

Appendix F - Sam's Point Master Plan Summary

Sam's Point Preserve

Location and Setting: Sam's Point Preserve lies within Ulster County, in the Town of Wawarsing and the Village of Ellenville. The almost 5,000 acre Preserve is comprised of 3,799 acres owned by the Palisades Interstate Park Commission (PIPC) which are adjacent to and part of Minnewaska State Park Preserve. The remaining 1,080 acres at the entrance of the Preserve are owned by the Open Space Conservancy (OSC) – the land acquisition affiliate organization of the Open Space Institute (OSI), and includes Lake Maratanza, Sam's Point and numerous trails including the Ice Caves Trail. Both portions of the Preserve are currently managed by The Nature Conservancy (TNC), under a management agreement with OSC and PIPC. The Preserve is accessed through the community of Cragmoor, off Route 52, and at Berme Road Park in Ellenville, at the entrance to the Smiley Carriage road. In 2005, The Nature Conservancy opened a new conservation center at the entrance of the Preserve, to provide visitor orientation and services, and to serve as home to science, stewardship and education activities.

Sam's Point Preserve is at the highest point of the Shawangunk Ridge, with an elevation of 2,255 feet. The quartzite cliffs running northwest and northeast from Sam's Point delineate the edge of a broad plateau. The northeastern portion of this elevated area runs into Minnewaska State Park Preserve, where it gradually loses elevation approaching Lake Awosting. The Preserve was designated a National Natural Landmark in 1967 by the National Park Service due to its distinctive geologic features and rare plant populations.

Natural Resources: The landscape at Sam's Point is defined by the dramatic cliffs, talus and slab rock that are all part of the high flat plateau that makes up the Preserve. The top of the plateau is dominated by unique dwarf pitch pine barrens, and is considered one of the world's best examples of this globally rare plant community. The term "barrens" is generally used to describe natural communities made up of species adapted to periodic wildfire. This rare plant community occurs on the shallow, nutrient poor soils found on the upper elevations of the preserve. The flanks of the plateau support deeper, richer soils that support oak forest and some hemlock ravines. The Preserve supports 5 rare plant communities (including the dwarf pitch pine barrens), eight rare plant and five rare animal species, and notably is an important refugia for the threatened Timber rattlesnake. Sam's Point Preserve is considered to be the most biologically unique area of the entire ridge, and of all the protected natural areas of the Shawangunks, is the least fragmented by hiking trails and carriage roads.

In addition to the unique pine barrens vegetation, Sam's Point Preserve well-known for the presence of ice caves on the property. Crevice caves, located generally in the talus slopes below the cliffs, retain ice and snow into the late spring and early summer months and are a cool and popular destination for hikers. One set of these caves on the east side of the Preserve are easily accessed by foot on a trail including boardwalks and reached by carriage roads. More remote caves on the west side of the Preserve in the rugged backcountry Shingle Gully area require a permit for visitation. These caves are notable for their size and the regionally unique boreal biota they support due to the cool air that emanates from the caves. These communities include plants more commonly found in subalpine forests and alpine meadows, similar to the highest Adirondack peaks.

The Preserve has a total of approximately sixteen miles of carriage roads and trails. Popular destinations for hikers include Lake Maratanza, Sam's Point, Indian Rock, High Point, the Ice Caves and Verkeerderkill Falls. "Through" hikers can start from Sam's Point and hike to Minnewaska and beyond, and the Long Path traverses the Preserve from Route 52 to Minnewaska. Sam's Point Preserve is open to the public year round for passive recreation including hiking, educational activities, show-shoeing and skiing.

History: Human use of Sam's Point can be dated back some 8,000 years and there are abundant locations on the property that likely served as rock shelters. Sam's Point is named for an early European settler named Sam Gonzales who is fabled to have jumped off the cliff escarpment while being pursued by Native Americans.

Sam's Point was the location of two small resort hotels developed in the mid-1800's, that were eventually destroyed by fire. At the turn of the century, the property was promoted as "Sam's Point Park" for swimming, fishing, boating, photography and walking. Roadways were constructed to access the hotel on the shore of Lake Maratanza. In the 1930's, the Civilian Conservation Corps built a road to the High Point Lookout to access a fire tower there.

