§ 9-0105. General powers and duties.

For the purpose of carrying out the provisions of this article, the department shall have the power, duty and authority to:

1. Exercise care, custody and control of the several preserves, parks and other state lands described in this article.

2. Consistent with the provisions of section 9-0109 of this chapter, establish, acquire, control and manage state parks, historic sites and parkways in the forest preserve counties within the sixth park region as defined in section 41-0101 and to acquire lands for such purposes when moneys have been appropriated therefor.

3. Make necessary rules and regulations to secure proper enforcement of the provisions hereof. In particular, the department shall have authority to make rules and regulations prohibiting any person or persons from entering upon any state-owned lands, or restricting the activities of the public on such lands, whenever it determines that a serious fire hazard exists thereon, and with the consent of the owner to extend the applicability of such rules and regulations, in whole or in part, to privately-owned forest lands.

4. Establish, operate and maintain nurseries for the production of trees to be used in reforestation. Such trees may be used to reforest any land owned by the state, supplied to owners of private land at a price not exceeding cost of production, or used for planting on public lands under such terms as may be deemed to be for the public benefit.

5. Prepare, print, post or distribute printed matter relating to forestry and make investigations or experiments with regard to forestry practices.

6. Receive and accept, in the name of the people of the state, by gift, devise, or otherwise, the fee or other interest or estate therein of lands or timber or both, for general conservation purposes, including but not limited to water-shed protection, forest management, production

of timber or other forest products, silviculture, forest and outdoor recreation and kindred purposes.

7. Acquire, when moneys therefor have been appropriated by the legislature or are otherwise available, real property or any interest in any timber thereon, situated within the Adirondack or the Catskill parks or contiguous, connected with or adjacent to either park, deemed necessary for the enlargement of the forest preserve or for the conservation of the lands, forests and waters within the state, and real property deemed necessary for the purpose of protecting the forests within the state from fire.

7-a. Acquire, with the approval of the director of the budget and within such appropriations as may be made available therefor by the legislature, such abandoned railroad rights-of-way and other real property pursuant to subdivision seven of this section as may be necessary to develop a system of trails in the Adirondack and Catskill parks which shall mesh, where possible, with the comprehensive statewide trails system promulgated by the commissioner of parks and recreation; and promulgate, develop and improve such trails systems within said parks in order to make such trails suitable and available for use. For the purposes of this subdivision "trails" shall include footpaths, bikeways, snowmobile trails, horse trails, cross country ski trails, roads and other rights-of-way suitable for hiking, strolling, cycling, horseback riding, skiing and other means of motorized and non-motorized travel for recreational purposes and shall include combinations and systems of trails, including connecting and side trails, and trails leading to scenic and recreational areas.

8. Examine the forest lands under the charge of the several state institutions, boards or other management for the purpose of advising and cooperating in securing proper forest management of such lands.

9. Bring any action or proceeding for the following purposes:

a. to enforce the state's rights or interests in real property which an owner of land would be authorized to bring in like cases;

b. to insure the enforcement of the provisions of this article;

c. to determine in trespass, ejectment or other suitable actions, the title to any land claimed adversely to the state;

d. to cancel tax sales or to set aside cancellations of tax sales.

10. Compromise or adjust any judgment or claims arising out of violations of any provisions of this article, except where title to land is involved.

11. Have custody of all abstracts of title, papers, contracts or memoranda relating thereto, except original deeds to the state, for any lands purchased or conveyed to the state for forest preserve purposes.

12. Enter into cooperative agreement with the United States Department of Agriculture, the United States Department of Labor, the United States Office of Economic Opportunity, municipalities or persons for the purpose of better protecting the forests of the state from fire and pests and promoting the practice of forestry. Moneys received from the United States government, municipalities or persons in accordance with such agreements shall be deposited with the Division of Finance in the Department of Taxation and Finance, and may be withdrawn by the Division of Finance upon the warrant or order of the Commissioner of Environmental Conservation. The provisions of section 121 of the State Finance Law shall not apply to any moneys received pursuant to the provisions of this subdivision if used for the purposes indicated.

13. When an honest dispute arises as to the location of the boundary line between land owned by the state, over which the department has control and supervision, and land privately owned, execute a boundary line agreement between the owners of such private lands and the state, subject to the approval of the Commissioner of General Services.

14. Designate or approve, whenever the Commissioner of Correction or the director of the division for Youth so requests, sites on land under

its control for the establishment of work camps to which persons transferred to the correctional camps for youth, or to youth opportunity or youth rehabilitation centers may be sent; designate and approve work for such persons in conservation projects on publicly owned lands or lands over which the State has a permanent easement for fishing right purposes, and provide technical supervision for such work; and designate and approve work for such persons in conservation projects on lands owned by Cornell University for the use of the State University College of Agriculture, and by Syracuse University for the use of the State University of New York College of Environmental Science and Forestry.

15. Make rules and regulations and issue permits for the temporary use of the forest preserve.

16. Nothing in this chapter shall be construed as extending the jurisdiction of the department over the real or personal property now or hereafter under the control or in the custody of Palisades Interstate Park Commission, but the department, subject to the powers of the commissioner, is authorized to cooperate with Palisades Interstate Park Commission by the joint employment of wardens, foresters and keepers for the mutual protection of the lands under their respective jurisdiction and other commissions and the preservation of the forests thereon and of the fish and game therein.

17. Refund, to the persons entitled thereto, moneys heretofore or hereafter received by the department pursuant to any law or to an order, rule or regulation made and prescribed by the commissioner regulating the discharge of the functions, powers and duties of the department and deposited to the general fund, upon satisfactory proof of entitlement. Such refunds shall, upon approval of the commissioner and after audit by the Comptroller, be paid from any moneys available to the department in the general fund.

18. Establish, operate and maintain a search and rescue program in fire towns and fire districts of the state. For the purposes of this section fire towns shall mean such towns provided for in section 9-1107 of this chapter and fire districts shall be deemed to be the fire

protection areas provided for in section 9-1109 of this chapter and regulations promulgated pursuant to the authority of such sections. Pursuant to such program the forest ranger force of the department shall have the authority to organize, direct and execute search operations for lost persons or civilian aircraft and conduct rescue operations for persons injured or in serious danger of injury in the wild, remote and forested areas of fire towns and fire districts of the state; provided that, where criminal conduct is suspected or fugitive search is involved such search or rescue operations shall be conducted under the jurisdiction of the appropriate law enforcement agency. Search and rescue operations outside of fire towns and fire districts may be conducted by the forest ranger force upon request of the agency conducting such operation.

19. Identify, manage and conserve plants and ecological communities that are rare in New York state, located on state-owned lands under the jurisdiction of the department, and participate in the New York natural heritage program, created pursuant to section 11-0539 of this chapter, to identify rare plants, animals and ecological communities.

20. Exercise such other powers and duties as are provided by law.