§ 44-0113. Powers and duties of the conservancy.

The conservancy shall have the power:

1. To sue on causes of action consistent with the purposes and its responsibilities under this article and with respect to contracts to which it is a party, but not for general enforcement of state or local environmental or planning laws, provided that the right to sue, other than with respect to contracts, to which it is a party, shall be limited to causes of action arising within the boundaries of the greenway; and to be sued.

2. To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this article.

3. To establish and maintain such facilities as may be necessary for the transacting of its business.

4. To appoint an executive officer, officers, agents, employees, and prescribe their duties and qualifications and fix their compensation.

5. To utilize, to the extent feasible the staff and facilities of existing state agencies.

6. To hold hearings in the exercise of its powers, functions and duties provided for by this article.

7. To contract for professional and technical assistance and advice.

8. To contract for and to accept assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this article, with the terms and conditions thereof, subject to the applicable general policies of the director of the budget.

9. To encourage individuals, corporations, associations, organizations and public agencies to preserve and enhance the natural scenic beauty and heritage of the Hudson river valley and the lands, water, exemplary natural communities, aesthetic and cultural resources of the Hudson river valley, as well as manage and conserve the fish, wildlife and endangered plant and animal species, and to increase public access to the waters of the Hudson river.

10. To acquire, in the name of the state, interests or rights in real property including title by gift or devise anywhere within the greenway, or by purchase solely for the purposes of a riverside park or development of the greenway trail, or by easement for the conservation, management and preservation of open space characterized by natural scenic beauty, heritage, natural resource values or conditions enhancing regional qualities of the Hudson river valley provided, however, that notwithstanding any other provision of law, transfers of such interests or rights in real property may be made to municipalities or not-for-profit corporations which contract to hold such property for the beneficial enjoyment of the people of the state and in no event shall such land be sold by any such municipality or not-for-profit corporation except for purposes consistent with the beneficial enjoyment of the people of the state. Additionally, notwithstanding this or any other provision of law, neither the state, nor any of its instrumentalities, may transfer, to the conservancy, any interests or rights in real property upon which the state is making property tax payments or payments in lieu of taxes, unless provision is made for the continuance of such payments by the conservancy from monies available in the fund.

11. To continue the existing subsidiary nonprofit corporation and create committees and appoint members thereto to assist and advise the conservancy in carrying out its functions, powers and duties and in coordinating the activities of the conservancy with state and local agencies functioning within the Hudson river valley.

12. To intervene in proceedings before state agencies including the department on matters affecting the Hudson river valley.

13. To encourage and assist in the creation of special local improvement districts consistent with the purposes of this article.

14. To identify land and water areas in the Hudson river valley that are suited for designation as scenic areas under the provisions of article forty-nine of this chapter and for subsequent development of resource management plans.

15. To provide technical assistance to county and local officials, landowners and interested organizations with regard to resource protection, conservation and management of renewable natural resources and preservation methods and techniques, including but not limited to: natural resource inventories, scenic and conservation easements, deed restrictions, local land trust, innovative zoning techniques, establishment of urban cultural parks, historic preservation methods and viewshed analysis.

16. To encourage and assist state, county and local governments with the implementation of procedures for identifying and designating critical areas under the state environmental quality review act, and to provide similar support for utilization of scenic impact project review guidelines.

17. To help to advance, guide and coordinate on a priority basis the acquisition of land and water areas possessed of scenic, natural, historical, recreational or cultural significance, for the purpose of preserving or enhancing such areas; and to do so in cooperation with appropriate public and private agencies.

18. To initiate the preparation of comprehensive and systematic inventories and studies of the natural, scenic, historic, cultural and recreational resources of the Hudson river valley.

19. To provide local governments and the private sector with improved liaison, interpretation and focus relative to a variety of state and federal programs which bear on the Hudson river valley and its

shorelands, including coastal management; basin level B study; wild, scenic and recreational rivers; urban cultural parks; fisheries management; estuarine sanctuaries; areas of national concern; historic preservation; tourism and outdoor recreation; and grants-in-aid.

20. To help develop and implement a comprehensive program and plan at the state, county and local levels for resource preservation, renewable natural resource management and enhancement in scenic highway corridors.

21. To annually prepare a work plan of intended projects and activities of the conservancy and present such plan to the council for its review and comment and report periodically to the governor, the legislature and the council on the conduct of its activities, but not less than once a year, and to provide a copy of each report to appropriate public and private entities within the Hudson river valley which request a copy of the report.

22. To exercise and perform such other powers and duties as shall have been or may be from time to time conveyed or imposed by law.

23. To encourage individuals, corporations, associations and public entities to protect and preserve unique resources of the greenway and make grants to municipalities and non-profit entities within the greenway therefor.

24. To whenever in the opinion of the conservancy it would be in the public interest, after prior approval of the director of the budget, request the temporary assignment and transfer of certain employees of any board, commission, agency or department of the state or its political subdivisions, and said board, commission, agency or department, if in its opinion such transfer will not interfere with the performance of its duties and functions may make such assignment and transfer of said employees to the conservancy. Such assignment and transfer or extension thereof shall not in any way affect the civil service status, continuity of service, retirement plan status, right to compensation, grade or compensation or other rights or privileges of any employee so transferred.

25. To submit title to all interests or rights in real property proposed to be acquired by the conservancy for examination and approval by the attorney general of the state who shall also furnish any and all necessary legal services and advice required to assist the conservancy in accomplishing its corporate purposes.

26. When funds are available, and with the approval of the governor, enter into an agreement with a municipality or district within which real property interests or rights have been acquired by the conservancy providing for the payment of moneys in lieu of anticipated tax revenues whenever the conservancy shall determine that undue hardship justifying such financial relief has been created by such acquisition.

27. To enforce that no officer, member or employee of the conservancy shall receive or may be lawfully entitled to receive any pecuniary profit from the operation thereof except, to the extent available from the fund, for expenses actually and necessarily incurred, including reasonable compensation to employees for services in effecting one or more of the purposes set forth herein.

28. To continue to provide certain programmatic contractual services to the department as has heretofore been the practice.

29. To jointly designate and develop model greenway projects in agreement with the council to demonstrate the implementation of greenway planning and make grants for assistance to municipalities and non-profit entities within the greenway therefor.

30. To promote the greenway as a single, tourism destination site in conjunction with the designation and development of the greenway trail.

31. To assist in the preservation of farmlands within the greenway for continued agricultural use.

32. To take any actions necessary to carry out the functions, powers and duties imposed by this article.

33. Notwithstanding any other section of law the conservancy shall not have the power of eminent domain or to acquire property by eminent domain.

34. Notwithstanding any other section of law, the conservancy may exercise its powers within the county of New York only for the purposes of designating, developing, or causing to be developed a trail pursuant to section 44-0121 of this article. For the purposes of this subdivision, "trail" means a linear corridor or pathway, walkway or bikeway used solely for public transportation and recreation. The council or the conservancy shall not develop, construct or caused to be developed or constructed any landfill, pier or structure over water located west of the existing bulkhead or shoreline; nor shall the council or the conservancy develop, construct or cause to be developed or constructed any commercial or residential uses on any trail developed pursuant to this subdivision.