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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

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

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

1     Section 1. Legislative intent. For the state to achieve the goals of  
2 the New York state renewable portfolio standard, the state energy plan  
3 and similar state energy policies, the development of renewable energy  
4 sources, including wind power, is essential. A proposed wind generation  
5 project in the towns of Charlotte and Cherry Creek, in the county of  
6 Chautauqua, could generate up to 200 megawatts of clean renewable elec-  
7 tricity from wind power with minimal impact on the environment compared  
8 with other electric generation sources. To maximize the production of  
9 electricity from such a wind power project, an electric distribution  
10 line would need to be located on a portion of real property adjacent to  
11 or within the right of ways of public roads running through the Boutwell  
12 Hill state forest. The legislature finds that authorizing the depart-  
13 ment of environmental conservation to enter into an easement agreement  
14 for real property within the Boutwell Hill state forest for such  
15 distribution line and appropriate access, conditioned on the requirement  
16 that such distribution line is subsequently certified pursuant to arti-  
17 cle 10 of the public service law would serve a useful public purpose.  
18     S 2. Notwithstanding the provisions of section 9-0501 of the environ-  
19 mental conservation law and article 7 of the public lands law, the  
20 department of environmental conservation is authorized to grant an ease-  
21 ment for an electric distribution line on real property within the Bout-  
22 well Hill state forest, which meets the following conditions:

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

LBD15043-01-4

1 a. the easement is for an electric distribution line which is part of  
2 a wind powered electric generation project located in either or both of  
3 the towns of Charlotte and Cherry Creek, in the county of Chautauqua;

4 b. The easement is for property or a portion of property within the  
5 Boutwell Hill state forest, in which the state or the department of  
6 environmental conservation has an interest and is located under East  
7 Road, Boutwell Hill Road, Stanford Road, Housington Road and/or Lewis  
8 Road and/or within 100 feet of the center lines of such roads;

9 c. the easement is conditioned upon and will take effect only in the  
10 event a distribution line proposed to be located on such easement lands  
11 is subsequently certified and approved as part of a wind powered elec-  
12 tric generation facility pursuant to article 10 of the public service  
13 law; and

14 d. the easement shall terminate when the associated wind powered elec-  
15 tric generation project ceases to operate.

16 S 3. a. In entering into the easement described in section two of this  
17 act the department of environmental conservation is authorized to grant  
18 such easement, without bid and for such reasonable consideration that  
19 the department deems proper, upon application by an authorized officer  
20 or employee of the wind powered electric generation project described in  
21 section two of this act.

22 b. The grant of the easement, which is conditioned on compliance with  
23 the environmental, health and safety and alternative reviews and certif-  
24 ication under article 10 of the public service law, shall be exempt from  
25 compliance with article 8 of the environmental conservation law.

26 S 4. The applicant for the easement shall be responsible for the prep-  
27 aration and filing of any required easement maps or surveys. The depart-  
28 ment of environmental conservation shall cause any maps or surveys and  
29 related easement documents to be filed in the regional office of such  
30 department wherein the Boutwell Hill state forest is located and such  
31 additional locations as the department deems appropriate or is required  
32 by law to be filed or recorded. Such map and lease or easement shall  
33 also be recorded with the office of general services.

34 S 5. The existence of this act or an easement granted in accordance  
35 with this act, shall constitute sufficient proof of land control with  
36 respect to a proposed easement route for a distribution line through the  
37 Boutwell Hill state forest for the purposes of compliance with the  
38 application requirements of article 10 of the public service law and any  
39 associated regulations.

40 S 6. This act shall take effect immediately.