From the mid to late 1800's until the 1960's locals and visitors would populate seasonal camps on the property to pick huckleberries and blueberries, creating a significant local industry. This industry passed away with the advent of blueberry cultivation in the New Jersey pine barrens and changes in the local economy after World War Two. Berry pickers were known to set fires on the preserve to enhance berry production. Remains of berry picker shacks are still in evidence on the Preserve, and are considered an important part of the cultural history of the Preserve.

The Village of Ellenville acquired ownership of the property to protect the watershed of Lake Maratanza, which served as a water supply for the community. The lake was dredged and dammed in the 1950's, converting it from the smallest lake in the Shawangunks to the second largest, after Lake Awosting. In 1967 the property was leased out and developed as a tourist attraction known as "Ellenville Ice Caves Mountain". An interpretive path through and ice caves talus area was created and serves as the route still visited by many today.

In 1968, prospecting for natural gas, and then natural gas storage, began. After drilling nearly 10,000 feet, the project was abandoned, and the clearing created off the High Point Carriage road is still visible. In the 1980's the Village of Ellenville began negotiations with Genro Energy Systems to develop a wind energy generating facility on the site that would have included 666 wind turbines distributed across the plateau. Local dissent culminated in a legal battle led by the Cragmoor Association and the project was withdrawn in 1986. In 1996 OSI acquired Ice Caves Mountain Incorporated with assistance from TNC, and obtained an option to acquire fee ownership of the property from the Village of Ellenville. OSI and TNC signed an agreement in 1996 authorizing TNC to manage the property. In 1997 OSI purchased the nearly 5,000 acre tract for \$3.8 million with funding from the Lila and DeWitt Wallace Fund.

In 2006, 3,799 acres of the Preserve were transferred to the Palisades Interstate Park Commission, and is now under the same ownership as Minnewaska State Park Preserve. A conservation easement on the property is held by the Open Space Conservancy (OSC). The remaining 1,080 acres remain under the ownership of the OSC. A management agreement with TNC and PIPC over the transferred property is matched by a similar agreement with OSC over the rest of the property. All of the parties

have agreed to maintain the identity of Sam's Point Preserve, due to its unique character, history and management.

Sam's Point Preserve Mission and Master Plan – In 1999, a Sam's Point Advisory Council was formed to advise TNC and OSI on the management of the Preserve and help develop a Master Plan for Sam's Point Preserve. The Council was comprised of representatives from the Cragmoor Association, Friends of the Shawangunks, Minnewaska State Park Preserve, Mohonk Preserve, New York-New Jersey Trail Conference and the Village of Ellenville. The plan was completed in 2001 and has recently been updated. The focus of the plan is to identify steps for protecting the unique natural resources of the preserve while providing appropriate and managed public use. The Advisory Council adopted the following mission statement for the Preserve:

Sam's Point Preserve is home to an abundance of rare species and natural communities, including the globally rare ridgetop dwarf pine barrens. The mission of the preserve is to use a science driven approach to protect:

- *The biological diversity of the landscape, along with*
- *The wilderness character and spiritual quality it embodies, and*
- *The record of the relationship between these resources and human beings.*

To accomplish the mission, a Master Plan was developed in 2001 to guide protection and public use of the Preserve, as well as to define ecological management, research and educational programs to actively engage the public in conserving the area's unique resources. The Plan is reviewed regularly by the Advisory Council to monitor progress, and if necessary, modify strategies to better accomplish the preserve's mission.

The plan was based on a review of the ecological resources of the Shawangunk prepared by the Shawangunk Ridge Biodiversity Partnership. The Partnership is a consortium of public and private organizations actively working to protect and conserve the biological resources of the Shawangunks. Since its inception in 1994, the Partnership has delineated and documented natural communities and rare species populations and has evaluated the impacts of various land uses and activities on these resources, providing the foundation for sound decision-making by land managers along the ridge.

