

STATE OF NEW YORK

7535--D

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. JONES, SIMPSON, ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 conveying land to Debar Pond Institute Inc. in order to facilitate the preservation of historic buildings

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 14 of the constitution be amended 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

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

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1 preserve land, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex county, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than two miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Belleayre Mountain in Ulster and Delaware counties and not more than forty miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than eight miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Gore and Pete Gay mountains in Warren county, nor from relocating, reconstructing and maintaining a total of not more than fifty miles of existing state highways for the purpose of eliminating the hazards of dangerous curves and grades, provided a total of no more than four hundred acres of forest preserve land shall be used for such purpose and that no single relocated portion of any highway shall exceed one mile in length. Notwithstanding the foregoing provisions, the state may convey to the village of Saranac Lake ten acres of forest preserve land adjacent to the boundaries of such village for public use in providing for refuse disposal and in exchange therefore the village of Saranac Lake shall convey to the state thirty acres of certain true forest land owned by such village on Roaring Brook in the northern half of Lot 113, Township 11, Richards Survey. Notwithstanding the foregoing provisions, the state may convey to the town of Arietta twenty-eight acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and in exchange therefor the town of Arietta shall convey to the state thirty acres of certain land owned by such town in the town of Arietta. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state, in order to consolidate its land holdings for better management, may convey to International Paper Company approximately eight thousand five hundred acres of forest preserve land located in townships two and three of Totten and Crossfield Purchase and township nine of the Moose River Tract, Hamilton county, and in exchange therefore International Paper Company shall convey to the state for incorporation into the forest preserve approximately the same number of acres of land located within such townships and such County on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands to be conveyed by the state. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title and the conditions herein set forth, the state, in order to facilitate the preservation of historic buildings listed on the national register of historic places by rejoining an historic grouping of buildings under unitary ownership and stewardship, may convey to Sagamore Institute Inc., a not-for-profit educational organization, approximately ten acres of land and buildings thereon adjoining the real property of the Sagamore Institute, Inc. and located on Sagamore Road, near Raquette Lake Village, in the Town of Long Lake, county of Hamilton, and in exchange therefor; Sagamore Institute, Inc. shall convey to the state for incorporation into the forest preserve approximately two hundred acres of wild forest land located within the Adirondack Park on condition that the legislature shall

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

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

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

41 Notwithstanding the foregoing provisions and subject to legislative
42 approval prior to actual transfer of title, the state may convey to
43 National Grid up to six acres adjoining State Route 56 in St. Lawrence
44 County where it passes through Forest Preserve in Township 5, Lots 1, 2,
45 5 and 6 that is necessary and appropriate for National Grid to construct
46 a new 46kV power line and in exchange therefore National Grid shall
47 convey to the state for incorporation into the forest preserve at least
48 10 acres of forest land owned by National Grid in St. Lawrence county,
49 on condition that the legislature shall determine that the property to
50 be received by the state is at least equal in value to the land conveyed
51 by the state.

52 Notwithstanding the foregoing provisions, the legislature may author-
53 ize the settlement, according to terms determined by the legislature, of
54 title disputes in township forty, Totten and Crossfield purchase in the
55 town of Long Lake, Hamilton county, to resolve longstanding and compet-
56 ing claims of title between the state and private parties in said town-

1 ship, provided that prior to, and as a condition of such settlement,
2 land purchased without the use of state-appropriated funds, and suitable
3 for incorporation in the forest preserve within the Adirondack park,
4 shall be conveyed to the state on the condition that the legislature
5 shall determine that the property to be conveyed to the state shall
6 provide a net benefit to the forest preserve as compared to the township
7 forty lands subject to such settlement.

