be located on such easement lands is certified  
18 and approved as part of a wind powered electric generation facility  
19 pursuant to article 7 and/or 10 of the public service law.

20 (d) The easement shall terminate when the associated wind powered  
21 electric generation project ceases to operate for an extended period of  
22 time as set forth in the easement and the easement shall then revert to  
23 the state to be managed by the department of environmental conservation.  
24 Prior to reversion, any collection or distribution lines and any infras-  
25 tructure related thereto shall be removed by the entity controlling the  
26 lines.

27 S 3. (a) In entering into the easement described in section two of  
28 this act, the department of environmental conservation is authorized to  
29 grant such easement without bid and for such reasonable consideration  
30 that such department deems proper, upon application by an authorized  
31 officer or employee of the entity proposing the wind-powered electric  
32 generation project described in section two hereof.

33 (b) Prior to executing the easement, an authorized officer or employee  
34 of the entity applying to propose a transmission or collection line  
35 route through the Boutwell Hill state forest as part of an application  
36 pursuant to article 7 or 10 of the public service law application shall  
37 provide a survey of the easement and appraisal thereon to the department  
38 of environmental conservation and shall prepare the easement, subject to  
39 review and approval by the department.

40 (c) The grant of the easement is conditioned on compliance with the  
41 environmental, health, safety and alternative reviews and subject to the  
42 provisions of article 7 and/or 10 of the public service law.

43 S 4. The applicant for the easement shall be responsible for the prep-  
44 aration, filing and recording of all required easement maps or surveys  
45 and related easement documents. The department of environmental conser-  
46 vation shall cause any maps or surveys and related easement documents to  
47 be filed in the regional office of such department wherein the Boutwell  
48 Hill state forest is located and such additional locations as the  
49 department deems appropriate. Such maps and easement shall also be  
50 recorded by the applicant with the office of general services.

51 S 5. This act shall constitute sufficient proof of land control with  
52 respect to proposed easement routes for a collection or distribution  
53 line through the Boutwell Hill state forest for the purposes of compli-  
54 ance with the application requirements of articles 7 and 10 of the  
55 public service law, and any associated regulations.

56 S 6. This act shall take effect immediately.