In 1999, the Partnership initiated landscape level planning for the 153,000 acres Shawangunk study area, identifying conservation "targets" that warrant protection, identifying threats to those resources and strategies to abate those threats. Components of each of the six systems identified are found at Sam's Point Preserve. These systems include:

- Chestnut Oak Forest
- Dwarf Pitch Pine
- Pitch Pine-Oak-Heath Rocky Summit
- Cliff and Talus
- Hemlock-Northern Hardwood Forest
- Lakes, Wetlands and Rivers

The Master Plan for Sam's Point Preserve is designed to support the ecological goals the Shawangunk Ridge Biodiversity Partnership developed for the entire ridge. To that end, the primary conservation goal for the Sam's Point Master Plan is to help support the ecological systems

identified. Management actions at the Preserve are based on the strategies in the Biodiversity Partnership's ridgewide plan. This includes:

- Protecting additional lands surrounding the Preserve to ensure adequate buffer and to protect important natural and cultural resources not currently on protected land, and to provide linkages between protected lands;
- Developing an ecological management and research program, including the use of prescribed fire, invasives species management and control of deer herbivory;
- Using a VERP framework (Visitor Experience and Resource Protection) to monitor and manage public use of the preserve.

The Master Plan (A summary of future priorities and on-going policies)

In the years since the first Sam's Point Preserve Master Plan was adopted a number of management actions have been taken and some are on-going. This section summarizes the policies that are in place and priority management actions that are anticipated in the coming years.

Public Use Policies: Public use of the Preserve will continue to be guided by several "leave no trace" guidelines. Visitors will be required to carry out all garbage, leash and clean up after their pets and refrain from bringing glass containers or radios onto the Preserve.

- **Recreation Management Zones** – Management of the Preserve is based on established recreation management zones. These zones will remain the same and with the exception of the Backcountry Zone, visitors will be required to stay on designated trails.
- **Permitted Uses** – Permitted uses include hiking, hunting, skiing, snow-shoeing, environmental education and research.
- **Non-Permitted Uses** – Non-permitted uses include camping, hang-gliding, mountain biking, rock and ice climbing, swimming and trapping. Off-road vehicles, snowmobiles and horses are not permitted.

Infrastructure: Infrastructure has a profound impact upon the public's perception of the property, and every effort has been made to make infrastructure choices that represent a desirable conservation ethic. Environmental sensitivity and concern for potential impacts on cultural resources is a high priority when considering changes or additions in infrastructure.

- **Carriage roads/Roads** - Maintaining the character of the Preserve is a high priority. However, it will be important to maintain the existing roadways to meet the needs of the public, lessees and ecological management practices, including fire management. Priorities for restoration are provided in the plan.
- **Trails** – Two new trails have been added in the Preserve. The addition of a trail from Route 52 to the Loop Road to provide an off-road route for the Long Path, and the refurbishment of the Berry Picker Trail provides an additional connection to Minnewaska State Park Preserve. With the addition of these two trails, the trail system at Sam's Point is complete, and emphasis can now be on maintenance of existing trails.
- **Buildings** – With the completion of the Meg Stewart Conservation Center in 2005 and rehabilitation of the Gatehouse to house a live-in caretaker, most building needs have been met. As the preserve's programs continue to evolve, additional work and storage space may

be needed to accommodate fire management equipment and a seasonal fire crew. Locations for a facility to meet these needs should be investigated over the next two years in anticipation of expanded ecological management activities, and may ultimately be located at Sam's Point Preserve or on other conservation lands held by partners, such as Minnewaska State Park Preserve or the Open Space Conservancy.

Ecological Management - Fire suppression, deer herbivory and invasive species are key threats to the ecological integrity of the natural communities at Sam's Point Preserve, as they are across the extent of the Shawangunk Ridge. These threats are inter-related - management and monitoring strategies will need to be planned and carried out in an integrated fashion in order to be effective in reducing the impacts of these influences.

Fire Management – Fire management efforts at Sam's Point Preserve will focus on reducing the risk of high intensity wildfire that may threaten human life, cause damage to neighboring property or any facilities at Sam's Point Preserve (e.g. cell/radio towers, Conservation Center) or adversely affect ecological or cultural resources; restoring and maintaining the long term ecological viability of fire dependent pitch pine and oak dominated ecosystems at Sam's Point Preserve and adjacent managed lands; and creating the conditions necessary to carry out fire management activities (including wildfire suppression and prescribed fire) in the safest and most ecologically appropriate manner.

