

Appendix E – Park Preservation Law, Article 20

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§20.01 Purpose

With the loss of natural areas through development, there is a critical need for the creation of a new designation of park land containing wildlife, flora, scenic, historical and archeological sites that are unique and rare in New York state. The commissioner may designate a system of park preserves to assure the protection of this heritage for future generations.

Furthermore, there is a need to create an additional park designation, to be known as park preservation areas, to identify and conserve portions of state parks, parkways, historic sites and recreational facilities that, although the entire facility does not qualify as a park preserve, nonetheless possess outstanding ecological values, including assemblages of flora and fauna that are unique or rare in the state. The commissioner may designate a system of park preservation areas to protect outstanding ecological values within facilities under the jurisdiction of the office that have not been designated park preserves. For administrative purposes, designated park preservation areas shall be considered a part of the park preserve system.

(As amended L.1993, c. 554, § 12.)

§ 20.02 Powers, functions and duties; commissioner

In addition to the powers, functions and duties provided for in section 3.09, the commissioner shall:

1. Conduct scientific and environmental studies to determine the selection of state parks, parkways, historic sites or recreational facilities that shall be designated park preserves as well as portions of parks that shall be designated park preservation areas.
2. Maintain the integrity of park land, flora, fauna, and scenic vistas; restore and maintain historical and archeological sites; and provide for the management of all unique, rare, threatened or endangered species of flora and fauna within designated park preserves and park preservation areas.
3. Provide personnel trained in the natural sciences, including but not limited to biology, botany, ecology, entomology, geology, and zoology, to staff such park preserves and park preservation areas and provide for the management of their educational and scientific utilization.
4.
 - a. Construct necessary facilities including offices, roads, paths, environmental centers and parking areas, on no more than fifteen percent of the land area of each such state park, parkway, historic site or recreational facility that has been designated a park preserve.
 - b. Maintain portions of facilities that have been designated park preservation areas in their undeveloped state, limiting development within such areas to appropriate passive recreational facilities.
5. Establish environmental education classes to be conducted by naturalists for the public in cooperation with other governmental agencies.
6. Develop a written stewardship plan for each designated park preserve and park preservation area. Such plan shall include a description of stewardship activities required to monitor, protect and enhance the fauna, flora, scenic, historical, archeological and other resources that merited designation of the park preserve or park preservation area. Such plan shall also provide for passive recreational uses such as horseback riding,

fishing, hiking, nature study, and photography provided that such uses are compatible with the long term protection of the ecological and historical resources that merited designation of the park preserve or park preservation area.

7. To insure that the types and intensity of use of such park preserve lands is commensurate with the goal of maintaining their ecological viability and balance, establish an admission control system by permit on either a group or individual and non-discriminatory basis pursuant to rules and regulations promulgated by the commissioner.

8. Prepare an environmental impact statement and conduct public hearings pursuant to article eight of the environmental conservation law prior to acting on any proposal to remove park preserve or park preservation area designation from any state park, parkway, historic site or recreational facility designated hereto.

9. Promulgate rules and regulations to effectively carry out the purposes of this article.

(As amended L.1993, c. 554, § 13.)

§ 20.03 Cooperation of other agencies.

To effectuate the purposes of this article, the commissioner may request from any department, board, bureau, commission or other agency of the state, and the same are authorized and directed to provide, such cooperation and assistance, services and data as will enable the council properly to carry out its powers and duties thereunder.

(Added L.1976, c. 963, § 1.)