

# STATE OF NEW YORK

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7222--A

2021-2022 Regular Sessions

## IN SENATE

June 7, 2021

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Introduced by Sens. KAMINSKY, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- 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 the Mount Van Hoevenberg Olympic Sports Complex in Essex County

1 Section 1. Resolved (if the Assembly concur), That section 1 of article 14 of the constitution be amended to read as follows:

2  
3 Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining to federal standards federal aid interstate highway route five hundred two from a point in the vicinity of the city of Glens Falls, thence northerly to the vicinity of the villages of Lake George and Warrensburg, the hamlets of South Horicon and Pottersville and thence northerly in a generally straight line on the west side of Schroon Lake to the vicinity of the hamlet of Schroon, then continuing northerly to the vicinity of Schroon Falls, Schroon River and North Hudson, and to the east of Makomis Mountain, east of the hamlet of New Russia, east of the village of Elizabethtown and continuing northerly in the vicinity of the hamlet of Towers Forge, and east of Poke-O-Moonshine Mountain and continuing northerly to the vicinity of the village of Keeseville and the city of Plattsburgh, all of the aforesaid taking not to exceed a total of three hundred acres of state forest preserve land, nor from constructing and maintaining not more than twen-

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

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ty-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 determine that the lands to be received by the state are at least equal

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

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

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

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

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

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

Notwithstanding the foregoing provisions, the state may authorize NYCO Minerals, Inc. to engage in mineral sampling operations, solely at its expense, to determine the quantity and quality of wollastonite on approximately 200 acres of forest preserve land contained in lot 8, Stowers survey, town of Lewis, Essex county provided that NYCO Minerals, Inc. shall provide the data and information derived from such drilling to the state for appraisal purposes. Subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in exchange therefor, NYCO Minerals, Inc. shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land, on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the land to be conveyed by the state and on condition that the assessed value of the land to be conveyed to the state shall total not less than one million dollars. When NYCO Minerals, Inc. terminates all mining operations on such lot 8 it shall remediate the site and convey title to such lot back to the state of New York for inclusion in the forest preserve. In the event that lot 8 is not conveyed to NYCO Minerals, Inc. pursuant to this paragraph, NYCO Minerals, Inc. nevertheless shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land that is disturbed by any mineral sampling operations conducted on said lot 8 pursuant to this paragraph on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the lands disturbed by the mineral sampling operations.

Such authority provided herein for NYCO Minerals, Inc. or its successors or assigns to engage in mineral sampling operations to determine the quantity and quality of wollastonite on approximately 200 acres of forest preserve land contained in lot 8, Stowers survey, town of Lewis, Essex county, shall be deemed null and void on or after December 31, 2025. Provided that, NYCO Minerals, Inc. or its successors or assigns shall fulfill the obligations established herein to remediate the site from mineral sampling operations and to convey to the state lands of equal or greater value to the disturbed lands, subject to legislative approval.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, a total of no more than two hundred fifty acres of forest preserve land shall be used for the establishment of a health and safety land account. Where no viable alternative exists and other criteria developed by the legislature are satisfied, a town, village or county may apply, pursuant to a process determined by the legislature, to the health and safety land account for projects limited to: address bridge hazards or safety on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; elimination of the hazards of dangerous curves and grades on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in exist-

1   ence on January first, two thousand fifteen, and annually plowed and  
2   regularly maintained; relocation and reconstruction and maintenance of  
3   county highways, and town highways listed on the local highway inventory  
4   maintained by the department of transportation, dedicated, and in exist-  
5   ence on January first, two thousand fifteen and annually plowed and  
6   regularly maintained, provided further that no single relocated portion  
7   of any such highway shall exceed one mile in length; and water wells and  
8   necessary appurtenances when such wells are necessary to meet drinking  
9   water quality standards and are located within five hundred thirty feet  
10  of state highways, county highways, and town highways listed on the  
11  local highway inventory maintained by the department of transportation,  
12  dedicated, and in existence on January first, two thousand fifteen, and  
13  annually plowed and regularly maintained. As a condition of the creation  
14  of such health and safety land account the state shall acquire two  
15  hundred fifty acres of land for incorporation into the forest preserve,  
16  on condition that the legislature shall approve such lands to be added  
17  to the forest preserve.

18   Notwithstanding the foregoing provisions, the construction, operation,  
19   and maintenance to international standards for Nordic skiing and biath-  
20   lon trails that will accommodate global competitions, training, and  
21   events, totaling not more than three hundred twenty-three acres of  
22   trails and appurtenances thereto, is authorized on one thousand thirty-  
23   nine acres of forest preserve lands at the Mount Van Hoevenberg Olympic  
24   Sports Complex in the town of North Elba in Essex county, and as an  
25   offset thereto the state must acquire for incorporation into the forest  
26   preserve at least two thousand five hundred acres of forest land for  
27   inclusion in the forest preserve in the Adirondack Park on condition  
28   that the legislature shall determine that such lands are equal to or  
29   greater in value.

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