- **Fire Suppression** – In accordance with the Sam's Point Wildfire Response Plan, all wildfires at Sam's Point will be suppressed. However, provided all safety precautions are met, wildfire suppression tactics should minimize ecological disturbance and utilize existing firebreaks to the greatest extent possible.
- **Prescribed Fire** – A prescribed fire (or “controlled burn”) is a management- ignited fire in order to achieve a specific management objective. Prescribed burning is a widely accepted management tool for reintroducing fire into fire-dependent ecosystems and reducing hazardous fuel loads. Use of prescribed fires will be a key management strategy at Sam's Point to improve the viability of fire-dependent plant communities and reducing the threat of severe wildfire.
- **Mechanical Treatments** – Cutting, mowing, chipping and other manual removal of vegetation can be a very useful tool for reducing hazardous fuel loads and mimicking and/or complimenting the effects of prescribed burning. Widespread mechanical treatments of the vegetation at Sam's Point Preserve are not planned but will be a key strategy for reducing fuels around infrastructure (e.g. cell/radio towers) and along carriage roads, and for creation of temporary and/or permanent firebreaks.
- **Maintenance of Carriage Roads & Permanent Firebreaks** – In order to safely implement prescribed burns and maintain firefighter safety while minimizing resource impacts during fire suppression, the existing network of carriage roads, trails and other potential firebreaks at Sam's Point will need to be restored and maintained, and additional temporary and permanent firebreaks will need to be created. The creation of new permanent firebreaks will be limited only to what is necessary to support the safe and efficient implementation of prescribed fire and wildfire suppression operations, and the potential ecological and recreational impacts must be carefully considered prior to any new firebreak construction, particularly in sensitive habitat types.

- **Monitoring** – Detailed fire effects monitoring plans are being developed and will be a critical component of ensuring that fire management goals and objectives are being met and that long-term conservation target viability is being improved.

Invasives: While the majority of Sam’s Point Preserve is relatively free of invasive species, control of non-native invasive plants and animals are a major ecological management issue for the Hudson Valley region and the Shawangunks. Non-native species can outcompete native species and become overly dominant, reducing biodiversity.

- **Mapping** – Presently, most of the occurrences of exotic and invasive plants at the Preserve exist in disturbed areas. Mapping of invasives locations was completed in 2003, and this effort should be continued to revisit control sites, remap the extent of any large infestations and identify any new infestations.
- **Treatment & Control** – The preferred method for treating invasive species infestations at Sam’s Point is mechanical treatment (e.g. cutting or mowing) or removal, however, in many cases this may be ineffective and chemical treatment may be necessary. Any chemical applications should be as targeted as possible to individual plants and broadcast spraying should be completely avoided unless absolutely necessary.
- **Monitoring** – Follow-up monitoring should be included as part of all invasive species control efforts. Monitoring should focus on evaluating the effectiveness of any treatments and to assess the extent of any infestations in the absence of treatment.
- **Public & Volunteer Outreach** – Preserve staff should work to educate local hikers and volunteer patrol members to identify invasive species (both existing and potential threats) to assure the most rapid detection of new infestations. Volunteers can also assist with treatment monitoring.

Deer Management - Throughout the Shawangunks, deer overabundance has significantly impacted oak forest regeneration and understory species composition. Activities to better understand and manage deer impacts on biodiversity at Sam’s Point Preserve will include the following:

- **Data Collection** – Deer browse impact surveys and other methods of assessing deer impacts (e.g. deer exclosures) will be used to quantify the effects of overabundant deer on vegetation and pinpoint areas where deer populations may be concentrated for the purposes of directing management efforts. These activities will focus primarily in chestnut oak forest habitat around North Gully, South Gully and adjacent State Park lands.
- **Managed Hunting Program** –A managed recreational hunting program will continue to serve as the primary tool for controlling the deer herd at Sam’s Point Preserve. Deer Management Assistance Program permits can be obtained from the NYS Department of Environmental Conservation (DEC) as necessary to augment the hunting program by allowing hunters to harvest additional female deer. As resources allow, a deer self checking station may be set up at the Berme Road entrance to gather additional data on deer that are harvested on the Preserve.

Conclusion - Sam’s Point Preserve is a unique site, with abundant natural, recreational , scenic and cultural resources and is truly “One of Earth’s Last Great Places”. Its long-term health will depend on science-based planning, resources to implement essential preserve programs, and a well-informed public.