8 Notwithstanding the foregoing provisions, the state may authorize NYCO
9 Minerals, Inc. to engage in mineral sampling operations, solely at its
10 expense, to determine the quantity and quality of wollastonite on
11 approximately 200 acres of forest preserve land contained in lot 8,
12 Stowers survey, town of Lewis, Essex county provided that NYCO Minerals,
13 Inc. shall provide the data and information derived from such drilling
14 to the state for appraisal purposes. Subject to legislative approval of
15 the tracts to be exchanged prior to the actual transfer of title, the
16 state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in
17 exchange therefor, NYCO Minerals, Inc. shall convey to the state for
18 incorporation into the forest preserve not less than the same number of
19 acres of land, on condition that the legislature shall determine that
20 the lands to be received by the state are equal to or greater than the
21 value of the land to be conveyed by the state and on condition that the
22 assessed value of the land to be conveyed to the state shall total not
23 less than one million dollars. When NYCO Minerals, Inc. terminates all
24 mining operations on such lot 8 it shall remediate the site and convey
25 title to such lot back to the state of New York for inclusion in the
26 forest preserve. In the event that lot 8 is not conveyed to NYCO
27 Minerals, Inc. pursuant to this paragraph, NYCO Minerals, Inc. never-
28 theless shall convey to the state for incorporation into the forest
29 preserve not less than the same number of acres of land that is
30 disturbed by any mineral sampling operations conducted on said lot 8
31 pursuant to this paragraph on condition that the legislature shall
32 determine that the lands to be received by the state are equal to or
33 greater than the value of the lands disturbed by the mineral sampling
34 operations.

35 Notwithstanding the foregoing provisions and subject to legislative
36 approval prior to actual transfer of title, a total of no more than two
37 hundred fifty acres of forest preserve land shall be used for the estab-
38 lishment of a health and safety land account. Where no viable alterna-
39 tive exists and other criteria developed by the legislature are satis-
40 fied, a town, village or county may apply, pursuant to a process
41 determined by the legislature, to the health and safety land account for
42 projects limited to: address bridge hazards or safety on county high-
43 ways, and town highways listed on the local highway inventory maintained
44 by the department of transportation, dedicated, and in existence on
45 January first, two thousand fifteen, and annually plowed and regularly
46 maintained; elimination of the hazards of dangerous curves and grades on
47 county highways, and town highways listed on the local highway inventory
48 maintained by the department of transportation, dedicated, and in exist-
49 ence on January first, two thousand fifteen, and annually plowed and
50 regularly maintained; relocation and reconstruction and maintenance of
51 county highways, and town highways listed on the local highway inventory
52 maintained by the department of transportation, dedicated, and in exist-
53 ence on January first, two thousand fifteen and annually plowed and
54 regularly maintained, provided further that no single relocated portion
55 of any such highway shall exceed one mile in length; and water wells and
56 necessary appurtenances when such wells are necessary to meet drinking

1 water quality standards and are located within five hundred thirty feet
2 of state highways, county highways, and town highways listed on the
3 local highway inventory maintained by the department of transportation,
4 dedicated, and in existence on January first, two thousand fifteen, and
5 annually plowed and regularly maintained. As a condition of the creation
6 of such health and safety land account the state shall acquire two
7 hundred fifty acres of land for incorporation into the forest preserve,
8 on condition that the legislature shall approve such lands to be added
9 to the forest preserve.

10 Notwithstanding the foregoing provisions and subject to legislative
11 approval of the tracts to be exchanged prior to the actual transfer of
12 title and the conditions herein set forth, the state, in order to facil-
13 itate the preservation of historic buildings listed on the national
14 register of historic places may convey to Debar Pond Institute, Inc., a
15 not-for-profit corporation, approximately six acres of land including
16 Debar Pond Lodge and associated buildings, providing for ingress,
17 egress, maintenance and improvement for safe passage on the existing
18 road from County Route 26 to Debar Pond Lodge; use and maintenance of
19 existing utility lines and poles and co-location of future utilities
20 along such lines and poles; and water from Debar Pond for fire
21 suppression, in the Town of Duane, county of Franklin, and in exchange
22 therefor; Debar Pond Institute, Inc. shall convey to the state for
23 incorporation into the forest preserve not less than four hundred acres
24 of land located within the Adirondack Park on condition that the legis-
25 lature shall determine that the lands to be received by the state are at
26 least equal in value to the lands and buildings conveyed by the state,
27 that the lands and buildings conveyed by the state will be reasonably
28 available for public use and visits, and that the natural and historic
29 character of the lands and buildings conveyed by the state will be
30 secured by a conservation easement held by the state.

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