§ 54-0303. Open space land conservation projects.

1. The commissioner and the commissioner of the office of parks, recreation and historic preservation are authorized to undertake open space land conservation projects.

2. a. The commissioner of the office of parks, recreation and historic preservation may enter into an agreement for the maintenance and operation of open space land conservation projects in urban areas or metropolitan park projects by a municipality, or a not-for-profit corporation or unincorporated association which demonstrates to the commissioner's satisfaction that the future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered and the municipality, not-for-profit corporation or unincorporated association is financially or otherwise capable of operating and maintaining the project for the benefit of the public and of maximizing public access to such project. Any such agreement shall contain such provisions as shall be necessary to ensure that its operation and maintenance are consistent with and in furtherance of this article and shall be subject to the approval of the director of the budget, the comptroller and, as to form, the attorney general.

b. The commissioner, pursuant to appropriation therefor and in order to further the purposes of article forty-six of this chapter, may make available to the Albany Pine Bush preserve commission, established by article forty-six of this chapter, moneys for the operation of such commission, including the management of lands under the jurisdiction of such commission in accordance with a management plan prepared as specified in section 46-0111 of this chapter.

3. The cost of an open space land conservation project shall include the cost of preparation of a management plan for the preservation and beneficial enjoyment of the land acquired except where such considerations have already been undertaken as part of an existing plan applicable to the newly acquired land.

4. To the fullest extent practicable, it is the policy of the state to promote an equitable regional distribution of open space land conservation funds, consistent with the purpose of this title, taking into account regional differences in real property values, ecological resources and recreational opportunities.

5. No project, which was not listed on the state land acquisition plan as of the effective date of this title, shall be proposed for acquisition by the state under this title, pursuant to the state land acquisition plan, if any town, village or city within which such a project is located, by resolution, within ninety days of notification by the state of its interest in acquiring such project, objects to such acquisition. Such objection shall be transmitted to the commissioner through the regional land acquisition advisory committee and shall prevent the state from undertaking such acquisition.

6. No monies shall be expended for acquisition by eminent domain of any open space land conservation project except in accordance with the state land acquisition policy set forth in section 49-0203 of this chapter.

7. No monies shall be expended for open space land conservation projects except pursuant to an appropriation therefor.