Appendix G - BCA Management Guidance Summary

New York State Bird Conservation Area Program Management Guidance Summary

Site Name: Minnewaska BCA

State Ownership and Managing Agency: Office of Parks, Recreation, and Historic Preservation (OPRHP)/Palisades Interstate Park Commission (PIPC)

Location: Ulster County, Towns of Rochester, Warwarsing, Gardiner and Shawangunk

Size of Area: ~20,800 acres

DEC Region: 3 **OPRHP Region:** Palisades

General Site Information: The Minnewaska BCA is located within the Minnewaska State Park Preserve. The Preserve is located on the Shawangunk Mountain ridge, which rises more than 2,000 feet above sea level. The Minnewaska BCA has many spectacular rock formations, soaring precipices, windswept ledges with pine barrens, fast-flowing mountain streams, mountain lakes and several scenic waterfalls. The Nature Conservancy has designated the entire ridge as one of the "Last Great Places." The Shawangunks, including Minnewaska, are one of the highest priority areas for biodiversity conservation in the northeastern United States (NYS Open Space Conservation Plan, 2002). The Minnewaska BCA is part of the Northern Shawangunk Mountains Important Bird Area (Burger and Liner 2005). The Minnewaska BCA was originally designated in 2006. This update to the BCA Management Guidance Summary was completed in order to consider recent additions to the Preserve. Review of these sites indicated that the majority of these parcels met the criteria for inclusion within the existing BCA.

Vision Statement: The Minnewaska BCA will be managed to achieve an appropriate balance between conservation of the diverse assemblage of bird species using the area for breeding or during migration, and access to and recreational use of various areas of the BCA. Consistent with its Preserve status, OPRHP will maintain the integrity of the BCA, provide for management of endangered, threatened or rare species and provide for their educational and scientific use.

Key BCA Criteria: Migratory concentration site; diverse species concentration site; species at risk site and bird research site (ECL §11-2001, 3.e, f, h and i.). Minnewaska is part of a migratory corridor that exists along the entire upland plateau of the Northern Shawangunks. It is an exceptional example of a characteristic higher elevation forest community with a high diversity of forest dwelling species. The BCA includes birds of forest habitat including breeding Northern Saw-whet Owl, Black-and-white Warbler, Black-throated Blue Warbler, Canada Warbler, Eastern Wood-Pewee, Northern Flicker and Scarlet Tanager; and breeding shrub/scrub species Eastern Towhee, Field Sparrow, Gray Catbird, Indigo Bunting and Prairie Warbler. Species at risk include a pair of Peregrine Falcons (Endangered) that nest on the cliff face.

Critical Habitat Types: Chestnut oak forest is the dominant ecological community along the ridge comprising about 50% of the BCA . Birds associated with this community at Minnewaska include Sharp-shinned and Red-shouldered Hawks, Red-bellied Woodpecker, Wood Thrush, Black-throated Blue Warbler, American Redstart, Ovenbird, Scarlet Tanager and Rose-breasted Grosbeak. Another 4,000+ acres are pitch pine-oak-heath rocky summit, intermingled with the extremely rare and fragile dwarf pine ridge community, which support Pine and Prairie Warblers and Eastern Towhee. Below the ridges the 1000+ acres of hemlock-northern hardwood forest, including old growth forest with trees 300-500 years old, provide habitat for Wild Turkey, Pileated Woodpecker, Golden-crowned Kinglet and Black-throated Green Warbler.

Cliff faces are important nesting areas for Peregrine Falcons. (Evans et.al. 2003; Natural Heritage Program, 2004; Smith and Gregory, 1998)

Operation and Management Considerations:

· *Identify habitat management activities needed to maintain site as a BCA.*

Management of the BCA will safeguard and enhance populations of wild birds and the habitats that the birds depend upon for breeding, migration, shelter, and sustenance.

Native plant life should be maintained and perpetuated. Invasive vegetation will be removed if it poses an ecological threat. Removal of trees that constitute a safety hazard should be accomplished consistent with established OPRHP/PIPC policy. Natural succession will be allowed to occur except where it impacts the existence of specialized species or habitats.

· *Identify seasonal sensitivities; adjust routine operations, accordingly.*

Manage visitor activity to minimize disturbances that could affect the BCA criteria e.g. nesting Peregrine Falcons.

· *Identify state activities or operations that may pose a threat to the critical habitat types identified above; recommend alternatives to existing and future operations, which may pose threats to those habitats.*

There are no state activities that pose a threat to critical habitats.

