§ 56-0307. 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, in cooperation with willing sellers. In undertaking projects, the respective commissioner shall give consideration to the plan prepared pursuant to section 49-0207 of this chapter. Projects shall develop, expand or enhance water quality protection or public access to water bodies, including but not limited to coastlines, aquifers, watersheds, lakes, rivers and streams.

2. Projects which are not identified in the state land acquisition plan prepared pursuant to section 49-0207 of this chapter shall not be proposed for acquisition by the state under this section if any town, village, or city within which such project is located notifies the state of its objection to such acquisition. Such objection shall be transmitted by resolution within ninety days of the notification by the state of its interest in such acquisition to the commissioner of the office of parks, recreation and historic preservation and shall effectively prevent the state from undertaking such acquisition.

3. The commissioner or 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 outside the Adirondack or Catskill Parks undertaken pursuant to this section by a municipality, a not-for-profit corporation, or unincorporated association which demonstrates to the commissioner's satisfaction that it 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.

4. 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 pursuant to this section except where such considerations have already been undertaken as part of any existing plan applicable to the newly acquired land.

5. The commissioner of agriculture and markets is authorized to provide state assistance payments to county agricultural and farmland protection boards, or to municipalities provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located, for implementation of projects identified in agricultural protection plans pursuant to the program as set forth in article twenty-five-AAA of the agriculture and markets law.