STATE OF NEW YORK

3345

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. RYAN -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to defining boundaries of the Niagara river greenway

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 39.03 of the parks, recreation and historic preservation law, as added by chapter 460 of the laws of 2004, is amended to read as follows:

1. "Niagara river greenway" or "greenway" shall mean a linear system of state and local parks and conservation areas linked by a network of multi use trails within the greenway area [~~established by an approved plan of the commission as provided for in this article~~] **which shall include: lands and waters as identified as the "Greenway Focus Area" designated within the Niagara River Greenway Plan that includes areas within adopted Local Waterfront Revitalization Plans and New York State Coastal Management Zones. Only those projects located within the Greenway Focus Area may be funded. Within the tributaries of the Greenway Focus Area, only those projects which demonstrate a direct relationship to water quality improvement, ecosystem function, or trail connections, may be funded**.

§ 2. The closing paragraph of section 39.07 of the parks, recreation and historic preservation law, as added by chapter 460 of the laws of 2004, is amended to read as follows:

Such draft plan shall be submitted to the commissioner [~~of parks, recreation and historic preservation~~] within two years of the effective date of this article. The commissioner may approve the plan, may return the plan to the commission with recommendations for approval, or may reject such plan. Prior to submission of the draft plan to the commissioner, the commission shall hold at least one public hearing on the draft plan in each county for which the plan is applicable. The local

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

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legislative body of each city, town or village within the boundaries designated by the draft plan must approve the plan following the public hearing or hearings and before it is submitted to the commissioner. A copy of the approved plan shall be provided to the governor, the temporary president of the senate and the speaker of the assembly. **As creating a linear system of state and local parks and conservation areas linked by a network of multi-use trails is the primary mission of the Niagara river greenway commission, this mission shall take priority and no project which does not further this mission, as described and defined in this paragraph, shall be funded.**

§ 3. Section 39.19 of the parks, recreation and historic preservation law, as added by chapter 460 of the laws of 2004, is amended to read as follows:

§ 39.19 State actions. Each state agency shall review its actions within the greenway in relation to the consistency of such actions with the approved Niagara river greenway plan. **However, no action may be taken unless it is consistent with the provisions of this article and the chapter of the laws of two thousand seventeen that amended this section.**

§ 4. This act shall take effect immediately.