· *Identify any existing or potential use impacts; recommend new management strategies to address those impacts.*

A number of bird species within the Shawangunks rely upon cliff faces for nest sites, including the state-endangered Peregrine Falcon. Rock climbing has the potential to negatively impact these cliff-nesting species. Rock climbing access should be managed to minimize disturbance to cliff-nesting birds. In particular, areas where rock climbing is permitted should be monitored in March and April to locate territorial cliff-nesting birds, such as Peregrine Falcons and Common Ravens. In the event that nests are established along or near existing climbing routes, access should be restricted until the end of nesting activity. To minimize conflict with climbers, outreach activities, such as those outlined by Thompson and Alicandri (2006), should be implemented. Specifically, outreach should emphasize the specific goals of any area closures, and highlight the successes achieved through past closures. Any closures should be lifted immediately following termination of nesting activity.

Recreational impacts will be minimized by permitting only those activities consistent with preservation and protection of the natural resources.

There are several areas not included in the BCA. These areas, while not meeting the BCA criteria, do have bird conservation value. Future activities potentially affecting birds in these areas will be assessed through normal environmental review processes. These areas are (1) the main entrance and Awosting parking lot, (2) the Lake Minnewaska activity area, (3) the Peterskill area and (4) the former ranger cabin site and Designated Landing Zone (DLZ) for emergency helicopter landings, (5) the shale pit and DLZ associated with power line construction, (6) the Norwood house site, and (7) the Addis/Decker Drive parcel.

Education, Outreach, and Research Considerations:

· *Assess current access; recommend enhanced access, if feasible.*

The Preserve opens daily at 9:00 a.m. Closing times are adjusted seasonally (OPRHP, 1995). Number of visitors is limited by number of parking spaces (450). On a peak day, the maximum number of people in the Preserve totals approximately 1,400 visitors. The Master Plan recommends providing a total of 800 parking spaces (OPRHP, 2009).

Automobile access is limited. The Preserve's 35 miles of carriage roads are used for hiking, biking, cross country skiing and horseback riding. The 30 miles of trails are used for hiking and snowshoeing.

· *Determine education and outreach needs; recommend strategies and materials.*

The master plan recommends development of an education center within the former Phillips house. This would function as one of the principal means to provide educational and interpretive programs about the BCA, the Preserve and the Shawangunk ridge. Research will be directly related to the ongoing management of the Preserve and its ecology. The Shawangunk Ridge Biodiversity Partnership should be involved in the education and outreach efforts.

Trails, seminars, informal talks, exhibits, checklists, demonstrations and guided walks will be used to communicate an appreciation for the diversity of birds and presence of species at risk.

The Master Plan identifies the need for education, interpretation and research activities (OPRHP 2009).

Specific educational materials should focus on the sensitivity of cliff-nesting birds, and the need to minimize disturbance within the vicinity of nest sites. Outreach efforts should attempt to involve the climbing community as a partner in protection of cliff-nesting birds.

Interpretative materials about the diverse bird species will be developed including *Birds of Minnewaska* checklist.

A BCA kiosk has been designed and will be installed in an appropriate location.

· *Identify research needs; prioritize and recommend specific projects or studies*

Inventory of bird species is important to enhancing baseline data. Conduct and maintain up-to-date inventories. Monitoring will have a focus on federally and/or state-listed species and measuring levels of diversity. Monitor for presence of nesting Peregrine Falcons. A natural heritage inventory has been completed. Research will include long-term ecosystem monitoring. Baseline data provides useful information for implementing habitat protection and restoration and identifying unique natural areas including bird habitats.

Studies have been initiated to document bird response to the April 2008 Overlooks wildfire. This research should be continued to determine long-term impacts of this fire on bird populations in the park. Furthermore, future research should be undertaken to determine impacts of controlled burns within the BCA, particularly the pine plains and barrens, since fires are a significant agent in promoting the plant types which constitute these plant communities. If it is determined that such controlled burns will have beneficial ecological effects, detailed controlled burning plans should be developed.

Deer browsing is impacting the understory. Research will be undertaken to determine the extent to which it is impacting habitat.

Partner with existing research programs at the Mohonk Preserve, SUNY-New Paltz and other local and State facilities to develop and undertake educational and research programs at the Preserve. Coordinate research, education and outreach and management with The Shawangunk Ridge Biodiversity Partnership.

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Date Designated: 9/25/06

Appendix H – Park Preservation Law, Article 20

§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.)

Appendix I – Article 9, Palisades Interstate Park Commission

§ 9.01 Continuation of commission.

The Palisades interstate park commission, as established by compact between the states of New York and New Jersey authorized by chapter one hundred seventy of the laws of nineteen hundred thirty-seven, shall continue in the office with the powers, functions and duties prescribed in this article. The commission shall continue to have the immediate custody, jurisdiction, management and control of all lands, parks or parkways in this state which it now has under its jurisdiction and control.

§ 9.03 Office.

The commission shall have and maintain a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the commission shall determine.

§ 9.05 Powers, functions and duties.

In addition to the powers, functions and duties conferred upon it by compact, the commission, subject to the approval of the commissioner, shall, within the eighth park region:

1. Acquire and establish parks and recreational facilities and services.
2. Operate and maintain park and recreational facilities and services.
3. Provide for the health, safety and welfare of the public using facilities under its jurisdiction.
4. Appoint such employees, including members of the regional state park police for the eighth region, as may be necessary to carry out its powers, functions and duties.
5. Provide or operate, or provide by lease, concession, exclusive or non-exclusive privilege, or otherwise, for the operation of such facilities, including hotels, restaurants, stands, booths, amusements, docks and any and all means of transportation to, from or in parks and facilities under its jurisdiction, for the use and enjoyment of such parks and facilities by the public and for increasing public access thereto.
6. Lay out, construct and maintain roads, pathways, ways and parkways upon, across and over real property under its jurisdiction, or between and connecting any such roads, pathways, ways and parkways with other public roads or parkways outside such real property, and acquire any real property which is necessary or desirable for such park purposes, pursuant to the provisions of section 9.07.
7. Adopt, amend or rescind such rules, regulations or orders as may be necessary or convenient for the exercise or performance of the functions, powers and duties of the commission, provided, however, no rule, regulation or order affecting traffic or navigation shall be effective unless authorized by the commissioner.
8. Exercise and perform such other functions, powers and duties as may be conferred or imposed by or pursuant to this chapter or other provision of law.
9. Do all other things which are necessary or desirable in carrying out its functions, powers and duties including wherever possible, the provision of habitat for various wildlife species including

endangered and threatened species of fauna through practices such as ecological restoration, wetland conservation and the planting of trees, shrubs and herbaceous plants indigenous to the area which act as food and protective cover for fauna on those lands under the jurisdiction of the commission. Selection of plant species or communities of species shall take into consideration the natural, ecological, historic, archeological, aesthetic, and public use resources in the immediate areas as well as the management goals of the park or site.

§ 9.07 Acquisition of property.

The commission shall have the power to acquire property for park and recreation purposes within the eighth park region, with the approval of the commissioner, in the same manner and to the same extent as provided for acquisitions by the commissioner under sections 3.17 and 3.19 of this chapter. Title to any real property so acquired shall be taken in the name of the commission. Title of, and jurisdiction and control over any real property so acquired shall be vested in the commission in the same manner as for real property presently owned by it, unless otherwise provided by law. Nothing herein contained shall be construed to affect the rights of the state of New York in any property heretofore acquired by the commission.

§ 9.09 Employees.

1. The commission shall have the power to take any action necessary for securing and maintaining the benefits of the public retirement systems of this state for its employees in this state and for such purpose employees of the commission to the extent to which the compensation paid for their services is derived from funds appropriated by this state shall be deemed to be employees of this state and eligible for membership in the appropriate retirement system whether residents of this state or of the state of New Jersey, to the extent otherwise qualified.
2. For the purposes of eligibility for participation in the state health insurance plan under article eleven of the civil service law and for survivor's benefits for active and retired state employees as provided by sections one hundred fifty-four and one hundred fifty-five of the civil service law, employees of the commission, to the extent to which the compensation paid for their services is derived from funds appropriated by this state, shall be deemed to be employees of this state and qualified for such participation and benefits. For the purpose of determining their rights under the workmen's compensation law of this state, employees of the commission employed wholly or partly in this state shall be deemed to be employees of this state provided, however, that the amount of any payment made under such compensation law to an employee of the commission employed only partly in this state shall be only in such proportion as the amount of his salary paid by the state of New York shall bear to his total salary.
3. Employees of the commission whose salary is paid in full from funds appropriated by the state shall be deemed to be employees of the state in the classified civil service of the state under the provisions of the civil service law. Commission employees not deemed to be state employees hereunder shall be employees of the commission.